



Behavioral Sciences Regulatory Board

Open Records Policy and Procedures

It is the official policy of the Kansas Behavioral Sciences Regulatory Board (herein after, the Board) that public records maintained by the Board be accessible to the public, and that the provisions of the Kansas Open Records act, K.S.A. 45-215, et seq., shall be vigorously enforced in a timely and efficient manner, with due regard for the privacy of individuals licensed by the Board, and with due regard for preserving the records maintained by the Board. In furtherance of this policy, the Board hereby adopts the following procedure for satisfying requests for access to open records pursuant to K.S.A. 45-220.

I. Records Custodian

- A.) Official Custodian. The executive director of the Board is hereby designated as Official Records Custodian, and is responsible for maintaining public records of the Board, regardless of whether the records are in the executive director's actual personal custody and control.
- B.) Other designated custodians. The Official Custodian may appoint other record custodians as necessary who are subordinate to the official custodian. Such custodians may be given charge over records which relate to the custodian's official office duties.
- C.) The official custodian, and any person designated as custodian, shall be responsible for vigorously enforcing the Kansas Open Records Act, and shall fully effectuate the policies set forth herein.



- D.) All inspections and copying of records maintained by the Board shall be performed by or under the supervision of the Official Records Custodian or other designated custodian.
- E.) At least one custodian shall be available during regular business hours to carry out the duty of providing access to records.

II. Office Hours for Records Requests_ (excluding Official State holidays)

Monday: 8 AM to 4:30 PM

Tuesday: 8 AM to 4:30 PM

Wednesday: 8 AM to 4:30 PM

Thursday: 8 AM to 4:30 PM

Friday: 8 AM to 4:30 PM

III. Form of Request

All persons requesting inspection of a record shall make such request in writing to the record custodian. When appropriate, the record custodian can waive the written request requirement. Forms for requesting access to a record shall be made available to any person at no cost, however, any written request addressed to the Official Records Custodian, or to the Board, which sufficiently identifies the record sought, and which indicates the name and address of the party requesting access to the record, shall be given a response as if the request were made using a form provided by the Board.



IV. Charges for Access to Records

A.) **Purpose of Charges.** There is hereby-established inspection and copying charges as allowed by K.S.A. 45-219. The charges compensate the Board for the actual cost of staff time and of furnishing copies. A schedule of the charges shall be posted in the Board office. The custodian may waive the costs when deemed appropriate.

B.) **Costs of staff time and copying.** Charges for the cost of staff time shall be as follows:

1. The rate charged for staff time for search/retrieval and mailing of records shall be \$5.00 for the first 15 minutes, \$7.50 per half-hour and \$15.00 per hour
2. The rate charged for copying records shall be \$.25 per page.
3. The rate charged for staff time to make records accessible shall be at the rate prescribed in section 1.
4. Calculation of costs. The cost of staff time shall be calculated as the market rate (step 5) within the pay range assigned to the job classification of the employee providing access to the record. The current hourly pay rate for relevant job classification will be made available to any person upon request. The relevant job classifications with their assigned pay ranges are as follows:

Special Investigator: Range 24

5. The party requesting access to records shall be informed of the method of computing staff time prior to any chargeable time accruing.
6. Records in excess of 10 pages will not ordinarily be transmitted by fax.
7. The rate charged for Licensure Verification shall be \$5.00 per license.



8. The fee for a copy of any licensure application (packet) is \$10.00.

C.) **Advance Payment.**

When the estimated costs of making records accessible or the copying of records exceeds \$10.00, advance payment may be required.

D.) **Computer Records.**

The fee for providing records maintained on computer shall be \$10.00 per query, which includes the costs of the computer services and staff time.

E.) **Lists of Names.**

The use of names derived from a public record is limited by K.S.A. 21-3914 and amendments thereto. In accordance with K.S.A. 45-220, if access to a record maintained by the board is for the purpose of revealing the identity of one or more persons, then the requester shall be required to submit a written certification that:

1. The requester has a right to access the records and the basis of that right; or
2. The requester does not intend to, and will not:
 - a.) Use any list of names or addresses contained in or derived from the records or information for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed;
 - b.) Sell, give or otherwise make available to any person any list of names or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed. If the custodian does not know the requestor, proof of identity may be required prior to



releasing any name derived from a record. If proof of identity is required, a copy of such proof shall be attached to the request.

F.) **Removal of Records.**

Removal of records from the office shall not be permitted without the written permission of the record custodian that states the location to which the record will be moved and the date of return. A Record Checkout Log shall be maintained by the Special Investigator who will monitor the removal and return of any record removed from the Board office.

H.) **Denial of Access to Records.**

1. The custodian may refuse to provide access to a record if the request places an unreasonable burden on the agency, or if the custodian has reason to believe that repeated requests are intended to disrupt other functions of the Board. A refusal for either reason shall not be made without first attempting to contact the requester to narrow the scope of the request.
2. The custodian may refuse to provide access to a record for any reason listed in K.S.A. 45-221 and amendments thereto. The Board, upon request, may authorize access to such records.
3. Upon denial of a request for access to records, the official custodian shall provide a detailed written statement to the requester notifying such person of the grounds for denial and the avenue for relief that is available to the requester.

V. **Office Procedure: Response to Record Access Requests**

1. All requests shall be acted upon within 3 business days after receiving the request.



2. The custodian shall prepare within the statutory time frame a written response to the requester acknowledging the request, and:

- a.) Provide the copies requested;
- b.) If it is impossible to determine from the request what records are desired, a statement indicating such, and a request for further identification of the records sought;
- c.) If the request is for a list or label of names derived from public records, mail a copy of the Behavioral Sciences Regulatory Board Mailing Labels/List Information Sheet and require the completion of the certification found on the reverse side of the form.
- d.) If access cannot be granted immediately, a statement indicating the reason for delay, and the date on which the records will be available;
- e.) if the requests is denied, the Special Investigator or other designee of the Executive Director shall prepare a detailed statement indicating the legal basis for the denial, and a notice regarding avenues of relief from the denial;
- f.) if the request involves an unusual amount of copying that would place an unreasonable burden on the staff, a statement shall be forwarded to the requester stating the necessity for additional time to respond, or requesting the requester to limit the scope of the request or notice that the records will be available for personal inspection and copying.



- g.) **Verification of Licensure.** When a written request for verification of licensure is received in the Board office, the response to the request shall be made in accordance to the provisions of the Kansas Open Records Act and other requirements outlined herein.
- h.) The requester shall be notified of the rate charged for the verification.
- i.) Staff members receiving verification requests in writing for another State/Federal Agency shall complete the State Verification Form and file a copy of the State form in the applicant's licensure file.
- j.) When the Board receives verification requests from private corporations, agency's, medical centers or other entities, staff shall complete the BSRB Verification form and filed it in their appropriate verification file.
- k.) The verification file should be maintained for two years unless otherwise directed by the Executive Director.
- l.) When staff members receives telephone requests for verification, staff shall only verify the licensee's name, license number, Date of issuance and Date of expiration. If other information is requested, the requester shall be directed to request the information in writing.

VI. Notice of Policy to be posted.

A copy of this policy shall be conspicuously posted in the Board office, and a copy shall be made available to any party upon request at no cost. In addition, a notice to record requesters shall be made available upon request at no cost which states the names of the Official and designated custodians, the office hours of the Board office, a statement that costs will be made to reimburse the Board, and a statement regarding denials of access.



Open Records Request Form

Please fill in the following information and Certificate of Compliance. Submit electronically to BSRB@ks.gov with the subject line "Open Records Request" or mail to the agency with "Attn: Open Records Custodian."

Requestor's Name: _____

Organization: _____

Address: _____
(Street/ PO Box) (City, State, Zip Code)

Phone: _____ Fax: _____ Email Address: _____

Under the Kansas Open Records Act (KORA) K.S.A. 45-215 *et seq.*, I request access to or copies of the following records (please be specific as possible in describing the records you want and the time period your request covers; attach additional pages if necessary):

I request the information be provided in the following format if possible: Paper Electronic

CERTIFICATE OF COMPLIANCE WITH K.S.A. 45-230

I, _____, understand that no person shall receive, for the purpose of selling or offering for sale any property or service to person listed therein, any list of names or addresses contained in or derived from a public record, except that a list of names and addresses of licensees of the Board may be received by a professional organization for membership, informational, or other purposes related to the practice of the profession, and a list of names and addresses of persons applying for license examination may be received by professional organizations provided educational materials for the purpose of providing persons with information relating to the availability of such materials.

I also understand that violation of the statute prohibiting the unlawful use of names derived from a public record will result in a civil penalty in an action brought by the attorney general or county or district attorney in a sum set by the court not to exceed \$500 for each violation.

In accordance with these provisions, I certify that I do not intend to, and I will not, use any list of names or addresses contained in or derived from the record for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed; neither will sell, give, or otherwise make available to any person any list of names or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed.

Please type or sign your name

Date