

**BEHAVIORAL SCIENCES REGULATORY BOARD  
PROFESSIONAL COUNSELOR ADVISORY COMMITTEE MEETING  
February 6, 2023**

**Draft Minutes**

- I. Call to Order.** Laura Shaughnessy, Chair of the Advisory Committee, opened the meeting and called roll.

**Advisory Committee Members:** Advisory Committee members who participated by Zoom were Laura Shaughnessy, Jim Kilmartin, Harriet Bachner, Michael Countryman, Michelle Fairbank, Acha Goris, Bob Kircher, Andrew Secor, and Vanessa Perez. Melissa Briggs and Edil Torres-Rivera were absent.

**BSRB Staff:** David Fye and Leslie Allen were present by Zoom.

**Guests:** Jamal Robinson.

- II. Agenda Approval.** Jim Kilmartin moved to approve the agenda. Vanessa Perez seconded. The motion passed.
- III. Review and Approval of Minutes from Previous Advisory Committee Meeting on December 8, 2022.** Jim Kilmartin moved to approve the minutes from December 8, 2022. Michelle Fairbank seconded. The motion passed.
- IV. Executive Director’s Report.** David Fye, Executive Director for the BSRB, reported on agency updates, updates from recent Board meetings, and legislative updates.
- V. Old Business**
- A. Continued Discussion on Unprofessional Conduct Regulation Recommendations.** The Executive Director noted each Advisory Committee was asked to review the unprofessional conduct regulations for their profession and to consider updates or other changes. The Executive Director summarized the discussion of the Professional Counseling Advisory Committee’s Subcommittee on Unprofessional Conduct Regulation Review and presented the Advisory Committee with a list of regulations for which the Subcommittee had recommended changes. The Advisory Committee was asked to continue reviewing this list to confirm the recommendations of the Subcommittee or make additional changes.
- **K.A.R. 102-3-12a(b)(33).** The Advisory Committee confirmed changing the phrase "secret or special treatment" to "untested or experimental."
  - **K.A.R. 102-3-12a(b)(34).** The Advisory Committee confirmed replacing the term "tests" with "assessments." The Advisory Committee confirmed changing the word "continuing" to "providing" and adding "requesting."

- **K.A.R. 102-3-12a(b)(35)(D).** The Advisory Committee confirmed replacing the term “tests” with “assessments.” The Advisory Committee confirmed add the word “requested” following “ordered.”
- **K.A.R. 102-3-12a(b)(37).** The Advisory Committee confirmed adding the language “while ensuring privacy and informed consent.”
- **K.A.R. 102-3-12a(b)(43).** The Advisory Committee discussed adding additional language to clarify whether a different length of time is necessary for retention of minor records. The Advisory Committee supported adding language to the regulations for both adult clients and minor clients to note timeframes for record retention should be consistent with the required timeframes in state law.
- **K.A.R. 102-3-12a(b)(44).** The Advisory Committee discussed clarifying language to make sure that safety of students is covered. The Advisory Committee was in consensus to add specific reference to “supervisee or student” and change “negligent” to “harmful or negligent.”
- **K.A.R. 102-3-12a(b)(47).** The Advisory Committee recommended moving the term “sexual abuse” to the section of the regulation that includes “physical, mental, or emotional abuse.
- **K.A.R. 102-3-12a(b)(51).** The consensus of the Advisory Committee was to leave this part of the regulation and add “assessment”.
- **K.A.R. 102-3-12a(b)(55).** The Advisory Committee was in consensus to remove this item from the regulation.
- The Advisory Committee recommended adding three new regulations, two specifically directed towards social media and a third directed at telehealth practices.
- The consensus of the Advisory Committee supported adding additional regulations based on language in the American Counseling Association (ACA) Code of Ethics, as it relates to telehealth practices. Also, disclosure of practitioner telehealth credentials and training, disclosure of physical location of practice and provider contact information, mindfulness of time zone differences, expected delivery response times, and consistency of telehealth services being provided in the state.

**B. Discussion on Care of Clients in Crisis.** The Executive Director directed the Advisory Committee to review K.A.R. 102-3-12(a)(40). The Advisory Committee discussed the different resources available to practitioners, depending on whether they work in private practice or for larger associations with more accessibility to after-hours care. Advisory Committee also discussed plans they share with clients, on what practices should be performed if a client is in crisis after normal working hours and the possibility of adding new language to the unprofessional conduct regulations on this topic. The Advisory Committee noted it would consider supporting a mental health directive and Michael Countryman was asked to send material on this subject to Executive Director and Chair of the Advisory Committee for review. Harriet Bachner moved that the topic of an advanced directive would be recommended to the Board for discussion at a future Board meeting. Jim Kilmartin seconded. The motion passed.

**C. Discussion on 2023 Advisory Committee Topics.** Topics for meetings will be considered at future meetings.

**VI. New Business**

**A. Training for Board Members and Advisory Committee Members.** Due to time constraints, this item will be moved to a future meeting.

**B. Discussion on Possible Changes to Continuing Education Regulations.** Due to time constraints, this item will be moved to a future meeting.

**VII. Next Meeting.** Monday, April 3, 2023, at 10 a.m.

**VIII. Adjournment.** Jim Kilmartin moved to Adjourn. Bob Kircher seconded. The motion passed.

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