

**AGENDA
BEHAVIORAL SCIENCES REGULATORY BOARD
PROFESSIONAL COUNSELING ADVISORY COMMITTEE MEETING**

Monday, December 6, 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/tRFvXP21I-8>

**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

Monday, December 6, 2021

10:00 a.m. Call to order and Roll Call

I. Opening Remarks, Advisory Committee Chair

II. Agenda Approval

III. Welcome New Advisory Committee Members

- a. Jessica Allison**
- b. Harriet Bachner**
- c. Michelle Fairbank**
- d. Edil Torres-Rivera**

IV. Comment on the Kansas Open Meeting Act by Executive Director

V. Minutes Approval for Previous Meetings on August 2, 2021, and October 4, 2021

VI. Executive Director's Report

VII. Old Business

- a. Update from Board's Annual Planning Meeting**
- b. Update on Synching of Expiration Dates of Licenses**
- c. Update on Ottawa Program Review**

VIII. New Business

- a. Planning Committee Work for the Upcoming Year**

IX. Adjournment

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Advisory Committee Members Present: Advisory Committee members who participated by Zoom were Laura Shaughnessy, Bob Kircher, Gary Price, Ken Hughey, Kenton Olliff, Elaine Ptacek and Leslie Sewester.

BSRB Staff Present: David Fye, Leslie Allen and Sami Barksdale.

Guests Present: None.

1. **Call to Order.**
2. **Agenda Approval.** No changes were made to the agenda.
3. **Minutes Approval.** Gary Price moved to approve the minutes of the Advisory Committee meeting from June 7, 2021. Elaine Ptacek seconded. Kenton Olliff abstained. The motion carried and the minutes were approved.
4. **Executive Director's Report.** David Fye, Executive Director for the BSRB, reported on the following topics:
 - a. **Board Chair and Vice Chair.** The Board elected a new Chair and Vice Chair at the last Board meeting. The new Board Chair is Leslie Sewester. The new Vice Chair is David Anderson.
 - b. **COVID-19 Pandemic Updates.** The state of emergency declaration ended the middle of June and BSRB employees have returned to the office full time as of June 14, 2021. Recently there has been an uptick in the number of positive cases due to the variant so the Governor reinstated some of the protocols from the beginning of the pandemic. Masks will be required in state office buildings even if employees or visitors are vaccinated. The agency still has the ability to allow some remote work if needed.
 - c. **End of Fiscal Year.** The 2021 fiscal year ended June 30, 2021, and fiscal year 2022 started July 1, 2021. Revenues came in just slightly above what was estimated for fiscal year 2021. Revenue fluctuated quite a bit month to month since the Governor's Executive Order to delay the enforcement of expiration of licenses was in place most of the fiscal year. Overall, expenditures for the year were a bit higher than revenues, which is largely due to the Board lowering fees in 2019 to draw down the balance in the agency's fee fund, however the agency is still in sound financial standing.
 - d. **Off-Site Board Planning Meeting.** Once a year, the Board generally has an off-site meeting for planning purposes. That meeting is tentatively scheduled for the evening of Sunday, September 26, and all day on Monday, September 27. The original plan was to have the meeting in Olathe and the Board is still hopeful that can occur, but the agency will be monitoring health and safety conditions and a decision will be made closer to that date. If the Board is unable to meet in Olathe that weekend, other options will be explored to allow the Board to have a planning meeting in a different way.
 - e. **HB 2066.** HB 2066 expedited the licensure application processing times for military members, military spouses, and other select individuals that apply through reciprocity. The

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agency has worked with our online license database team at the Board of Healing Arts to implement a way to track the time frame for licensure for these individuals.

- f. **NBCC Meeting.** The Executive Director noted that he will be attending the NBCC annual meeting in Denver later this week. Some of the topics to be discussed include board operations, information on professional counseling exams, disciplinary hearings, COVID-19 regulatory responses, counseling compacts including multistate compacts and other items.
5. **Advisory Committee Membership and Recruitment.** The Advisory Committee discussed the process of selecting different members to appoint to the Advisory Committee and how many they would like to appoint. The Executive Director will provide letters of interest and resumes/CVs for the 16 applicants to the members of the Advisory Committee for review at the next Advisory Committee meeting. Leslie Sewester, the Board Chair, stated that she will be recusing herself from the review process. The Executive Director will send out a doodle poll to schedule a follow up meeting to discuss the applicants.
6. **Professional Counseling Multistate Compact Discussion.**
 - a. **Maryland's Passage of Multi-State Compact (2021 SB 571).** The Executive Director discussed the passage of Maryland's SB 571, which was the multi-state compact for professional counselors. The Executive Director provided different resources for review.
 - b. **Resources from Maryland's Legislative Website:**
<https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/sb0571>
7. **Old Business**
 - a. **Retention or Disposal of Practitioner Records in Case of Death of a Provider.** It was noted that Advisory Committees have been discussing recommendations for new statutory or regulatory language concerning custodianship of records for practitioners if they should pass away unexpectedly. The Board will be discussing this topic in greater detail at the off-site planning meeting in September.
 - b. **Consideration of CE Requirements for Diversity, Equity, and Inclusion.** It was noted that other Advisory Committees are discussing possible changes to the statutory requirements for continuing education, to include a number of hours in the areas of Diversity, Equity, and Inclusion (DEI). The Advisory Committee discussed favorably changing the requirement of 6-hours in Diagnosis and Treatment, to instead require 3 hours of Diagnosis and Treatment and 3 hours in DEI. The Board will be discussing this topic in greater detail at the off-site planning meeting in September.
8. **New Business.**
 - a. **Ottawa University Coursework Approval.** Kenton Olliff is assisting the BSRB by reviewing Ottawa University's program application, including a review of coursework, but stated he would like another member of the Advisory Committee to review the program as well. Ken Hughey and Bob Kircher indicated they are available to assist in this process as well.
9. **Adjournment.** The next meeting was scheduled for Monday, October 4, 2021, to begin at 10:00 a.m. Ken Hughey moved to adjourn the meeting. Elaine Ptacek seconded. The motion carried.

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Advisory Committee Members Present: Advisory Committee members who participated by Zoom were Laura Shaughnessy, Bob Kircher, Ken Hughey, Kenton Olliff, and Elaine Ptacek.

BSRB Staff Present: David Fye, Leslie Allen, and Ashley VanBuskirk.

Guests Present: None.

1. **Call to Order.**
2. **Agenda Approval.** No changes were made to the agenda.
3. **Minutes Approval.** The minutes were reviewed and it was noted that the minutes from the August 2021 Advisory Committee meeting would be approved at the following Advisory Committee meeting.
4. **Executive Director's Report.** David Fye, Executive Director for the BSRB, reported on the following topics:
 - a. **Board Chair and Vice Chair.** The Board elected a new Chair and Vice-Chair at the July 2021 Board meeting. The new Board Chair is Leslie Sewester. The new Vice-Chair is David Anderson.
 - b. **Death of Former BSRB Executive Director.** Mary Ann Gabel, who served as the first Executive Director for the BSRB, passed away on September 1, 2021. Flowers were sent on behalf of the agency and the Board.
 - c. **Budget.** Agency budgets were due in mid-September and the Executive Director submitted the agency's budget on time. Total expenditures in the revised budget estimate for FY 2022 and FY 2023 were the same amounts approved by the 2021 Legislature for each year, though the revised budget estimates reflect internal adjustments based on new information and changes in spending priorities.
 - d. **State Employees Remote Work.** The Governor directed most state employees to return to remote work until the end of October 2021. The agency will continue to monitor the Governor's policy in this area in the event that this direction is extended to a later date.
 - e. **BSRB Staffing.** The BSRB currently has a vacancy for an Administrative Assistant position and the agency has advertised the position on the state job site. The agency is hopeful to fill the position soon.
 - f. **Board Planning Meeting.** The Board recently met for the first part of the Board planning meeting. The first day was September 27, 2021. The second meeting will be held the end of October. The members are currently looking at the Board Governance Policy that has not been updated for many years.
5. **Review of Applicants for Advisory Committee Membership.** The Advisory Committee discussed the applicants for membership on the Advisory Committee. Kenton Olliff moved to recommend Jessica Allison, Harriet Bachner, Michelle Fairbank, and Edil Torres-Rivera, be added as new members of the Advisory Committee. Bob Kircher seconded. The motion passed. Three current members of the Advisory Committee (Ken Hughey, Gary Price, and Elaine Ptacek) will end their

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terms on the Advisory Committee once the new members are appointed by the Chair of the Board.

6. Old Business

- a. **Retention or Disposal of Practitioner Records in Case of Death of a Provider.** The Board has recently been discussing possible solutions in situations when a practitioner licensed under the BSRB passes away without a logical custodian of the records being identified. The Executive Director noted that he has been reviewing information on this topic from other states and that the Board will review this topic further at the Board's second Annual Planning Meeting on October 25, 2021.
- b. **Consideration of CE Requirements for Diversity, Equity, and Inclusion.** The Board met and discussed several different options on whether to require continuing education hours in the area of Diversity, Equity, and Inclusion (DEI). If the hours were to be required, the Board discussed the possibility of allowing overlapping hours for either Ethics or Diagnosis and Treatment. The Board will continue discussion on this topic at the end of October.
- c. **Update on Ottawa Program Review.** Two members of the Advisory Committee, Ken Hughey and Bob Kircher, have been assisting the Board in reviewing the program submission for approval from Ottawa. The members of the Advisory Committee indicated it would be helpful for representatives from that educational institution to provide additional information for the review, so staff members of the BSRB will reach out to Ottawa to obtain additional information.

7. New Business.

- a. **Synching of Expiration Dates of Licenses.** The Executive Director noted that about 8.0 percent of current BSRB licensees have more than one license and the Board recently asked Advisory Committees to discuss whether there was interest in changing statutes to allow individuals to shorten their periods of licensure so that their expiration dates would occur at the same time. The members of the Advisory Committee noted it would be helpful to receive input from licensees through a survey and expressed positive comments concerning the option to allow licensees to synch up the expiration dates for their licenses under the BSRB.

8. Adjournment. The meeting was adjourned.