

**BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING AGENDA
February 10, 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:

[http://youtu.be/ M5lrztchSw](http://youtu.be/M5lrztchSw)

**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.

Wednesday, February 10, 2021

8:00 a.m. Call to order and Roll Call

- I.** Opening Remarks, Board Chair
- II.** Agenda Approval
- III.** Review of Legislation
- IV.** Adjourn

HOUSE BILL No. 2206

By Committee on Health and Human Services

2-3

1 AN ACT concerning health and healthcare; relating to the practice of
2 telemedicine; pertaining to the Kansas telemedicine act; updating
3 certain definitions; requiring referral to specialists and coordination of
4 care under certain circumstances; amending K.S.A. 2020 Supp. 40-
5 2,211 and 40-2,212 and repealing the existing sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2020 Supp. 40-2,211 is hereby amended to read as
9 follows: 40-2,211. ~~(a)~~ For purposes of Kansas telemedicine act:

10 ~~(1)~~(a) "Distant site" means a site *that may be an unlicensed or*
11 *private location* at which a healthcare provider is located while providing
12 healthcare services by means of telemedicine.

13 ~~(2)~~(b) "Healthcare provider" means a physician, licensed physician
14 assistant, licensed advanced practice registered nurse or person licensed,
15 registered, certified or otherwise authorized to practice by the behavioral
16 sciences regulatory board.

17 ~~(3)~~(c) "Originating site" means a site *that may be a domicile or other*
18 *non-public location* at which a patient is located at the time healthcare
19 services are provided by means of telemedicine.

20 ~~(4)~~(d) "Physician" means a person licensed to practice medicine and
21 surgery by the state board of healing arts.

22 ~~(5)~~(e) "Telemedicine," including "telehealth," means the delivery of
23 healthcare services or consultations while the patient is at an originating
24 site and the healthcare provider is at a distant site. Telemedicine shall be
25 provided by means of real-time two-way interactive audio, visual, or
26 audio-visual communications, including the application of secure video
27 conferencing or store-and-forward technology *utilizing medical devices* to
28 provide or support healthcare delivery, that facilitate the *verbal consent*,
29 assessment, diagnosis, consultation, treatment, education and care
30 management of a patient's healthcare. "Telemedicine" does not include
31 communication between:

32 ~~(A)~~(1) Healthcare providers that consist solely of a telephone voice-
33 only conversation, email or facsimile transmission; or

34 ~~(B)~~(2) a physician and a patient that consists solely of an email or
35 facsimile transmission.

36 ~~(b) This section shall take effect on and after January 1, 2019.~~

1 Sec. 2. K.S.A. 2020 Supp. 40-2,212 is hereby amended to read as
2 follows: 40-2,212. (a) The same requirements for patient privacy and
3 confidentiality under the health insurance portability and accountability act
4 of 1996 and 42 C.F.R. § 2.13, as applicable, that apply to healthcare
5 services delivered via in-person contact shall also apply to healthcare
6 services delivered via telemedicine. Nothing in this section shall supersede
7 the provisions of any state law relating to the confidentiality, privacy,
8 security or privileged status of protected health information.

9 (b) Telemedicine may be used to establish a valid provider-patient
10 relationship *and referral to specialty services to the extent such services*
11 *are consistent with the standard of care.*

12 (c) The same standards of practice and conduct that apply to
13 healthcare services delivered via in-person contact shall also apply to
14 healthcare services delivered via telemedicine.

15 (d) (1) A person authorized by law to provide and who provides
16 telemedicine services to a patient shall provide the patient with guidance
17 on appropriate follow-up care.

18 (2) (A) Except when otherwise prohibited by any other provision of
19 law, when the patient consents and the patient has a primary care or other
20 treating physician, the ~~person~~ *healthcare provider* providing telemedicine
21 services shall send within three business days a report to such primary care
22 or other treating physician of the treatment and services rendered to the
23 patient in the telemedicine encounter.

24 (B) A person licensed, registered, certified or otherwise authorized to
25 practice by the behavioral sciences regulatory board shall not be required
26 to comply with the provisions of subparagraph (A).

27 (3) *Except when otherwise prohibited by any other provision of law,*
28 *when the patient consents and the patient has a medical home, as defined*
29 *in K.S.A. 75-7429, and amendments thereto, a primary care or other*
30 *treating physician, a care coordinator or other Kansas-based healthcare*
31 *provider, the healthcare provider providing telemedicine services shall*
32 *coordinate care to the greatest extent possible with such medical home,*
33 *primary care or other treating physician, care coordinator or other*
34 *Kansas-based healthcare provider.*

35 ~~(e) This section shall take effect on and after January 1, 2019.~~

36 Sec. 3. K.S.A. 2020 Supp. 40-2,211 and 40-2,212 are hereby
37 repealed.

38 Sec. 4. This act shall take effect and be in force from and after its
39 publication in the statute book.

HOUSE BILL No. 2207

By Committee on Health and Human Services

2-3

1 AN ACT concerning health and healthcare; relating to behavioral and
2 mental health; prohibiting certain licensed individuals from using
3 conversion therapy on minors; amending K.S.A. 65-2837 and 74-7507
4 and K.S.A. 2020 Supp. 40-2,215, 40-2,216 and 65-1120 and repealing
5 the existing sections.
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. (a) As used in this section:

9 (1) "Conversion therapy" means any practice or treatment that seeks
10 to change an individual's sexual orientation or gender identity, including
11 efforts to change behaviors or gender expressions or to eliminate or reduce
12 sexual or romantic attractions or feelings toward individuals of the same
13 sex or gender.

14 (2) "Conversion therapy" does not include any practice or treatment
15 that:

16 (A) Provides assistance to an individual undergoing gender transition;

17 (B) provides acceptance, support and understanding of an individual's
18 sexual orientation or gender identity, including such individual's gender
19 expressions or sexual or romantic attractions or feelings toward individuals
20 of the same sex or gender; or

21 (C) facilitates an individual's coping, social support and identity
22 exploration and development, including sexual orientation-neutral
23 interventions to prevent or address unlawful conduct or unsafe sexual
24 practices, so long as such practice or treatment does not seek to change the
25 individual's sexual orientation or gender identity.

26 (b) (1) The following licensees shall be prohibited from performing
27 conversion therapy on any individual under 18 years of age:

28 (A) Persons licensed by the state board of healing arts;

29 (B) persons licensed by the board of nursing; and

30 (C) persons licensed by the behavioral sciences regulatory board.

31 (2) Any practice of conversion therapy on any individual under 18
32 years of age by any such licensee shall constitute unprofessional conduct
33 and shall be subject to discipline by such licensee's respective regulatory
34 board.

35 (3) The provisions of this subsection shall apply to delivery of
36 telemedicine authorized by the telemedicine act under K.S.A. 40-2,210 et

1 seq., and amendments thereto.

2 (4) The provisions of this subsection shall not apply to the use of
3 conversion therapy by a religious leader or official of any religious
4 denomination that is:

5 (A) Part of such leader's or official's religious duties; and

6 (B) not performed under the authority of a license issued by any of
7 the regulatory boards listed in paragraph (1).

8 Sec. 2. K.S.A. 2020 Supp. 65-1120 is hereby amended to read as
9 follows: 65-1120. (a) *Grounds for disciplinary actions.* The board may
10 deny, revoke, limit or suspend any license or authorization to practice
11 nursing as a registered professional nurse, as a licensed practical nurse, as
12 an advanced practice registered nurse or as a registered nurse anesthetist
13 that is issued by the board or applied for under this act, or may require the
14 licensee to attend a specific number of hours of continuing education in
15 addition to any hours the licensee may already be required to attend or
16 may publicly or privately censure a licensee or holder of a temporary
17 permit or authorization, if the applicant, licensee or holder of a temporary
18 permit or authorization is found after a hearing:

19 (1) To be guilty of fraud or deceit in practicing nursing or in
20 procuring or attempting to procure a license to practice nursing;

21 (2) to have been guilty of a felony or to have been guilty of a
22 misdemeanor involving an illegal drug offense unless the applicant or
23 licensee establishes sufficient rehabilitation to warrant the public trust,
24 except that notwithstanding K.S.A. 74-120, and amendments thereto, no
25 license or authorization to practice nursing as a licensed professional
26 nurse, as a licensed practical nurse, as an advanced practice registered
27 nurse or registered nurse anesthetist shall be granted to a person with a
28 felony conviction for a crime against persons as specified in article 34 of
29 chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article
30 54 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2020 Supp.
31 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto;

32 (3) has been convicted or found guilty or has entered into an agreed
33 disposition of a misdemeanor offense related to the practice of nursing as
34 determined on a case-by-case basis;

35 (4) to have committed an act of professional incompetency as defined
36 in subsection (e);

37 (5) to be unable to practice with skill and safety due to current abuse
38 of drugs or alcohol;

39 (6) to be a person who has been adjudged in need of a guardian or
40 conservator, or both, under the act for obtaining a guardian or conservator,
41 or both, and who has not been restored to capacity under that act;

42 (7) to be guilty of unprofessional conduct as defined by rules and
43 regulations of the board, *including the use of conversion therapy on a*

1 *minor in violation of section 1, and amendments thereto;*

2 (8) to have willfully or repeatedly violated the provisions of the
3 Kansas nurse practice act or any rules and regulations adopted pursuant to
4 that act, including K.S.A. 65-1114 and 65-1122, and amendments thereto;

5 (9) to have a license to practice nursing as a registered nurse or as a
6 practical nurse denied, revoked, limited or suspended, or to be publicly or
7 privately censured, by a licensing authority of another state, agency of the
8 United States government, territory of the United States or country or to
9 have other disciplinary action taken against the applicant or licensee by a
10 licensing authority of another state, agency of the United States
11 government, territory of the United States or country. A certified copy of
12 the record or order of public or private censure, denial, suspension,
13 limitation, revocation or other disciplinary action of the licensing authority
14 of another state, agency of the United States government, territory of the
15 United States or country shall constitute prima facie evidence of such a
16 fact for purposes of this paragraph~~(9)~~; or

17 (10) to have assisted suicide in violation of K.S.A. 21-3406, prior to
18 its repeal, or K.S.A. 2020 Supp. 21-5407, and amendments thereto, as
19 established by any of the following:

20 (A) A copy of the record of criminal conviction or plea of guilty for a
21 felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2020
22 Supp. 21-5407, and amendments thereto;:

23 (B) a copy of the record of a judgment of contempt of court for
24 violating an injunction issued under K.S.A. 2020 Supp. 60-4404, and
25 amendments thereto; *or*

26 (C) a copy of the record of a judgment assessing damages under
27 K.S.A. 2020 Supp. 60-4405, and amendments thereto.

28 (b) *Proceedings.* Upon filing of a sworn complaint with the board
29 charging a person with having been guilty of any of the unlawful practices
30 specified in subsection (a), two or more members of the board shall
31 investigate the charges, or the board may designate and authorize an
32 employee or employees of the board to conduct an investigation. After
33 investigation, the board may institute charges. If an investigation, in the
34 opinion of the board, reveals reasonable grounds for believing the
35 applicant or licensee is guilty of the charges, the board shall fix a time and
36 place for proceedings, which shall be conducted in accordance with the
37 provisions of the Kansas administrative procedure act.

38 (c) *Witnesses.* No person shall be excused from testifying in any
39 proceedings before the board under this act or in any civil proceedings
40 under this act before a court of competent jurisdiction on the ground that
41 such testimony may incriminate the person testifying, but such testimony
42 shall not be used against the person for the prosecution of any crime under
43 the laws of this state except the crime of perjury as defined in K.S.A. 2020

1 Supp. 21-5903, and amendments thereto.

2 (d) *Costs*. If final agency action of the board in a proceeding under
3 this section is adverse to the applicant or licensee, the costs of the board's
4 proceedings shall be charged to the applicant or licensee as in ordinary
5 civil actions in the district court, but if the board is the unsuccessful party,
6 the costs shall be paid by the board. Witness fees and costs may be taxed
7 by the board according to the statutes relating to procedure in the district
8 court. All costs accrued by the board, when it is the successful party, and
9 which the attorney general certifies cannot be collected from the applicant
10 or licensee shall be paid from the board of nursing fee fund. All moneys
11 collected following board proceedings shall be credited in full to the board
12 of nursing fee fund.

13 (e) *Professional incompetency defined*. As used in this section,
14 "professional incompetency" means:

15 (1) One or more instances involving failure to adhere to the
16 applicable standard of care to a degree which constitutes gross negligence,
17 as determined by the board;

18 (2) repeated instances involving failure to adhere to the applicable
19 standard of care to a degree which constitutes ordinary negligence, as
20 determined by the board; or

21 (3) a pattern of practice or other behavior which demonstrates a
22 manifest incapacity or incompetence to practice nursing.

23 (f) *Criminal justice information*. The board upon request shall receive
24 from the Kansas bureau of investigation such criminal history record
25 information relating to arrests and criminal convictions as necessary for
26 the purpose of determining initial and continuing qualifications of
27 licensees of and applicants for licensure by the board.

28 Sec. 3. K.S.A. 65-2837 is hereby amended to read as follows: 65-
29 2837. As used in K.S.A. 65-2836, and amendments thereto, and in this
30 section:

31 (a) "Professional incompetency" means:

32 (1) One or more instances involving failure to adhere to the
33 applicable standard of care to a degree that constitutes gross negligence, as
34 determined by the board.

35 (2) Repeated instances involving failure to adhere to the applicable
36 standard of care to a degree that constitutes ordinary negligence, as
37 determined by the board.

38 (3) A pattern of practice or other behavior that demonstrates a
39 manifest incapacity or incompetence to practice the healing arts.

40 (b) "Unprofessional conduct" means:

41 (1) Solicitation of professional patronage through the use of
42 fraudulent or false advertisements, or profiting by the acts of those
43 representing themselves to be agents of the licensee.

- 1 (2) Representing to a patient that a manifestly incurable disease,
2 condition or injury can be permanently cured.
- 3 (3) Assisting in the care or treatment of a patient without the consent
4 of the patient, the attending physician or the patient's legal representatives.
- 5 (4) The use of any letters, words or terms as an affix, on stationery, in
6 advertisements or otherwise indicating that such person is entitled to
7 practice a branch of the healing arts for which such person is not licensed.
- 8 (5) Performing, procuring or aiding and abetting in the performance
9 or procurement of a criminal abortion.
- 10 (6) Willful betrayal of confidential information.
- 11 (7) Advertising professional superiority or the performance of
12 professional services in a superior manner.
- 13 (8) Advertising to guarantee any professional service or to perform
14 any operation painlessly.
- 15 (9) Participating in any action as a staff member of a medical care
16 facility that is designed to exclude or that results in the exclusion of any
17 person licensed to practice medicine and surgery from the medical staff of
18 a nonprofit medical care facility licensed in this state because of the
19 branch of the healing arts practiced by such person or without just cause.
- 20 (10) Failure to effectuate the declaration of a qualified patient as
21 provided in K.S.A. 65-28,107(a), and amendments thereto.
- 22 (11) Prescribing, ordering, dispensing, administering, selling,
23 supplying or giving any amphetamines or sympathomimetic amines,
24 except as authorized by K.S.A. 65-2837a, and amendments thereto.
- 25 (12) Conduct likely to deceive, defraud or harm the public.
- 26 (13) Making a false or misleading statement regarding the licensee's
27 skill or the efficacy or value of the drug, treatment or remedy prescribed
28 by the licensee or at the licensee's direction in the treatment of any disease
29 or other condition of the body or mind.
- 30 (14) Aiding or abetting the practice of the healing arts by an
31 unlicensed, incompetent or impaired person.
- 32 (15) Allowing another person or organization to use the licensee's
33 license to practice the healing arts.
- 34 (16) Commission of any act of sexual abuse, misconduct or other
35 improper sexual contact that exploits the licensee-patient relationship with
36 a patient or a person responsible for health care decisions concerning such
37 patient.
- 38 (17) The use of any false, fraudulent or deceptive statement in any
39 document connected with the practice of the healing arts including the
40 intentional falsifying or fraudulent altering of a patient or medical care
41 facility record.
- 42 (18) Obtaining any fee by fraud, deceit or misrepresentation.
- 43 (19) Directly or indirectly giving or receiving any fee, commission,

1 rebate or other compensation for professional services not actually and
2 personally rendered, other than through the legal functioning of lawful
3 professional partnerships, corporations, limited liability companies or
4 associations.

5 (20) Failure to transfer patient records to another licensee when
6 requested to do so by the subject patient or by such patient's legally
7 designated representative.

8 (21) Performing unnecessary tests, examinations or services that have
9 no legitimate medical purpose.

10 (22) Charging an excessive fee for services rendered.

11 (23) Prescribing, dispensing, administering or distributing a
12 prescription drug or substance, including a controlled substance, in an
13 improper or inappropriate manner, or for other than a valid medical
14 purpose, or not in the course of the licensee's professional practice.

15 (24) Repeated failure to practice healing arts with that level of care,
16 skill and treatment that is recognized by a reasonably prudent similar
17 practitioner as being acceptable under similar conditions and
18 circumstances.

19 (25) Failure to keep written medical records that accurately describe
20 the services rendered to the patient, including patient histories, pertinent
21 findings, examination results and test results.

22 (26) Delegating professional responsibilities to a person when the
23 licensee knows or has reason to know that such person is not qualified by
24 training, experience or licensure to perform them.

25 (27) Using experimental forms of therapy without proper informed
26 patient consent, without conforming to generally accepted criteria or
27 standard protocols, without keeping detailed legible records or without
28 having periodic analysis of the study and results reviewed by a committee
29 or peers.

30 (28) Prescribing, dispensing, administering or distributing an anabolic
31 steroid or human growth hormone for other than a valid medical purpose.
32 Bodybuilding, muscle enhancement or increasing muscle bulk or strength
33 through the use of an anabolic steroid or human growth hormone by a
34 person who is in good health is not a valid medical purpose.

35 (29) Referring a patient to a health care entity for services if the
36 licensee has a significant investment interest in the health care entity,
37 unless the licensee informs the patient in writing of such significant
38 investment interest and that the patient may obtain such services
39 elsewhere.

40 (30) Failing to properly supervise, direct or delegate acts that
41 constitute the healing arts to persons who perform professional services
42 pursuant to such licensee's direction, supervision, order, referral,
43 delegation or practice protocols.

1 (31) Violating K.S.A. 65-6703, and amendments thereto.

2 (32) Charging, billing or otherwise soliciting payment from any
3 patient, patient's representative or insurer for anatomic pathology services,
4 if such services are not personally rendered by the licensee or under such
5 licensee's direct supervision. As used in this subsection, "anatomic
6 pathology services" means the gross or microscopic examination of
7 histologic processing of human organ tissue or the examination of human
8 cells from fluids, aspirates, washings, brushings or smears, including blood
9 banking services, and subcellular or molecular pathology services,
10 performed by or under the supervision of a person licensed to practice
11 medicine and surgery or a clinical laboratory. Nothing in this subsection
12 shall be construed to prohibit billing for anatomic pathology services by:

13 (A) A hospital;

14 (B) a clinical laboratory when samples are transferred between
15 clinical laboratories for the provision of anatomic pathology services; or

16 (C) a physician providing services to a patient pursuant to a medical
17 retainer agreement in compliance with K.S.A. 65-4978, and amendments
18 thereto, when the bill to the patient for such services:

19 (i) Identifies the laboratory or physician that performed the services;

20 (ii) discloses in writing to the patient the actual amount charged by
21 the physician or laboratory that performed the service; and

22 (iii) is consistent with rules and regulations adopted by the board for
23 appropriate billing standards applicable to such services when furnished
24 under these agreements.

25 (33) Engaging in conduct that violates patient trust and exploits the
26 licensee-patient relationship for personal gain.

27 (34) Obstructing a board investigation including, but not limited to,
28 engaging in one or more of the following acts:

29 (A) Falsifying or concealing a material fact;

30 (B) knowingly making or causing to be made any false or misleading
31 statement or writing; or

32 (C) other acts or conduct likely to deceive or defraud the board.

33 (35) *Using conversion therapy on a minor in violation of section 1,*
34 *and amendments thereto.*

35 (c) "False advertisement" means any advertisement that is false,
36 misleading or deceptive in a material respect. In determining whether any
37 advertisement is misleading, there shall be taken into account not only
38 representations made or suggested by statement, word, design, device,
39 sound or any combination thereof, but also the extent to which the
40 advertisement fails to reveal facts material in the light of such
41 representations made.

42 (d) "Advertisement" means all representations disseminated in any
43 manner or by any means for the purpose of inducing, or that are likely to

1 induce, directly or indirectly, the purchase of professional services.

2 (e) "Licensee" for purposes of this section and K.S.A. 65-2836, and
3 amendments thereto, means all persons issued a license, permit or special
4 permit pursuant to article 28 of chapter 65 of the Kansas Statutes
5 Annotated, and amendments thereto.

6 (f) "License" for purposes of this section and K.S.A. 65-2836, and
7 amendments thereto, means any license, permit or special permit granted
8 under article 28 of chapter 65 of the Kansas Statutes Annotated, and
9 amendments thereto.

10 (g) "Health care entity" means any corporation, firm, partnership or
11 other business entity that provides services for diagnosis or treatment of
12 human health conditions and that is owned separately from a referring
13 licensee's principle practice.

14 (h) "Significant investment interest" means ownership of at least 10%
15 of the value of the firm, partnership or other business entity that owns or
16 leases the health care entity, or ownership of at least 10% of the shares of
17 stock of the corporation that owns or leases the health care entity.

18 Sec. 4. K.S.A. 74-7507 is hereby amended to read as follows: 74-
19 7507. (a) The behavioral sciences regulatory board shall have the
20 following powers, duties and functions:

21 (1) Recommend to the appropriate district or county attorneys
22 prosecution for violations of this act, the licensure of psychologists act of
23 the state of Kansas, the professional counselors licensure act, the social
24 workers licensure act, the licensure of master's level psychologists act, the
25 applied behavior analysis licensure act, the marriage and family therapists
26 licensure act or the addiction counselor licensure act;

27 (2) compile and publish annually a list of the names and addresses of
28 all persons who are licensed under this act, are licensed under the licensure
29 of psychologists act of the state of Kansas, the professional counselors
30 licensure act, the social workers licensure act, the licensure of master's
31 level psychologists act, the applied behavior analysis licensure act, the
32 marriage and family therapists licensure act or the addiction counselor
33 licensure act;

34 (3) prescribe the form and contents of examinations required under
35 this act, the licensure of psychologists act of the state of Kansas, the
36 professional counselors licensure act, the social workers licensure act, the
37 licensure of master's level psychologists act, the applied behavior analysis
38 licensure act, the marriage and family therapists licensure act or the
39 addiction counselor licensure act;

40 (4) enter into contracts necessary to administer this act, the licensure
41 of psychologists act of the state of Kansas, the professional counselors
42 licensure act, the social workers licensure act, the licensure of master's
43 level psychologists act, the applied behavior analysis licensure act, the

1 marriage and family therapists licensure act or the addiction counselor
2 licensure act;

3 (5) adopt an official seal;

4 (6) adopt and enforce rules and regulations for professional conduct
5 of persons licensed under the licensure of psychologists act of the state of
6 Kansas, the professional counselors licensure act, the social workers
7 licensure act, the licensure of master's level psychologists act, the applied
8 behavior analysis licensure act, the marriage and family therapists
9 licensure act or the addiction counselor licensure act;

10 (7) adopt and enforce rules and regulations establishing requirements
11 for the continuing education of persons licensed under the licensure of
12 psychologists act of the state of Kansas, the professional counselors
13 licensure act, the social workers licensure act, the licensure of master's
14 level psychologists act, the applied behavior analysis licensure act, the
15 marriage and family therapists licensure act or the addiction counselor
16 licensure act;

17 (8) adopt rules and regulations establishing classes of social work
18 specialties which will be recognized for licensure under K.S.A. 65-6301 to
19 65-6318, inclusive, and amendments thereto;

20 (9) adopt rules and regulations establishing procedures for
21 examination of candidates for licensure under the licensure of
22 psychologists act of the state of Kansas, the professional counselors
23 licensure act, the social workers licensure act, the licensure of master's
24 level psychologists act, the applied behavior analysis licensure act, the
25 marriage and family therapists licensure act, the addiction counselor
26 licensure act and for issuance of such certificates and such licenses;

27 (10) adopt rules and regulations as may be necessary for the
28 administration of this act, the licensure of psychologists act of the state of
29 Kansas, the professional counselors licensure act, the social workers
30 licensure act, the licensure of master's level psychologists act, the applied
31 behavior analysis licensure act, the marriage and family therapists
32 licensure act and the addiction counselor licensure act and to carry out the
33 purposes thereof;

34 (11) appoint an executive director and other employees as provided in
35 K.S.A. 74-7501, and amendments thereto; and

36 (12) exercise such other powers and perform such other functions and
37 duties as may be prescribed by law.

38 (b) *Any rules and regulations adopted pursuant to this section*
39 *concerning professional conduct shall prohibit any use of conversion*
40 *therapy on a minor that would be in violation of section 1, and*
41 *amendments thereto.*

42 (c) If an order of the behavioral sciences regulatory board is adverse
43 to a licensee or registrant of the board, the actual costs shall be charged to

1 such person as in ordinary civil actions in the district court. The board
2 shall pay any additional costs and, if the board is the unsuccessful party,
3 the costs shall be paid by the board. Witness fees and costs may be taxed
4 in accordance with statutes governing taxation of witness fees and costs in
5 the district court.

6 Sec. 5. K.S.A. 2020 Supp. 40-2,215 is hereby amended to read as
7 follows: 40-2,215. Nothing in the Kansas telemedicine act shall be
8 construed to authorize the delivery of any *of the following practices via*
9 *telemedicine*:

10 (a) *Any abortion procedure* ~~via telemedicine~~; *or*

11 (b) *conversion therapy used on a minor, as defined in section 1, and*
12 *amendments thereto.*

13 Sec. 6. K.S.A. 2020 Supp. 40-2,216 is hereby amended to read as
14 follows: 40-2,216. If any provision of the Kansas telemedicine act, or the
15 application thereof to any person or circumstance, is held invalid or
16 unconstitutional by court order, then the remainder of the Kansas
17 telemedicine act and the application of such provision to other persons or
18 circumstances shall not be affected thereby and it shall be conclusively
19 presumed that the legislature would have enacted the remainder of the
20 Kansas telemedicine act without such invalid or unconstitutional
21 provision, except that the provisions of K.S.A. 2020 Supp. 40-2,215(a),
22 and amendments thereto, are expressly declared to be nonseverable.

23 Sec. 7. K.S.A. 65-2837 and 74-7507 and K.S.A. 2020 Supp. 40-
24 2,215, 40-2,216 and 65-1120 are hereby repealed.

25 Sec. 8. This act shall take effect and be in force from and after its
26 publication in the statute book.

HOUSE BILL No. 2208

By Committee on Health and Human Services

2-3

1 AN ACT concerning the behavioral sciences; relating to the behavioral
2 sciences regulatory board; professions regulated thereby; reducing
3 certain licensing requirements; requiring board approval to provide
4 clinical social worker supervision; expanding the board's grounds for
5 discipline; expanding temporary permits to practice and imposing
6 requirements for extension thereof; amending K.S.A. 65-5804a, 65-
7 5807a, 65-5808, 65-5809, 65-6309a, 65-6311, 65-6314, 65-6404, 65-
8 6405a, 65-6408, 65-6610, 65-6612, 65-6615, 74-5316a, 74-5324, 74-
9 5363, 74-5367a and 74-5369 and K.S.A. 2020 Supp. 65-6306 and 65-
10 6411 and repealing the existing sections.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 New Section 1. (a) On and after January 1, 2022, any licensee
14 providing postgraduate clinical supervision for any individual working
15 toward licensure as a clinical social worker shall be a board-approved
16 clinical supervisor.

17 (b) An application for a board-approved clinical supervisor shall be
18 made to the board on a form and in the manner prescribed by the board
19 and shall be accompanied by the fee fixed under K.S.A. 65-5808, and
20 amendments thereto.

21 (c) Each applicant for board-approved clinical supervisor shall
22 furnish evidence satisfactory to the board that the applicant:

23 (1) Is currently licensed by the board as a specialist clinical social
24 worker and has practiced as a specialist clinical social worker for at least
25 two years following licensure;

26 (2) is not the subject of any disciplinary action of the board that
27 would prohibit providing clinical supervision, as determined by the board;
28 and

29 (3) (A) Has completed the minimum number of semester hours, or
30 the academic equivalent, of coursework related to the enhancement of
31 supervision skills approved by the board; or

32 (B) has completed the minimum number of continuing education
33 hours related to the enhancement of supervision skills approved by the
34 board.

35 (c) Each board-approved clinical supervisor shall complete, as a part
36 of the continuing education required under K.S.A. 65-6313, and

1 amendments thereto, at least three hours of continuing education related to
2 the enhancement of supervision skills, including at least one hour related
3 to ethics in supervision.

4 (d) This section shall be a part of and supplemental to the social
5 workers licensure act.

6 Sec. 2. K.S.A. 65-5804a is hereby amended to read as follows: 65-
7 5804a. (a) Applications for licensure as a professional counselor shall be
8 made to the board on a form and in the manner prescribed by the board.
9 Each application shall be accompanied by the fee fixed under K.S.A. 65-
10 5808, and amendments thereto.

11 (b) Each applicant for licensure as a professional counselor shall
12 furnish evidence satisfactory to the board that the applicant:

13 (1) Is at least 21 years of age;

14 (2) has completed 60 graduate semester hours including a graduate
15 degree in counseling or a related field from a college or university
16 approved by the board and that includes 45 graduate semester hours of
17 counseling coursework distributed among each of the following areas:

18 (A) Counseling theory and practice;

19 (B) the helping relationship;

20 (C) group dynamics, processing and counseling;

21 (D) human growth and development;

22 (E) ~~life-style~~ *lifestyle* and career development;

23 (F) appraisal of individuals;

24 (G) social and cultural foundations;

25 (H) research and evaluation;

26 (I) professional orientation; and

27 (J) supervised practicum and internship;

28 (3) has passed an examination required by the board; and

29 (4) has satisfied the board that the applicant is a person who merits
30 the public trust.

31 (c) (1) Applications for licensure as a clinical professional counselor
32 shall be made to the board on a form and in the manner prescribed by the
33 board. Each applicant shall furnish evidence satisfactory to the board that
34 the applicant:

35 (A) Is licensed by the board as a licensed professional counselor or
36 meets all requirements for licensure as a licensed professional counselor;

37 (B) has completed 15 credit hours, as part of or in addition to the
38 requirements under subsection (b), supporting diagnosis or treatment of
39 mental disorders with use of the American psychiatric association's
40 diagnostic and statistical manual through identifiable study of the
41 following content areas: Psychopathology, diagnostic assessment,
42 interdisciplinary referral and collaboration, treatment approaches and
43 professional ethics;

1 (C) has completed a graduate level supervised clinical practicum of
2 supervised professional experience including psychotherapy and
3 assessment with individuals, couples, families or groups, integrating
4 diagnosis and treatment of mental disorders with use of the American
5 psychiatric association's diagnostic and statistical manual, with not less
6 than ~~350~~ 280 hours of direct client contact or additional postgraduate
7 supervised experience as determined by the board;

8 (D) has completed not less than two years of postgraduate supervised
9 professional experience in accordance with a clinical supervision plan
10 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
11 professional experience, including at least 1,500 hours of direct client
12 contact conducting psychotherapy and assessments with individuals,
13 couples, families or groups and not less than ~~150~~ 100 hours of *face-to-face*
14 clinical supervision, ~~including not less than 50 hours of person-to-person~~
15 ~~individual supervision, as defined by the board in rules and regulations,~~
16 *including not less than 50 hours of individual supervision, except that the*
17 *board may waive the requirement that such supervision be face-to-face*
18 *upon a finding of extenuating circumstances,* integrating diagnosis and
19 treatment of mental disorders with use of the American psychiatric
20 association's diagnostic and statistical manual, except that ~~one-half the~~
21 ~~board may waive 1/2 of the requirement of hours required by this~~
22 ~~subparagraph may be waived for persons with an individual who has a~~
23 ~~doctor's doctoral degree in professional counseling or a related field~~
24 ~~acceptable to approved by the board and who completes the required 1/2 of~~
25 *the hours in not less than one year of supervised professional experience;*

26 (E) for persons ~~earning~~ *who earned* a degree under subsection (b)
27 prior to July 1, 2003, in lieu of the education requirements under
28 subparagraphs (B) and (C), has completed the education requirements for
29 licensure as a professional counselor in effect on the day immediately
30 preceding the effective date of this act;

31 (F) for persons who apply for and are eligible for a temporary permit
32 to practice as a licensed professional counselor on the day immediately
33 preceding the effective date of this act, in lieu of the education and training
34 requirements under subparagraphs (B), (C) and (D), has completed the
35 education and training requirements for licensure as a professional
36 counselor in effect on the day immediately preceding the effective date of
37 this act;

38 (G) has passed an examination approved by the board; and

39 (H) has paid the application fee fixed under K.S.A. 65-5808, and
40 amendments thereto.

41 (2) A person who was licensed or registered as a professional
42 counselor in Kansas at any time prior to the effective date of this act, who
43 has been actively engaged in the practice of professional counseling as a

1 registered or licensed professional counselor within five years prior to the
2 effective date of this act and whose last license or registration in Kansas
3 prior to the effective date of this act was not suspended or revoked, upon
4 application to the board, payment of fees *pursuant to K.S.A. 65-5808, and*
5 *amendments thereto*, and completion of applicable continuing education
6 requirements, shall be licensed as a licensed clinical professional
7 counselor by providing demonstration of competence to diagnose and treat
8 mental disorders through at least two of the following areas acceptable to
9 the board:

10 (A) Either: (i) Graduate coursework; or (ii) passing a national,
11 clinical examination;

12 (B) either: (i) Three years of clinical practice in a community mental
13 health center, its contracted affiliate or a state mental hospital; or (ii) three
14 years of clinical practice in other settings with demonstrated experience in
15 diagnosing or treating mental disorders; or

16 (C) attestation from one professional licensed to diagnose and treat
17 mental disorders in independent practice or licensed to practice medicine
18 and surgery that the applicant is competent to diagnose and treat mental
19 disorders.

20 (3) A licensed clinical professional counselor may engage in the
21 independent practice of professional counseling and is authorized to
22 diagnose and treat mental disorders specified in the edition of the
23 diagnostic and statistical manual of mental disorders of the American
24 psychiatric association designated by the board by rules and regulations.
25 When a client has symptoms of a mental disorder, a licensed clinical
26 professional counselor shall consult with the client's primary care
27 physician or psychiatrist to determine if there may be a medical condition
28 or medication that may be causing or contributing to the client's symptoms
29 of a mental disorder. A client may request in writing that such consultation
30 be waived and such request shall be made a part of the client's record. A
31 licensed clinical professional counselor may continue to evaluate and treat
32 the client until such time that the medical consultation is obtained or
33 waived.

34 (4) A licensed professional counselor may diagnose and treat mental
35 disorders specified in the edition of the diagnostic and statistical manual of
36 mental disorders of the American psychiatric association designated by the
37 board by rules and regulations only under the direction of a licensed
38 clinical professional counselor, licensed psychologist, person licensed to
39 practice medicine and surgery or person licensed to provide mental health
40 services as an independent practitioner and whose licensure allows for the
41 diagnosis and treatment of mental disorders. When a client has symptoms
42 of a mental disorder, a licensed professional counselor shall consult with
43 the client's primary care physician or psychiatrist to determine if there may

1 be a medical condition or medication that may be causing or contributing
2 to the client's symptoms of a mental disorder. A client may request in
3 writing that such consultation be waived and such request shall be made a
4 part of the client's record. A licensed professional counselor may continue
5 to evaluate and treat the client until such time that the medical consultation
6 is obtained or waived.

7 (d) The board shall adopt rules and regulations establishing the
8 criteria that a college or university shall satisfy in order to be approved by
9 the board. The board may send a questionnaire developed by the board to
10 any college or university for which the board does not have sufficient
11 information to determine whether the school meets the requirements for
12 approval and rules and regulations adopted under this section. The
13 questionnaire providing the necessary information shall be completed and
14 returned to the board in order for the college or university to be considered
15 for approval. The board may contract with investigative agencies,
16 commissions or consultants to assist the board in obtaining information
17 about colleges and universities. In entering such contracts, the authority to
18 approve college and universities shall remain solely with the board.

19 (e) A person who is waiting to take the examination required by the
20 board may apply to the board for a temporary license to practice as a
21 licensed professional counselor by:

22 (1) Paying an application fee of ~~no~~ *not* more than \$150; and

23 (2) meeting the application requirements as stated in K.S.A. 65-
24 5804a(b)(1), (2) and (4), and amendments thereto.

25 (f) (1) A temporary license may be issued by the board after the
26 application has been reviewed and approved by the board and the applicant
27 has paid the appropriate fee set by the board for issuance of ~~new licenses a~~
28 *temporary license*.

29 (2) Absent extenuating circumstances approved by the board, a
30 temporary license issued by the board shall expire upon the date the board
31 issues or denies a license to practice professional counseling or ~~six~~ 12
32 months after the date of issuance of the temporary license. No temporary
33 license will be renewed or issued again on any subsequent application for
34 the same license level. The preceding provisions in no way limit the
35 number of times an applicant may take the examination.

36 (g) A person practicing professional counseling with a temporary
37 license may not use the title "licensed professional counselor" or the
38 initials "LPC" independently. The word "licensed" may be used only when
39 followed by the words "by temporary license," such as licensed
40 professional counselor by temporary license, or professional counselor
41 licensed by temporary license.

42 (h) No person may practice professional counseling under a
43 temporary license except under the supervision of a person licensed by the

1 behavioral sciences regulatory board at the independent level.

2 (i) Nothing in this section shall affect any temporary license to
3 practice issued under this section prior to the effective date of this act and
4 in effect on the effective date of this act. Such temporary license shall be
5 subject to the provisions of this section in effect at the time of its issuance
6 and shall continue to be effective until the date of expiration of the
7 temporary license provided under this section at the time of issuance of
8 such temporary license.

9 Sec. 3. K.S.A. 65-5807a is hereby amended to read as follows: 65-
10 5807a. (a) Upon written application and board approval, an individual who
11 is licensed to engage in the independent clinical practice of professional
12 counseling at the clinical level in another jurisdiction ~~and~~, who is in good
13 standing in that other jurisdiction *and who has engaged in the clinical*
14 *practice of professional counseling in that jurisdiction for at least two*
15 *years immediately preceding application* may engage in the independent
16 practice of clinical professional counseling as provided by K.S.A. 65-5801
17 et seq., and amendments thereto, in this state for ~~no~~ *not* more than ~~15~~ *30*
18 days per year upon receipt of a temporary permit to practice issued by the
19 board. *Such individual engaging in such practice in this state shall provide*
20 *quarterly reports to the board on a form approved by the board detailing*
21 *the total days of practice in this state.*

22 (b) Any clinical professional counseling services rendered within any
23 24-hour period shall count as one entire day of clinical professional
24 counseling services.

25 (c) The temporary permit to practice shall be effective on the date of
26 approval by the board and shall expire ~~December 31 of that year~~ *one year*
27 *after issuance*. Upon written application ~~and for good cause shown, the~~
28 ~~board may extend the temporary permit to practice no more than 15~~
29 ~~additional days~~ *not later than 30 days before the expiration of a temporary*
30 *permit and under emergency circumstances, as defined by the board, the*
31 *board may extend the temporary permit for not more than one additional*
32 *year. Such extended temporary permit shall authorize the individual to*
33 *practice in this state for an additional 30 days during the additional year.*
34 *Such individual engaging in such practice shall provide quarterly reports*
35 *to the board on a form approved by the board detailing the total days of*
36 *practice in this state.*

37 (d) The board may charge a fee of a maximum of \$200 for a
38 temporary permit to practice and a fee of a maximum of \$200 for an
39 extension of a temporary permit to practice as established by rules and
40 regulations of the board.

41 (e) A person who holds a temporary permit to practice clinical
42 professional counseling in this state shall be deemed to have submitted to
43 the jurisdiction of the board and shall be bound by the statutes and

1 regulations that govern the practice of clinical professional counseling in
 2 this state.

3 (f) In accordance with the Kansas administrative ~~procedures~~
 4 *procedure* act, the board may issue a cease and desist order or assess a fine
 5 of up to \$1,000 per day, or both, against a person licensed in another
 6 jurisdiction who engages in the independent practice of clinical
 7 professional counseling in this state without complying with the provisions
 8 of this section.

9 (g) This section shall be a part of and supplemental to the
 10 professional counselors licensure act.

11 Sec. 4. K.S.A. 65-5808 is hereby amended to read as follows: 65-
 12 5808. (a) The board may fix the following fees, and any such fees shall be
 13 established by rules and regulations adopted by the board:

14 (1) For application for licensure as a professional counselor, not more
 15 than \$100;

16 (2) for an original license as a professional counselor, not more than
 17 \$175;

18 (3) for a temporary license as a professional counselor, not more than
 19 \$175;

20 (4) for renewal for licensure as a professional counselor, not more
 21 than \$150;

22 (5) for application for licensure as a clinical professional counselor,
 23 not more than \$175;

24 (6) for licensure as a clinical professional counselor, not more than
 25 \$175;

26 (7) for renewal for licensure as a clinical professional counselor, not
 27 more than \$175;

28 (8) for late renewal penalty, an amount equal to the fee for renewal of
 29 a license;

30 (9) for reinstatement of a license, not more than \$175;

31 (10) for replacement of a license, not more than \$20; ~~and~~

32 (11) for a wallet card license, not more than \$5; *and*

33 (12) *for application as a board-approved clinical supervisor, not*
 34 *more than \$50.*

35 (b) Fees paid to the board are not refundable.

36 Sec. 5. K.S.A. 65-5809 is hereby amended to read as follows: 65-
 37 5809. (a) The board may refuse to issue, renew or reinstate a license, may
 38 condition, limit, revoke or suspend a license, may publicly or privately
 39 censure a licensee or may impose a fine not to exceed \$1,000 per violation
 40 upon a finding that a licensee or an applicant for licensure:

41 (1) Is incompetent to practice professional counseling, ~~which~~
 42 *"Incompetent to practice professional counseling"* means:

43 (A) One or more instances involving failure to adhere to the

1 applicable standard of care to a degree that constitutes gross negligence, as
2 determined by the board;

3 (B) repeated instances involving failure to adhere to the applicable
4 standard of care to a degree that constitutes ordinary negligence, as
5 determined by the board; or

6 (C) a pattern of practice or other behavior that demonstrates a
7 manifest incapacity or incompetence to practice professional counseling;

8 (2) has been convicted of a felony offense and has not demonstrated
9 to the board's satisfaction that such person has been sufficiently
10 rehabilitated to merit the public trust;

11 (3) has been convicted of a misdemeanor against persons and has not
12 demonstrated to the board's satisfaction that such person has been
13 sufficiently rehabilitated to merit the public trust;

14 (4) is currently listed on a child abuse registry or an adult protective
15 services registry as the result of a substantiated finding of abuse or neglect
16 by any state agency, agency of another state, *the District of Columbia* or
17 the United States, territory of the United States or another country and the
18 applicant or licensee has not demonstrated to the board's satisfaction that
19 such person has been sufficiently rehabilitated to merit the public trust;

20 (5) has violated a provision of the professional counselors licensure
21 act or one or more rules and regulations of the board;

22 (6) has obtained or attempted to obtain a license or license renewal by
23 bribery or fraudulent representation;

24 (7) has knowingly made a false statement on a form required by the
25 board for a license or license renewal;

26 (8) has failed to obtain continuing education credits as required by
27 rules and regulations adopted by the board;

28 (9) has been found to have engaged in unprofessional conduct as
29 defined by applicable rules and regulations adopted by the board; ~~or~~

30 (10) has had a *professional* registration, license or certificate ~~as a~~
31 ~~professional counselor~~ revoked, suspended or limited, or has had other
32 disciplinary action taken, or an application for a registration, license or
33 certificate denied, by the proper regulatory authority of another state,
34 territory, District of Columbia, or other country, a certified copy of the
35 record of the action of the other jurisdiction being conclusive evidence
36 thereof; *or*

37 (11) *has violated any lawful order or directive of the board previously*
38 *entered by the board.*

39 (b) For issuance of a new license or reinstatement of a revoked or
40 suspended license for a licensee or applicant for licensure with a felony
41 conviction, the board may only issue or reinstate such license by a ²/₃
42 majority vote.

43 (c) Administrative proceedings and disciplinary actions regarding

1 licensure under the professional counselors licensure act shall be
2 conducted in accordance with the Kansas administrative procedure act.
3 Judicial review and civil enforcement of agency actions under the
4 professional counselors licensure act shall be in accordance with the
5 Kansas judicial review act.

6 Sec. 6. K.S.A. 2020 Supp. 65-6306 is hereby amended to read as
7 follows: 65-6306. (a) The board shall issue a license as a baccalaureate
8 social worker to an applicant who *has*:

9 (1) ~~Has~~—A baccalaureate degree from an accredited college or
10 university, including completion of a social work program recognized and
11 approved by the board, pursuant to rules and regulations adopted by the
12 board;

13 (2) ~~has~~—passed an examination approved by the board for this
14 purpose; and

15 (3) ~~has~~—satisfied the board that the applicant is a person who merits
16 the public trust.

17 (b) The board shall issue a license as a master social worker to an
18 applicant who *has*:

19 (1) ~~Has~~—A master's degree from an accredited college or university,
20 including completion of a social work program recognized and approved
21 by the board, pursuant to rules and regulations adopted by the board;

22 (2) ~~has~~—passed an examination approved by the board for this
23 purpose; and

24 (3) ~~has~~—satisfied the board that the applicant is a person who merits
25 the public trust.

26 (c) The board shall issue a license in one of the social work
27 specialties to an applicant who *has*:

28 (1) ~~Has~~—A master's or doctor's degree from an accredited graduate
29 school of social work, including completion of a social work program
30 recognized and approved by the board, pursuant to rules and regulations
31 adopted by the board;

32 (2) ~~has~~—had two years of full-time post-master's or post-doctor's
33 degree experience under the supervision of a licensed social worker in the
34 area of the specialty in which such applicant seeks to be licensed;

35 (3) ~~has~~—passed an examination approved by the board for this
36 purpose; and

37 (4) ~~has~~—satisfied the board that the applicant is a person who merits
38 the public trust.

39 (d) (1) The board shall issue a license as a specialist clinical social
40 worker to an applicant who:

41 (A) Has met the requirements of subsection (c);

42 (B) has completed 15 credit hours as part of or in addition to the
43 requirements under subsection (c) supporting diagnosis or treatment of

1 mental disorders with use of the American psychiatric association's
2 diagnostic and statistical manual, through identifiable study of the
3 following content areas: Psychopathology, diagnostic assessment,
4 interdisciplinary referral and collaboration, treatment approaches and
5 professional ethics;

6 (C) has completed a graduate level supervised clinical practicum of
7 supervised professional experience including psychotherapy and
8 assessment, integrating diagnosis and treatment of mental disorders with
9 use of the American psychiatric association's diagnostic and statistical
10 manual, with not less than ~~350~~ 200 hours of direct client contact or
11 additional postgraduate supervised experience as determined by the board;

12 (D) has completed as part of or in addition to the requirements of
13 subsection (c) not less than two years of postgraduate supervised
14 professional experience in accordance with a clinical supervision plan
15 approved by the board of not less than 3,000 hours of supervised
16 professional experience including at least 1,500 hours of direct client
17 contact conducting psychotherapy and assessments with individuals,
18 couples, families or groups and not less than 100 hours of *face-to-face*
19 clinical supervision, *as defined by the board in rules and regulations*,
20 including not less than ~~75~~ 50 hours of ~~person-to-person~~ individual
21 supervision, *except that the board may waive the requirement that such*
22 *supervision be face-to-face upon a finding of extenuating circumstances*,
23 integrating diagnosis and treatment of mental disorders with use of the
24 American psychiatric association's diagnostic and statistical manual;

25 (E) for persons earning a degree under subsection (c) prior to July 1,
26 2003, in lieu of the education and training requirements under ~~parts~~
27 ~~subparagraphs~~ (B) and (C) ~~of this subsection~~, has completed the education
28 requirements for licensure as a specialist clinical social worker in effect on
29 the day immediately preceding the effective date of this act;

30 (F) for persons who apply for and are eligible for a temporary license
31 to practice as a specialist clinical social worker on the day immediately
32 preceding the effective date of this act, in lieu of the education and training
33 requirements under ~~parts~~ ~~subparagraphs~~ (B), (C) and (D) ~~of this~~
34 ~~subsection~~, has completed the education and training requirements for
35 licensure as a specialist clinical social worker in effect on the day
36 immediately preceding the effective date of this act;

37 (G) has passed an examination approved by the board; and

38 (H) has paid the application fee.

39 (2) A licensed specialist clinical social worker may engage in the
40 social work practice and is authorized to diagnose and treat mental
41 disorders specified in the edition of the diagnostic and statistical manual of
42 mental disorders of the American psychiatric association designated by the
43 board by rules and regulations. When a client has symptoms of a mental

1 disorder, a licensed specialist clinical social worker shall consult with the
2 client's primary care physician or psychiatrist to determine if there may be
3 a medical condition or medication that may be causing or contributing to
4 the client's symptoms of a mental disorder. A client may request in writing
5 that such consultation be waived and such request shall be made a part of
6 the client's record. A licensed specialist clinical social worker may
7 continue to evaluate and treat the client until such time that the medical
8 consultation is obtained or waived.

9 (3) Notwithstanding any other provision of this subsection, a licensed
10 master social worker who has provided to the board an acceptable clinical
11 supervision plan for licensure as a specialist clinical social worker prior to
12 the effective date of this act shall be licensed as a specialist clinical social
13 worker under this act upon completion of the requirements in effect for
14 licensure as a specialist clinical social worker at the time the acceptable
15 training plan is submitted to the board.

16 (4) A person licensed as a specialist clinical social worker on the day
17 immediately preceding the effective date of this act shall be deemed to be
18 a licensed specialist clinical social worker under this act. Such person shall
19 not be required to file an original application for licensure as a specialist
20 clinical social worker under this act.

21 (e) The board shall adopt rules and regulations establishing the
22 criteria which a social work program of a college or university shall satisfy
23 to be recognized and approved by the board under this section. The board
24 may send a questionnaire developed by the board to any college or
25 university conducting a social work program for which the board does not
26 have sufficient information to determine whether the program should be
27 recognized and approved by the board and whether the program meets the
28 rules and regulations adopted under this section. The questionnaire
29 providing the necessary information shall be completed and returned to the
30 board in order for the program to be considered for recognition and
31 approval. The board may contract with investigative agencies,
32 commissions or consultants to assist the board in obtaining information
33 about a social work program of a college or university. In entering such
34 contracts the authority to recognize and approve a social work program of
35 a college or university shall remain solely with the board.

36 Sec. 7. K.S.A. 65-6309a is hereby amended to read as follows: 65-
37 6309a. (a) Upon written application and board approval, an individual who
38 is licensed to engage in the independent clinical practice of social work at
39 the clinical level in another jurisdiction ~~and~~, who is in good standing in
40 that other jurisdiction *and who has engaged in the clinical practice of*
41 *social work in that jurisdiction* may engage in the independent practice of
42 clinical social work as provided by K.S.A. 65-6308, and amendments
43 thereto, in this state for ~~no~~ *not* more than ~~15~~ *30* days per year upon receipt

1 of a temporary permit to practice issued by the board. *Such individual*
2 *engaging in such practice in this state shall provide quarterly reports to*
3 *the board on a form approved by the board detailing the total days of*
4 *practice in this state.*

5 (b) Any clinical social work services rendered within any 24-hour
6 period shall count as one entire day of clinical social work services.

7 (c) The temporary permit to practice shall be effective on the date of
8 approval by the board and shall expire ~~December 31 of that year~~ *one year*
9 *after issuance.* Upon written application ~~and for good cause shown, the~~
10 ~~board may extend the temporary permit to practice no more than 15~~
11 ~~additional days not later than 30 days before the expiration of a temporary~~
12 ~~permit and under emergency circumstances, as defined by the board, the~~
13 ~~board may extend the temporary permit for not more than one additional~~
14 ~~year. Such extended temporary permit shall authorize the individual to~~
15 ~~practice in this state for an additional 30 days during the additional year.~~
16 *Such individual engaging in such practice shall provide quarterly reports*
17 *to the board on a form approved by the board detailing the total days of*
18 *practice in this state.*

19 (d) The board may charge a fee of a maximum of \$200 for a
20 temporary permit to practice and a fee of a maximum of \$200 for an
21 extension of a temporary permit to practice as established by rules and
22 regulations of the board.

23 (e) A person who holds a temporary permit to practice clinical social
24 work in this state shall be deemed to have submitted to the jurisdiction of
25 the board and shall be bound by the statutes and regulations that govern
26 the practice of clinical social work in this state.

27 (f) In accordance with the Kansas administrative procedure act, the
28 board may issue a cease and desist order or assess a fine of up to \$1,000
29 per day, or both, against a person licensed in another jurisdiction who
30 engages in the independent practice of clinical social work in this state
31 without complying with the provisions of this section.

32 (g) This section shall be *a* part of and supplemental to article 63 of
33 chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

34 Sec. 8. K.S.A. 65-6311 is hereby amended to read as follows: 65-
35 6311. (a) The board may refuse to issue, renew or reinstate a license, may
36 condition, limit, revoke or suspend a license, may publicly or privately
37 censure a licensee or may impose a fine not to exceed \$1,000 per violation
38 upon a finding that a licensee or an applicant for license:

39 (1) Is incompetent to practice social work, ~~which~~ *"Incompetent to*
40 *practice social work"* means:

41 (A) One or more instances involving failure to adhere to the
42 applicable standard of care to a degree that constitutes gross negligence, as
43 determined by the board;

1 (B) repeated instances involving failure to adhere to the applicable
2 standard of care to a degree that constitutes ordinary negligence, as
3 determined by the board; or

4 (C) a pattern of practice or other behavior that demonstrates a
5 manifest incapacity or incompetence to practice social work;

6 (2) has been convicted of a felony offense and has not demonstrated
7 to the board's satisfaction that such person has been sufficiently
8 rehabilitated to merit the public trust;

9 (3) has been convicted of a misdemeanor against persons and has not
10 demonstrated to the board's satisfaction that such person has been
11 sufficiently rehabilitated to merit the public trust;

12 (4) is currently listed on a child abuse registry or an adult protective
13 services registry as the result of a substantiated finding of abuse or neglect
14 by any state agency, agency of another state, *the District of Columbia* or
15 the United States, territory of the United States or another country and the
16 applicant or licensee has not demonstrated to the board's satisfaction that
17 such person has been sufficiently rehabilitated to merit the public trust;

18 (5) has violated a provision of the social workers licensure act or one
19 or more rules and regulations of the board;

20 (6) has obtained or attempted to obtain a license or license renewal by
21 bribery or fraudulent representation;

22 (7) has knowingly made a false statement on a form required by the
23 board for a license or license renewal;

24 (8) has failed to obtain continuing education credits as required by
25 rules and regulations adopted by the board;

26 (9) has been found to have engaged in unprofessional conduct as
27 defined by applicable rules and regulations adopted by the board; ~~or~~

28 (10) has had a *professional* license, registration or certificate ~~to~~
29 ~~practice social work~~ revoked, suspended or limited, or has had other
30 disciplinary action taken, or an application for a license, registration or
31 certificate denied, by the proper regulatory authority of another state,
32 territory, District of Columbia, or other country, a certified copy of the
33 record of the action of the other jurisdiction being conclusive evidence
34 thereof; *or*

35 (11) *has violated any lawful order or directive of the board previously*
36 *entered by the board.*

37 (b) For issuance of a new license or reinstatement of a revoked or
38 suspended license for a licensee or applicant for licensure with a felony
39 conviction, the board may only issue or reinstate such license by a ²/₃
40 majority vote.

41 (c) Administrative proceedings and disciplinary actions regarding
42 licensure under the social workers licensure act shall be conducted in
43 accordance with the Kansas administrative procedure act. Judicial review

1 and civil enforcement of agency actions under the social workers licensure
2 act shall be in accordance with the Kansas judicial review act.

3 Sec. 9. K.S.A. 65-6314 is hereby amended to read as follows: 65-
4 6314. (a) The following fees may be established by the board in
5 accordance with the following limitations, and any such fees shall be
6 established by rules and regulations adopted by the board:

7 (1) Renewal or reinstatement fee for a license as a social work
8 associate shall be not more than \$150.

9 (2) Application, new license, reinstatement or renewal fee for a
10 license as a baccalaureate social worker shall be not more than \$150.

11 (3) Application, new license, reinstatement or renewal fee for a
12 license as master social worker shall be not more than \$150.

13 (4) Application, new license, reinstatement or renewal fee for a
14 license in a social work specialty shall be not more than \$150.

15 (5) Replacement fee for reissuance of a license certificate due to loss
16 or name change shall be not more than \$20.

17 (6) Replacement fee for reissuance of a wallet card shall be not more
18 than \$5.

19 (7) Temporary license fee for a baccalaureate social worker, master
20 social worker or a social work specialty shall be not more than \$50.

21 (8) Application fee for approval as board-approved continuing
22 education sponsors shall be as follows:

23 (A) Initial application fee for one year provisionally approved
24 providers shall be not more than \$125;

25 (B) three-year renewal fees for approved providers shall be not more
26 than \$350; and

27 (C) application fees for single program providers shall be not more
28 than \$50 for each separately offered continuing education activity for
29 which prior approval is sought.

30 (9) *Application fee for approval as a board-approved clinical*
31 *supervisor shall be not more than \$50.*

32 (b) Fees paid to the board are not refundable.

33 Sec. 10. K.S.A. 65-6404 is hereby amended to read as follows: 65-
34 6404. (a) An applicant for licensure as a marriage and family therapist
35 shall furnish evidence that the applicant *has*:

36 (1) ~~Has Attained the age of 21 years of age;~~

37 (2) (A) ~~has~~ completed a master's or doctoral degree from a marriage
38 and family therapy program, in an educational institution with standards
39 approved by the board; ~~or~~ (B) has completed a master's or doctoral degree
40 from an educational institution in a related field for which the course work
41 is considered by the board to be equivalent to that provided in ~~clause (2)~~
42 ~~subparagraph (A) of this paragraph~~ and consists of a minimum of nine
43 semester hours in human development, nine semester hours in theories of

1 marriage and family functioning, nine semester hours of marital and
2 family assessment and therapy, three semester hours in professional
3 studies and three semester hours in research; or (C) completed a master's
4 or doctoral degree from an educational institution in a related field with
5 additional work from an educational program in marriage and family
6 therapy approved by the board and such degree program and additional
7 work includes the course work requirements provided in ~~clause (2)~~
8 *subparagraph (B) of this paragraph*;

9 (3) ~~has~~ passed an examination approved by the board;

10 (4) ~~has~~ satisfied the board that the applicant is a person who merits
11 the public trust; and

12 (5) ~~each applicant~~ has paid the application fee established by the
13 board under K.S.A. 65-6411, and amendments thereto.

14 (b) (1) Applications for licensure as a clinical marriage and family
15 therapist shall be made to the board on a form and in the manner
16 prescribed by the board. Each applicant shall furnish evidence satisfactory
17 to the board that the applicant:

18 (A) Is licensed by the board as a licensed marriage and family
19 therapist or meets all requirements for licensure as a marriage and family
20 therapist;

21 (B) has completed 15 credit hours as part of or in addition to the
22 requirements under subsection (a) supporting diagnosis or treatment of
23 mental disorders with use of the American psychiatric association's
24 diagnostic and statistical manual, through identifiable study of the
25 following content areas: Psychopathology, diagnostic assessment,
26 interdisciplinary referral and collaboration, treatment approaches and
27 professional ethics;

28 (C) has completed a graduate level supervised clinical practicum of
29 supervised professional experience including psychotherapy and
30 assessment with individuals, couples, families or groups, integrating
31 diagnosis and treatment of mental disorders with use of the American
32 psychiatric association's diagnostic and statistical manual, with not less
33 than 350 hours of direct client contact or additional postgraduate
34 supervised experience as determined by the board;

35 (D) has completed not less than two years of postgraduate supervised
36 professional experience in accordance with a clinical supervision plan
37 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
38 professional experience including at least 1,500 hours of direct client
39 contact conducting psychotherapy and assessments with individuals,
40 couples, families or groups and not less than ~~150~~ 100 hours of *face-to-face*
41 clinical supervision, *as defined by the board in rules and regulations*,
42 including not less than 50 hours of ~~person-to-person~~ individual
43 supervision, *except that the board may waive the requirement that such*

1 supervision be face-to-face upon a finding of extenuating circumstances,
2 integrating diagnosis and treatment of mental disorders with use of the
3 American psychiatric association's diagnostic and statistical manual,
4 except that ~~one-half the board may waive 1/2 of the requirement of hours~~
5 ~~required by this part (D) may be waived subparagraph~~ for persons with an
6 individual who has a doctor's degree in marriage and family therapy or a
7 related field acceptable to the board and who completes the required 1/2 of
8 the hours in not less than one year of supervised professional experience;

9 (E) for persons ~~earning who earned~~ a degree under subsection (a)
10 prior to July 1, 2003, in lieu of the education and training requirements
11 under ~~parts subparagraphs (B) and (C) of this subsection,~~ has completed
12 the education requirements for licensure as a marriage and family therapist
13 in effect on the day immediately preceding the effective date of this act;

14 (F) for persons who apply for and are eligible for a temporary permit
15 to practice as a licensed marriage and family therapist on the day
16 immediately preceding the effective date of this act, in lieu of the
17 education and training requirements under ~~parts subparagraphs (B), (C)~~
18 ~~and (D) of this subsection,~~ has completed the education and training
19 requirements for licensure as a marriage and family therapist in effect on
20 the day immediately preceding the effective date of this act;

21 (G) has passed an examination approved by the board; and

22 (H) has paid the application fee fixed under K.S.A. 65-6411, and
23 amendments thereto.

24 (2) A person who was licensed or registered as a marriage and family
25 therapist in Kansas at any time prior to the effective date of this act, who
26 has been actively engaged in the practice of marriage and family therapy
27 as a registered or licensed marriage and family therapist within five years
28 prior to the effective date of this act and whose last license or registration
29 in Kansas prior to the effective date of this act was not suspended or
30 revoked, upon application to the board, payment of fees and completion of
31 applicable continuing education requirements, shall be licensed as a
32 licensed clinical marriage and family therapist by providing demonstration
33 of competence to diagnose and treat mental disorders through at least two
34 of the following areas acceptable to the board:

35 (A) Either: (i) Graduate coursework; or (ii) passing a national,
36 clinical examination;

37 (B) either: (i) Three years of clinical practice in a community mental
38 health center, its contracted affiliate or a state mental hospital; or (ii) three
39 years of clinical practice in other settings with demonstrated experience in
40 diagnosing or treating mental disorders; or

41 (C) attestation from one professional licensed to diagnose and treat
42 mental disorders in independent practice or licensed to practice medicine
43 and surgery that the applicant is competent to diagnose and treat mental

1 disorders.

2 (3) A licensed clinical marriage and family therapist may engage in
3 the independent practice of marriage and family therapy and is authorized
4 to diagnose and treat mental disorders specified in the edition of the
5 diagnostic and statistical manual of mental disorders of the American
6 psychiatric association designated by the board by rules and regulations.
7 When a client has symptoms of a mental disorder, a licensed clinical
8 marriage and family therapist shall consult with the client's primary care
9 physician or psychiatrist to determine if there may be a medical condition
10 or medication that may be causing or contributing to the client's symptoms
11 of a mental disorder. A client may request in writing that such consultation
12 be waived and such request shall be made a part of the client's record. A
13 licensed clinical marriage and family therapist may continue to evaluate
14 and treat the client until such time that the medical consultation is obtained
15 or waived.

16 (4) On and after January 1, 2002, a licensed marriage and family
17 therapist may diagnose and treat mental disorders ~~specified in the edition~~
18 ~~of the diagnostic and statistical manual of mental disorders~~ specified in the
19 edition of the diagnostic and statistical manual of mental disorders of the
20 American psychiatric association designated by the board by rules and
21 regulations only under the direction of a licensed clinical marriage and
22 family therapist, licensed psychologist, person licensed to practice
23 medicine and surgery or person licensed to provide mental health services
24 as an independent practitioner and whose licensure allows for the
25 diagnosis and treatment of mental disorders. When a client has symptoms
26 of a mental disorder, a licensed marriage and family therapist shall consult
27 with the client's primary care physician or psychiatrist to determine if there
28 may be a medical condition or medication that may be causing or
29 contributing to the client's symptoms of a mental disorder. A client may
30 request in writing that such consultation be waived and such request shall
31 be made a part of the client's record. A licensed marriage and family
32 therapist may continue to evaluate and treat the client until such time that
33 the medical consultation is obtained or waived.

34 Sec. 11. K.S.A. 65-6405a is hereby amended to read as follows: 65-
35 6405a. (a) Upon written application and board approval, an individual who
36 is licensed to engage in the independent clinical practice of marriage and
37 family therapy at the clinical level in another jurisdiction ~~and~~, who is in
38 good standing in that other jurisdiction *and who has engaged in the*
39 *clinical practice of marriage and family therapy in that jurisdiction for at*
40 *least two years immediately preceding application* may engage in the
41 independent practice of clinical marriage and family therapy as provided
42 by K.S.A. 65-6401 et seq., and amendments thereto, in this state for ~~no~~ *not*
43 more than ~~15~~ 30 days per year upon receipt of a temporary permit to

1 practice issued by the board. *Such individual engaging in such practice in*
2 *this state shall provide quarterly reports to the board on a form approved*
3 *by the board detailing the total days of practice in this state.*

4 (b) Any clinical marriage and family therapy services rendered within
5 any 24-hour period shall count as one entire day of clinical marriage and
6 family therapy services.

7 (c) The temporary permit to practice shall be effective on the date of
8 approval by the board and shall expire ~~December 31 of that year~~ *one year*
9 *after issuance.* Upon written application ~~and for good cause shown, the~~
10 ~~board may extend the temporary permit to practice no more than 15~~
11 ~~additional days not later than 30 days before the expiration of a temporary~~
12 ~~permit and under emergency circumstances, as defined by the board, the~~
13 ~~board may extend the temporary permit for not more than one additional~~
14 ~~year. Such extended temporary permit shall authorize the individual to~~
15 ~~practice in this state for an additional 30 days during the additional year.~~
16 *Such individual engaging in such practice shall provide quarterly reports*
17 *to the board on a form approved by the board detailing the total days of*
18 *practice in this state.*

19 (d) The board may charge a fee of a maximum of \$200 for a
20 temporary permit to practice and a fee of a maximum of \$200 for an
21 extension of a temporary permit to practice as established by rules and
22 regulations of the board.

23 (e) A person who holds a temporary permit to practice clinical
24 marriage and family therapy in this state shall be deemed to have
25 submitted to the jurisdiction of the board and shall be bound by the statutes
26 and regulations that govern the practice of clinical marriage and family
27 therapy in this state.

28 (f) In accordance with the Kansas administrative procedures act, the
29 board may issue a cease and desist order or assess a fine of up to \$1,000
30 per day, or both, against a person licensed in another jurisdiction who
31 engages in the independent practice of clinical marriage and family
32 therapy in this state without complying with the provisions of this section.

33 (g) This section shall be *a* part of and supplemental to the marriage
34 and family therapists licensure act.

35 Sec. 12. K.S.A. 65-6408 is hereby amended to read as follows: 65-
36 6408. (a) The board may refuse to issue, renew or reinstate a license, may
37 condition, limit, revoke or suspend a license, may publicly or privately
38 censure a licensee or may impose a fine not to exceed \$1,000 per violation
39 upon a finding that a licensee or an applicant for license:

40 (1) Is incompetent to practice marriage and family therapy, ~~which.~~
41 *"Incompetent to practice marriage and family therapy"* means:

42 (A) One or more instances involving failure to adhere to the
43 applicable standard of care to a degree that constitutes gross negligence, as

1 determined by the board;

2 (B) repeated instances involving failure to adhere to the applicable
 3 standard of care to a degree that constitutes ordinary negligence, as
 4 determined by the board; or

5 (C) a pattern of practice or other behavior that demonstrates a
 6 manifest incapacity or incompetence to practice marriage and family
 7 therapy;

8 (2) has been convicted of a felony offense and has not demonstrated
 9 to the board's satisfaction that such person has been sufficiently
 10 rehabilitated to merit the public trust;

11 (3) has been convicted of a misdemeanor against persons and has not
 12 demonstrated to the board's satisfaction that such person has been
 13 sufficiently rehabilitated to merit the public trust;

14 (4) is currently listed on a child abuse registry or an adult protective
 15 services registry as the result of a substantiated finding of abuse or neglect
 16 by any state agency, agency of another state, *the District of Columbia* or
 17 the United States, territory of the United States or another country and the
 18 applicant or licensee has not demonstrated to the board's satisfaction that
 19 such person has been sufficiently rehabilitated to merit the public trust;

20 (5) has violated a provision of the marriage and family therapists
 21 licensure act or one or more of the rules and regulations of the board;

22 (6) has obtained or attempted to obtain a license or license renewal by
 23 bribery or fraudulent representation;

24 (7) has knowingly made a false statement on a form required by the
 25 board for license or license renewal;

26 (8) has failed to obtain continuing education credits required by rules
 27 and regulations of the board;

28 (9) has been found to have engaged in unprofessional conduct as
 29 defined by applicable rules and regulations adopted by the board; ~~or~~

30 (10) has had a *professional* registration, license or certificate ~~as a~~
 31 ~~marriage and family therapist~~ revoked, suspended or limited, or has had
 32 other disciplinary action taken, or an application for registration, license or
 33 certificate denied, by the proper regulatory authority of another state,
 34 territory, District of Columbia or another country, a certified copy of the
 35 record of the action of the other jurisdiction being conclusive evidence
 36 thereof; *or*

37 (11) *has violated any lawful order or directive of the board previously*
 38 *entered by the board.*

39 (b) For issuance of a new license or reinstatement of a revoked or
 40 suspended license for a licensee or applicant for licensure with a felony
 41 conviction, the board may only issue or reinstate such license by a ²/₃
 42 majority vote.

43 (c) Administrative proceedings and disciplinary actions regarding

1 licensure under the marriage and family therapists licensure act shall be
 2 conducted in accordance with the Kansas administrative procedure act.
 3 Judicial review and civil enforcement of agency actions under the
 4 marriage and family therapists licensure act shall be in accordance with the
 5 Kansas judicial review act.

6 Sec. 13. K.S.A. 2020 Supp. 65-6411 is hereby amended to read as
 7 follows: 65-6411. (a) The board may fix the following fees, and any such
 8 fees shall be established by rules and regulations adopted by the board:

9 (1) For application for licensure as a marriage and family therapist,
 10 not to exceed \$150;

11 (2) for temporary licensure as a marriage and family therapist, not to
 12 exceed \$175;

13 (3) for original licensure as a marriage and family therapist, not to
 14 exceed \$175;

15 (4) for renewal for licensure as a marriage and family therapist, not to
 16 exceed \$175;

17 (5) for application for licensure as a clinical marriage and family
 18 therapist, not to exceed \$175;

19 (6) for original licensure as a clinical marriage and family therapist,
 20 not to exceed \$175;

21 (7) for renewal for licensure as a clinical marriage and family
 22 therapist, not to exceed \$175;

23 (8) for reinstatement of a license, not to exceed \$175;

24 (9) for replacement of a license, not to exceed \$20;

25 (10) for renewal penalty, an amount equal to the renewal of license;
 26 **and**

27 (11) for a wallet card license, not to exceed \$5; *and*

28 (12) *for application for approval as a board-approved clinical*
 29 *supervisor; not to exceed \$50.*

30 (b) Fees paid to the board are not refundable.

31 Sec. 14. K.S.A. 65-6610 is hereby amended to read as follows: 65-
 32 6610. (a) An applicant for licensure as an addiction counselor shall furnish
 33 evidence that the applicant:

34 (1) Has attained ~~the age of~~ 21 *years of age*;

35 (2) (A) has completed at least a baccalaureate degree from an
 36 addiction counseling program that is part of a college or university
 37 approved by the board; or

38 (B) has completed at least a baccalaureate degree from a college or
 39 university approved by the board. As part of, or in addition to, the
 40 baccalaureate degree coursework, such applicant shall also complete a
 41 minimum number of semester hours of coursework on substance use
 42 disorders as approved by the board; or

43 (C) is currently licensed in Kansas as a licensed baccalaureate social

1 worker and has completed a minimum number of semester hours of
2 coursework on substance use disorders as approved by the board; and

3 (3) has passed an examination approved by the board;

4 (4) has satisfied the board that the applicant is a person who merits
5 the public trust; and

6 (5) has paid the application fee established by the board under K.S.A.
7 65-6618, and amendments thereto.

8 (b) Applications for licensure as a master's addiction counselor shall
9 be made to the board on a form and in the manner prescribed by the board.
10 Each applicant shall furnish evidence satisfactory to the board that the
11 applicant:

12 (1) (A) ~~Has attained the age of 21 years of age;~~

13 (B) (i) has completed at least a master's degree from an addiction
14 counseling program that is part of a college or university approved by the
15 board;

16 (ii) has completed at least a master's degree from a college or
17 university approved by the board. As part of or in addition to the master's
18 degree coursework, such applicant shall also complete a minimum number
19 of semester hours of coursework supporting the diagnosis and treatment of
20 substance use disorders as approved by the board; or

21 (iii) is currently licensed in Kansas as a licensed master social
22 worker, licensed professional counselor, licensed marriage and family
23 therapist or licensed master's level psychologist; ~~and~~

24 (C) has passed an examination approved by the board;

25 (D) has satisfied the board that the applicant is a person who merits
26 the public trust; and

27 (E) has paid the application fee fixed under K.S.A. 65-6618, and
28 amendments thereto; or

29 (2) (A) has met the following requirements on or before July 1, 2016:

30 (i) Holds an active license by the board as an addiction counselor; and

31 (ii) has completed at least a master's degree in a related field from a
32 college or university approved by the board; and

33 (B) has completed six hours of continuing education in the diagnosis
34 and treatment of substance use disorders during the three years
35 immediately preceding the application date.

36 (c) Applications for licensure as a clinical addiction counselor shall
37 be made to the board on a form and in the manner prescribed by the board.
38 Each applicant shall furnish evidence satisfactory to the board that the
39 applicant:

40 (1) ~~Has attained the age of 21 years of age; and~~

41 (2) (A) (i) has completed at least a master's degree from an addiction
42 counseling program that is part of a college or university approved by the
43 board; and

1 (ii) has completed not less than two years of postgraduate supervised
2 professional experience in accordance with a clinical supervision plan
3 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
4 professional experience including at least 1,500 hours of direct client
5 contact conducting substance abuse assessments and treatment with
6 individuals, couples, families or groups and not less than ~~150~~ 100 hours of
7 *face-to-face* clinical supervision, *as defined by the board in rules and*
8 *regulations*, including not less than 50 hours of ~~person-to-person~~
9 individual supervision, *except that the board may waive the requirement*
10 *that such supervision be face-to-face upon a finding of extenuating*
11 *circumstances*, integrating diagnosis and treatment of substance use
12 disorders with use of the diagnostic and statistical manual of mental
13 disorders of the American psychiatric association; ~~or has completed not~~
14 ~~less than one year of postgraduate supervised professional experience in~~
15 ~~accordance with a clinical supervision plan approved by the board of not~~
16 ~~less than 2,000 hours of supervised professional experience including at~~
17 ~~least 750 hours of direct client contact conducting substance abuse~~
18 ~~assessments and treatment with individuals, couples, families or groups~~
19 ~~and not less than 75 hours of clinical supervision, including not less than~~
20 ~~25 hours of person-to-person individual supervision, integrating diagnosis~~
21 ~~and treatment of substance use disorders with use of the diagnostic and~~
22 ~~statistical manual of mental disorders of the American psychiatric~~
23 ~~association, and such person has a doctoral degree in addiction counseling~~
24 ~~or a related field as approved by the board, except that the board may~~
25 ~~wave 1/2 of the hours required by this clause for an individual who has a~~
26 ~~doctoral degree in addiction counseling or a related field approved by the~~
27 ~~board and who completes the required 1/2 of the hours in not less than one~~
28 ~~year of supervised professional experience; or~~

29 (B) (i) has completed at least a master's degree from a college or
30 university approved by the board. As part of or in addition to the master's
31 degree coursework, such applicant shall also complete a minimum number
32 of semester hours of coursework supporting the diagnosis and treatment of
33 substance use disorders as approved by the board; and

34 (ii) has completed not less than two years of postgraduate supervised
35 professional experience in accordance with a clinical supervision plan
36 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
37 professional experience including at least 1,500 hours of direct client
38 contact conducting substance abuse assessments and treatment with
39 individuals, couples, families or groups and not less than ~~150~~ 100 hours of
40 *face-to-face* clinical supervision, *as defined by the board in rules and*
41 *regulations*, including not less than 50 hours of ~~person-to-person~~
42 individual supervision, *except that the board may waive the requirement*
43 *that such supervision be face-to-face upon a finding of extenuating*

1 *circumstances*, integrating diagnosis and treatment of substance use
2 disorders with use of the diagnostic and statistical manual of mental
3 disorders of the American psychiatric association; ~~or has completed not~~
4 ~~less than one year of postgraduate supervised professional experience in~~
5 ~~accordance with a clinical supervision plan approved by the board of not~~
6 ~~less than 2,000 hours of supervised professional experience including at~~
7 ~~least 750 hours of direct client contact conducting substance abuse~~
8 ~~assessments and treatment with individuals, couples, families or groups~~
9 ~~and not less than 75 hours of clinical supervision, including not less than~~
10 ~~25 hours of person-to-person individual supervision, integrating diagnosis~~
11 ~~and treatment of substance use disorders with use of the diagnostic and~~
12 ~~statistical manual of mental disorders of the American psychiatric~~
13 ~~association, and such person has a doctoral degree in addiction counseling~~
14 ~~or a related field as approved by the board, except that the board may~~
15 ~~waive 1/2 of the hours required by this clause for an individual who has a~~
16 ~~doctoral degree in addiction counseling or a related field approved by the~~
17 ~~board and who completes the required 1/2 of the hours in not less than one~~
18 ~~year of supervised professional experience; or~~

19 (C) (i) has completed a master's degree from a college or university
20 approved by the board and is licensed by the board as a licensed master's
21 addiction counselor; and

22 (ii) has completed not less than two years of postgraduate supervised
23 professional experience in accordance with a clinical supervision plan
24 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
25 professional experience including at least 1,500 hours of direct client
26 contact conducting substance abuse assessments and treatment with
27 individuals, couples, families or groups and not less than ~~150~~ 100 hours of
28 *face-to-face* clinical supervision, *as defined by the board in rules and*
29 *regulations*, including not less than 50 hours of ~~person-to-person~~
30 individual supervision, *except that the board may waive the requirement*
31 *that such supervision be face-to-face upon a finding of extenuating*
32 *circumstances*, integrating diagnosis and treatment of substance use
33 disorders with use of the diagnostic and statistical manual of mental
34 disorders of the American psychiatric association; ~~or has completed not~~
35 ~~less than one year of postgraduate supervised professional experience in~~
36 ~~accordance with a clinical supervision plan approved by the board of not~~
37 ~~less than 2,000 hours of supervised professional experience including at~~
38 ~~least 750 hours of direct client contact conducting substance abuse~~
39 ~~assessments and treatment with individuals, couples, families or groups~~
40 ~~and not less than 75 hours of clinical supervision, including not less than~~
41 ~~25 hours of person-to-person individual supervision, integrating diagnosis~~
42 ~~and treatment of substance use disorders with use of the diagnostic and~~
43 ~~statistical manual of mental disorders of the American psychiatric~~

1 ~~association, and such person has a doctoral degree in addiction counseling~~
2 ~~or a related field as approved by the board, except that the board may~~
3 ~~waive $\frac{1}{2}$ of the hours required by this clause for an individual who has a~~
4 ~~doctoral degree in addiction counseling or a related field approved by the~~
5 ~~board and who completes the required $\frac{1}{2}$ of the hours in not less than one~~
6 ~~year of supervised professional experience; or~~

7 (D) is currently licensed in Kansas as a licensed psychologist,
8 licensed specialist clinical social worker, licensed clinical professional
9 counselor, licensed clinical psychotherapist or licensed clinical marriage
10 and family therapist and provides to the board an attestation from a
11 professional licensed to diagnose and treat mental disorders, or substance
12 use disorders, or both, in independent practice or licensed to practice
13 medicine and surgery stating that the applicant is competent to diagnose
14 and treat substance use disorders; ~~and~~

15 (3) has passed an examination approved by the board; ~~and~~

16 (4) has satisfied the board that the applicant is a person who merits
17 the public trust; and

18 (5) has paid the application fee fixed under K.S.A. 65-6618, and
19 amendments thereto.

20 Sec. 15. K.S.A. 65-6612 is hereby amended to read as follows: 65-
21 6612. (a) Upon written application and board approval, an individual who
22 is licensed to engage in the independent clinical practice of addiction
23 counseling at the clinical level in another jurisdiction ~~and~~, who is in good
24 standing in that other jurisdiction *and who has engaged in the clinical*
25 *practice of addiction counseling in that jurisdiction for at least two years*
26 *immediately preceding application* may engage in the independent practice
27 of clinical addiction counseling as provided by the addiction counselor
28 licensure act; in this state for not more than ~~15~~ 30 days per year upon
29 receipt of a temporary permit to practice issued by the board. *Such*
30 *individual engaging in such practice shall provide quarterly reports to the*
31 *board on a form approved by the board detailing the total days of practice*
32 *in this state.*

33 (b) Any clinical addiction counseling services rendered within any
34 24-hour period shall count as one entire day of clinical addiction
35 counseling services.

36 (c) The temporary permit to practice shall be effective on the date of
37 approval by the board and shall expire ~~December 31 of that year~~ *one year*
38 *after issuance.* Upon written application ~~and for good cause shown, the~~
39 ~~board may extend the temporary permit to practice no more than 15~~
40 ~~additional days not later than 30 days before the expiration of a temporary~~
41 ~~permit and under emergency circumstances, as defined by the board, the~~
42 ~~board may extend the temporary permit for not more than one additional~~
43 ~~year. Such extended temporary permit shall authorize the individual to~~

1 *practice in this state for an additional 30 days during the additional year.*
2 *Such individual engaging in such practice shall provide quarterly reports*
3 *to the board on a form approved by the board detailing the total days of*
4 *practice in this state.*

5 (d) The board shall charge a fee for a temporary permit to practice
6 and a fee for an extension of a temporary permit to practice as fixed under
7 K.S.A. 65-6618, and amendments thereto.

8 (e) A person who holds a temporary permit to practice clinical
9 addiction counseling in this state shall be deemed to have submitted to the
10 jurisdiction of the board and shall be bound by the statutes and regulations
11 that govern the practice of clinical addiction counseling in this state.

12 (f) In accordance with the Kansas administrative procedure act, the
13 board may issue a cease and desist order or assess a fine of up to \$1,000
14 per day, or both, against a person licensed in another jurisdiction who
15 engages in the independent practice of clinical addiction counseling in this
16 state without complying with the provisions of this section.

17 Sec. 16. K.S.A. 65-6615 is hereby amended to read as follows: 65-
18 6615. (a) The board may refuse to issue, renew or reinstate a license, may
19 condition, limit, revoke or suspend a license, may publicly or privately
20 censure a licensee or may impose a fine not to exceed \$1,000 per violation
21 upon a finding that a licensee or an applicant for license:

22 (1) Is incompetent to practice addiction counseling;—~~which.~~
23 *"Incompetent to practice addiction counseling"* means:

24 (A) One or more instances involving failure to adhere to the
25 applicable standard of care to a degree that constitutes gross negligence, as
26 determined by the board;

27 (B) repeated instances involving failure to adhere to the applicable
28 standard of care to a degree that constitutes ordinary negligence, as
29 determined by the board; or

30 (C) a pattern of practice or other behavior that demonstrates a
31 manifest incapacity or incompetence to practice addiction counseling;

32 (2) has been convicted of a felony offense and has not demonstrated
33 to the board's satisfaction that such person has been sufficiently
34 rehabilitated to merit the public trust;

35 (3) has been convicted of a misdemeanor against persons and has not
36 demonstrated to the board's satisfaction that such person has been
37 sufficiently rehabilitated to merit the public trust;

38 (4) is currently listed on a child abuse registry or an adult protective
39 services registry as the result of a substantiated finding of abuse or neglect
40 by any state agency, agency of another state, *the District of Columbia* or
41 the United States, territory of the United States or another country and the
42 applicant or licensee has not demonstrated to the board's satisfaction that
43 such person has been sufficiently rehabilitated to merit the public trust;

1 (5) has violated a provision of the addiction counselor licensure act or
2 one or more of the rules and regulations of the board;

3 (6) has obtained or attempted to obtain a license or license renewal by
4 bribery or fraudulent representation;

5 (7) has knowingly made a false statement on a form required by the
6 board for license or license renewal;

7 (8) has failed to obtain continuing education credits required by rules
8 and regulations of the board;

9 (9) has been found to have engaged in unprofessional conduct as
10 defined by applicable rules and regulations adopted by the board; ~~or~~

11 (10) has had a *professional* registration, license or certificate ~~as an~~
12 ~~addiction counselor~~ revoked, suspended or limited, or has had other
13 disciplinary action taken, or an application for registration, license or
14 certificate denied, by the proper regulatory authority of another state,
15 territory, District of Columbia or another country, a certified copy of the
16 record of the action of the other jurisdiction being conclusive evidence
17 thereof; *or*

18 (11) *has violated any lawful order or directive of the board previously*
19 *entered by the board.*

20 (b) For issuance of a new license or reinstatement of a revoked or
21 suspended license for a licensee or applicant for licensure with a felony
22 conviction, the board may only issue or reinstate such license by a ²/₃
23 majority vote.

24 (c) Administrative proceedings and disciplinary actions regarding
25 licensure under the addiction counselor licensure act shall be conducted in
26 accordance with the Kansas administrative procedure act. Judicial review
27 and civil enforcement of agency actions under the addiction counselor
28 licensure act shall be in accordance with the Kansas judicial review act.

29 Sec. 17. K.S.A. 74-5316a is hereby amended to read as follows: 74-
30 5316a. (a) Upon written application and board approval, an individual who
31 is licensed to engage in the independent practice of psychology in another
32 jurisdiction ~~and~~, who is in good standing in that other jurisdiction *and who*
33 *has engaged in the practice of psychology in that jurisdiction for at least*
34 *two years immediately preceding application* may engage in the
35 independent practice of psychology as provided by K.S.A. 74-5301 et seq.,
36 and amendments thereto, in this state for ~~no~~ *not* more than ~~15~~ *30* days per
37 year upon receipt of a temporary permit to practice issued by the board.
38 *Such individual engaging in such practice in this state shall provide*
39 *quarterly reports to the board on a form approved by the board detailing*
40 *the total days of practice in this state.*

41 (b) Any psychology services rendered within any 24-hour period
42 shall count as one entire day of psychology services.

43 (c) The temporary permit to practice shall be effective on the date of

1 approval by the board and shall expire ~~December 31 of that year~~ *one year*
2 *after issuance*. Upon written application ~~and for good cause shown, the~~
3 ~~board may extend the temporary permit to practice no more than 15~~
4 ~~additional days not later than 30 days before the expiration of a temporary~~
5 ~~permit and under emergency circumstances, as defined by the board, the~~
6 ~~board may extend the temporary permit for not more than one additional~~
7 ~~year. Such extended temporary permit shall authorize the individual to~~
8 ~~practice in this state for an additional 30 days during the additional year.~~
9 ~~Such individual engaging in such practice shall provide quarterly reports~~
10 ~~to the board on a form approved by the board detailing the total days of~~
11 ~~practice in this state.~~

12 (d) The board may charge a fee of a maximum of \$200 for a
13 temporary permit to practice and a fee of a maximum of \$200 for an
14 extension of a temporary permit to practice as established by rules and
15 regulations of the board.

16 (e) A person who holds a temporary permit to practice psychology in
17 this state shall be deemed to have submitted to the jurisdiction of the board
18 and shall be bound by the statutes and regulations that govern the practice
19 of psychology in this state.

20 (f) In accordance with the Kansas administrative ~~procedures~~
21 ~~procedure~~ act, the board may issue a cease and desist order or assess a fine
22 of up to \$1,000 per day, or both, against a person licensed in another
23 jurisdiction who engages in the independent practice of psychology in this
24 state without complying with the provisions of this section.

25 (g) This section shall be *a* part of and supplemental to the licensure of
26 psychologists act.

27 Sec. 18. K.S.A. 74-5324 is hereby amended to read as follows: 74-
28 5324. (a) The board may refuse to issue, renew or reinstate a license, may
29 condition, limit, revoke or suspend a license, may publicly or privately
30 censure a licensee or may impose a fine not to exceed \$1,000 per violation
31 upon a finding that a licensee or an applicant for a license:

32 (1) Is incompetent to practice psychology, ~~which~~. *"Incompetent to*
33 *practice psychology"* means:

34 (A) One or more instances involving failure to adhere to the
35 applicable standard of care to a degree that constitutes gross negligence, as
36 determined by the board;

37 (B) repeated instances involving failure to adhere to the applicable
38 standard of care to a degree that constitutes ordinary negligence, as
39 determined by the board; or

40 (C) a pattern of practice or other behavior that demonstrates a
41 manifest incapacity or incompetence to practice psychology;

42 (2) has been convicted of a felony offense and has not demonstrated
43 to the board's satisfaction that such person has been sufficiently

1 rehabilitated to merit the public trust;

2 (3) has been convicted of a misdemeanor against persons and has not
3 demonstrated to the board's satisfaction that such person has been
4 sufficiently rehabilitated to merit the public trust;

5 (4) is currently listed on a child abuse registry or an adult protective
6 services registry as the result of a substantiated finding of abuse or neglect
7 by any state agency, agency of another state or the United States, territory
8 of the United States or another country and the applicant or licensee has
9 not demonstrated to the board's satisfaction that such person has been
10 sufficiently rehabilitated to merit the public trust;

11 (5) has violated a provision of the licensure of psychologists act of
12 the state of Kansas or one or more rules and regulations of the board;

13 (6) has obtained or attempted to obtain a license or license renewal by
14 bribery or fraudulent representation;

15 (7) has knowingly made a false statement on a form required by the
16 board for a license or license renewal;

17 (8) has failed to obtain continuing education credits as required by
18 rules and regulations of the board;

19 (9) has been found to have engaged in unprofessional conduct as
20 defined by applicable rules and regulations adopted by the board; ~~or~~

21 (10) has had a *professional* registration, license or certificate ~~as a~~
22 ~~psychologist~~ revoked, suspended or limited, or has had other disciplinary
23 action taken, or an application for registration, license or certificate denied,
24 by the proper regulatory authority of another state, territory, District of
25 Columbia or another country, a certified copy of the record of the action of
26 the other jurisdiction being conclusive evidence thereof; *or*

27 (11) *has violated any lawful order or directive of the board previously*
28 *entered by the board.*

29 (b) For issuance of a new license or reinstatement of a revoked or
30 suspended license for a licensee or applicant for licensure with a felony
31 conviction, the board may only issue or reinstate such license by a ²/₃
32 majority vote.

33 (c) Administrative proceedings and disciplinary actions regarding
34 licensure under the licensure of psychologists act of the state of Kansas
35 shall be conducted in accordance with the Kansas administrative procedure
36 act. Judicial review and civil enforcement of agency actions under the
37 licensure of psychologists of the state of Kansas act shall be in accordance
38 with the Kansas judicial review act.

39 Sec. 19. K.S.A. 74-5363 is hereby amended to read as follows: 74-
40 5363. (a) Any person who desires to be licensed under this act shall apply
41 to the board in writing, on forms prepared and furnished by the board.
42 Each application shall contain appropriate documentation of the particular
43 qualifications required by the board and shall be accompanied by the

1 required fee.

2 (b) The board shall license as a licensed master's level psychologist
3 any applicant for licensure who pays the fee prescribed by the board under
4 K.S.A. 74-5365, and amendments thereto, which shall not be refunded,
5 who has satisfied the board as to such applicant's training and who
6 complies with the provisions of this subsection. An applicant for licensure
7 also shall submit evidence satisfactory to the board that such applicant:

8 (1) Is at least 21 years of age;

9 (2) has satisfied the board that the applicant is a person who merits
10 public trust;

11 (3) has received at least 60 graduate hours including a master's degree
12 in psychology based on a program of studies in psychology from an
13 educational institution having a graduate program in psychology consistent
14 with state universities of Kansas; or until July 1, 2003, has received at least
15 a master's degree in psychology and during such master's or post-master's
16 coursework completed a minimum of 12 semester hours or its equivalent
17 in psychological foundation courses such as, but not limited to, philosophy
18 of psychology, psychology of perception, learning theory, history of
19 psychology, motivation, and statistics and 24 semester hours or its
20 equivalent in professional core courses such as, but not limited to, two
21 courses in psychological testing, psychopathology, two courses in
22 psychotherapy, personality theories, developmental psychology, research
23 methods, social psychology; or has passed comprehensive examinations or
24 equivalent final examinations in a doctoral program in psychology and
25 during such graduate program completed a minimum of 12 semester hours
26 or its equivalent in psychological foundation courses such as, but not
27 limited to, philosophy of psychology, psychology of perception, learning
28 theory, history of psychology, motivation, and statistics and 24 semester
29 hours or its equivalent in professional core courses such as, but not limited
30 to, two courses in psychological testing, psychopathology, two courses in
31 psychotherapy, personality theories, developmental psychology, research
32 methods, social psychology;

33 (4) has completed 750 clock hours of academically supervised
34 practicum in the master's degree program or 1,500 clock hours of
35 postgraduate supervised work experience; *and*

36 (5) has passed an examination approved by the board with a
37 minimum score set by the board by rules and regulations.

38 (c) (1) Applications for licensure as a clinical psychotherapist shall be
39 made to the board on a form and in the manner prescribed by the board.
40 Each applicant shall furnish evidence satisfactory to the board that the
41 applicant:

42 (A) Is licensed by the board as a licensed master's level psychologist
43 or meets all requirements for licensure as a master's level psychologist;

1 (B) has completed 15 credit hours as part of or in addition to the
2 requirements under subsection (b) supporting diagnosis or treatment of
3 mental disorders with use of the American psychiatric association's
4 diagnostic and statistical manual, through identifiable study of:
5 Psychopathology, diagnostic assessment, interdisciplinary referral and
6 collaboration, treatment approaches and professional ethics;

7 (C) has completed a graduate level supervised clinical practicum of
8 supervised professional experience including psychotherapy and
9 assessment with individuals, couples, families or groups, integrating
10 diagnosis and treatment of mental disorders with use of the American
11 psychiatric association's diagnostic and statistical manual, with not less
12 than 350 hours of direct client contact or additional postgraduate
13 supervised experience as determined by the board;

14 (D) has completed not less than two years of postgraduate supervised
15 professional experience in accordance with a clinical supervision plan
16 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
17 professional experience including at least 1,500 hours of direct client
18 contact conducting psychotherapy and assessments with individuals,
19 couples, families or groups and not less than ~~150~~ 100 hours of *face-to-face*
20 clinical supervision, *as defined by the board in rules and regulations*,
21 including not less than 50 hours of ~~person-to-person~~ individual
22 supervision, *except that the board may waive the requirement that such*
23 *supervision be face-to-face upon a finding of extenuating circumstances*,
24 integrating diagnosis and treatment of mental disorders with use of the
25 American psychiatric association's diagnostic and statistical manual;

26 (E) for persons earning a degree under subsection (b) prior to July 1,
27 2003, in lieu of the education requirements under subparagraphs (B) and
28 (C), has completed the education requirements for licensure as a licensed
29 master's level psychologist in effect on the day immediately preceding the
30 effective date of this act;

31 (F) for persons who apply for and are eligible for a temporary license
32 to practice as a licensed master's level psychologist on the day
33 immediately preceding the effective date of this act, in lieu of the
34 education and training requirements under subparagraphs (B), (C) and (D),
35 has completed the education and training requirements for licensure as a
36 master's level psychologist in effect on the day immediately preceding the
37 effective date of this act;

38 (G) has passed an examination approved by the board with the same
39 minimum passing score as that set by the board for licensed psychologists;
40 and

41 (H) has paid the application fee, if required by the board.

42 (2) A person who was licensed or registered as a master's level
43 psychologist in Kansas at any time prior to the effective date of this act,

1 who has been actively engaged in the practice of master's level psychology
2 as a registered or licensed master's level psychologist within five years
3 prior to the effective date of this act and whose last license or registration
4 in Kansas prior to the effective date of this act was not suspended or
5 revoked, upon application to the board, payment of fees and completion of
6 applicable continuing education requirements, shall be licensed as a
7 licensed clinical psychotherapist by providing demonstration of
8 competence to diagnose and treat mental disorders through at least two of
9 the following areas acceptable to the board:

10 (A) Either: (i) Graduate coursework; or (ii) passing a national,
11 clinical examination;

12 (B) either: (i) Three years of clinical practice in a community mental
13 health center, its contracted affiliate or a state mental hospital; or (ii) three
14 years of clinical practice in other settings with demonstrated experience in
15 diagnosing or treating mental disorders; or

16 (C) attestation from one professional licensed to diagnose and treat
17 mental disorders in independent practice or licensed to practice medicine
18 and surgery that the applicant is competent to diagnose and treat mental
19 disorders.

20 (3) A licensed clinical psychotherapist may engage in the independent
21 practice of master's level psychology and is authorized to diagnose and
22 treat mental disorders specified in the edition of the diagnostic and
23 statistical manual of mental disorders of the American psychiatric
24 association designated by the board by rules and regulations. When a client
25 has symptoms of a mental disorder, a licensed clinical psychotherapist
26 shall consult with the client's primary care physician or psychiatrist to
27 determine if there may be a medical condition or medication that may be
28 causing or contributing to the client's symptoms of a mental disorder. A
29 client may request in writing that such consultation be waived and such
30 request shall be made a part of the client's record. A licensed clinical
31 psychotherapist may continue to evaluate and treat the client until such
32 time that the medical consultation is obtained or waived.

33 (d) The board shall adopt rules and regulations establishing the
34 criteria ~~which~~ that an educational institution shall satisfy in meeting the
35 requirements established under subsection (b)(3). The board may send a
36 questionnaire developed by the board to any educational institution for
37 which the board does not have sufficient information to determine whether
38 the educational institution meets the requirements of subsection (b)(3) and
39 rules and regulations adopted under this section. The questionnaire
40 providing the necessary information shall be completed and returned to the
41 board in order for the educational institution to be considered for approval.
42 The board may contract with investigative agencies, commissions or
43 consultants to assist the board in obtaining information about educational

1 institutions. In entering such contracts the authority to approve educational
2 institutions shall remain solely with the board.

3 Sec. 20. K.S.A. 74-5367a is hereby amended to read as follows: 74-

4 5367a. (a) Upon written application and board approval, an individual who
5 is licensed to engage in the independent clinical practice of masters level
6 psychology at the clinical level in another jurisdiction ~~and~~, who is in good
7 standing in that other jurisdiction *and who has engaged in the clinical*
8 *practice of masters level psychology in that jurisdiction for at least two*
9 *years immediately preceding application* may engage in the independent
10 practice of clinical masters level psychology as provided by K.S.A. 74-
11 5361 et seq., and amendments thereto, in this state for ~~no~~ *not* more than ~~15~~
12 *30* days per year upon receipt of a temporary permit to practice issued by
13 the board. *Such individual engaging in such practice in this state shall*
14 *provide quarterly reports to the board on a form approved by the board*
15 *detailing the total days of practice in this state.*

16 (b) Any clinical masters level psychology services rendered within
17 any 24-hour period shall count as one entire day of clinical masters level
18 psychology services.

19 (c) The temporary permit to practice shall be effective on the date of
20 approval by the board and shall expire ~~December 31 of that year~~ *one year*
21 *after issuance.* Upon written application ~~and for good cause shown, the~~
22 ~~board may extend the temporary permit to practice no more than 15~~
23 ~~additional days not later than 30 days before the expiration of a temporary~~
24 ~~permit and under emergency circumstances, as defined by the board, the~~
25 ~~board may extend the temporary permit for not more than one additional~~
26 ~~year. Such extended temporary permit shall authorize the individual to~~
27 ~~practice in this state for an additional 30 days during the additional year.~~
28 *Such individual engaging in such practice shall provide quarterly reports*
29 *to the board on a form approved by the board detailing the total days of*
30 *practice in this state.*

31 (d) The board may charge a fee of a maximum of \$200 for a
32 temporary permit to practice and a fee of a maximum of \$200 for an
33 extension of a temporary permit to practice as established by rules and
34 regulations of the board.

35 (e) A person who holds a temporary permit to practice clinical
36 masters level psychology in this state shall be deemed to have submitted to
37 the jurisdiction of the board and shall be bound by the statutes and
38 regulations that govern the practice of clinical masters level psychology in
39 this state.

40 (f) In accordance with the Kansas administrative ~~procedures~~
41 ~~procedure~~ act, the board may issue a cease and desist order or assess a fine
42 of up to \$1,000 per day, or both, against a person licensed in another
43 jurisdiction who engages in the independent practice of clinical masters

1 level psychology in this state without complying with the provisions of
2 this section.

3 (g) This act shall be a part of and supplemental to the licensure of
4 masters level psychologists act.

5 Sec. 21. K.S.A. 74-5369 is hereby amended to read as follows: 74-
6 5369. (a) The board may refuse to issue, renew or reinstate a license, may
7 condition, limit, revoke or suspend a license, may publicly or privately
8 censure a licensee or may impose a fine not to exceed \$1,000 per violation
9 upon a finding that a licensee or an applicant for licensure:

10 (1) Is incompetent to practice psychology, ~~which~~. "*Incompetent to*
11 *practice psychology*" means:

12 (A) One or more instances involving failure to adhere to the
13 applicable standard of care to a degree that constitutes gross negligence, as
14 determined by the board;

15 (B) repeated instances involving failure to adhere to the applicable
16 standard of care to a degree that constitutes ordinary negligence, as
17 determined by the board; or

18 (C) a pattern of practice or other behavior that demonstrates a
19 manifest incapacity or incompetence to practice master's level psychology;

20 (2) has been convicted of a felony offense and has not demonstrated
21 to the board's satisfaction that such person has been sufficiently
22 rehabilitated to merit the public trust;

23 (3) has been convicted of a misdemeanor against persons and has not
24 demonstrated to the board's satisfaction that such person has been
25 sufficiently rehabilitated to merit the public trust;

26 (4) is currently listed on a child abuse registry or an adult protective
27 services registry as the result of a substantiated finding of abuse or neglect
28 by any state agency, agency of another state, *the District of Columbia* or
29 the United States, territory of the United States or another country and the
30 applicant or licensee has not demonstrated to the board's satisfaction that
31 such person has been sufficiently rehabilitated to merit the public trust;

32 (5) has violated a provision of the licensure of master's level
33 psychologists act or one or more rules and regulations of the board;

34 (6) has obtained or attempted to obtain a license or license renewal by
35 bribery or fraudulent representation;

36 (7) has knowingly made a false statement on a form required by the
37 board for a license or license renewal;

38 (8) has failed to obtain continuing education credits as required by
39 rules and regulations adopted by the board;

40 (9) has been found to have engaged in unprofessional conduct as
41 defined by applicable rules and regulations of the board; ~~or~~

42 (10) has had a *professional* registration, license or certificate ~~as a~~
43 ~~master's level psychologist~~ revoked, suspended or limited, or has had other

1 disciplinary action taken, or an application for a registration, license or
2 certificate denied, by the proper regulatory authority of another state,
3 territory, District of Columbia or another country, a certified copy of the
4 record of the action of the other jurisdiction being conclusive evidence
5 thereof; *or*

6 *(11) has violated any lawful order or directive of the board previously*
7 *entered by the board.*

8 (b) For issuance of a new license or reinstatement of a revoked or
9 suspended license for a licensee or applicant for licensure with a felony
10 conviction, the board may only issue or reinstate such license by a ²/₃
11 majority vote.

12 (c) Administrative proceedings and disciplinary actions regarding
13 licensure under the licensure of master's level psychologists act shall be
14 conducted in accordance with the Kansas administrative procedure act.
15 Judicial review and civil enforcement of agency actions under the
16 licensure of master's level psychologists act shall be in accordance with the
17 Kansas judicial review act.

18 Sec. 22. K.S.A. 65-5804a, 65-5807a, 65-5808, 65-5809, 65-6309a,
19 65-6311, 65-6314, 65-6404, 65-6405a, 65-6408, 65-6610, 65-6612, 65-
20 6615, 74-5316a, 74-5324, 74-5363, 74-5367a and 74-5369 and K.S.A.
21 2020 Supp. 65-6306 and 65-6411 are hereby repealed.

22 Sec. 23. This act shall take effect and be in force from and after its
23 publication in the statute book.

HOUSE BILL No. 2209

By Committee on Health and Human Services

2-3

1 AN ACT concerning the behavioral sciences; relating to psychology;
2 practice and licensing thereof; enacting the psychology
3 interjurisdictional compact; providing for interjurisdictional
4 authorization to practice telepsychology and temporary in-person, face-
5 to-face psychology.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. This section shall be known and may be cited as the
9 psychology interjurisdictional compact (PSYPACT).

10 ARTICLE I

11 PURPOSE

12 WHEREAS, States license psychologists in order to protect the public
13 through verification of education, training and experience and ensure
14 accountability for professional practice; and

15 WHEREAS, This compact is intended to regulate the day-to-day
16 practice of telepsychology, the provision of psychological services using
17 telecommunications technologies, by psychologists across state boundaries
18 in the performance of their psychological practice as assigned by an
19 appropriate authority; and

20 WHEREAS, This compact is intended to regulate the temporary in-
21 person, face-to-face practice of psychology by psychologists across state
22 boundaries for 30 days within a calendar year in the performance of their
23 psychological practice as assigned by an appropriate authority; and

24 WHEREAS, This compact is intended to authorize state psychology
25 regulatory authorities to afford legal recognition, in a manner consistent
26 with the terms of the compact, to psychologists licensed in another state;
27 and

28 WHEREAS, This compact recognizes that states have a vested interest
29 in protecting the public's health and safety through their licensing and
30 regulation of psychologists and that such state regulation will best protect
31 public health and safety; and

32 WHEREAS, This compact does not apply when a psychologist is
33 licensed in both the home and receiving states; and

34 WHEREAS, This compact does not apply to permanent in-person,
35 face-to-face practice, but it does allow for authorization of temporary
36 psychological practice.

1 Consistent with these principles, this compact is designed to achieve
2 the following purposes and objectives:

3 (a) Increase public access to professional psychological services by
4 allowing for telepsychological practice across state lines as well as
5 temporary in-person, face-to-face services into a state which the
6 psychologist is not licensed to practice psychology;

7 (b) enhance the states' ability to protect the public's health and safety,
8 especially client/patient safety;

9 (c) encourage the cooperation of compact states in the areas of
10 psychology licensure and regulation;

11 (d) facilitate the exchange of information between compact states
12 regarding psychologist licensure, adverse actions and disciplinary history;

13 (e) promote compliance with the laws governing psychological
14 practice in each compact state; and

15 (f) invest all compact states with the authority to hold licensed
16 psychologists accountable through the mutual recognition of compact state
17 licenses.

18 ARTICLE II
19 DEFINITIONS

20 (a) "Adverse action" means any action taken by a state psychology
21 regulatory authority that finds a violation of a statute or regulation that is
22 identified by the state psychology regulatory authority as discipline and is
23 a matter of public record.

24 (b) "Association of state and provincial psychology boards" means
25 the recognized membership organization composed of state and provincial
26 psychology regulatory authorities responsible for the licensure and
27 registration of psychologists throughout the United States and Canada.

28 (c) "Authority to practice interjurisdictional telepsychology" means a
29 licensed psychologist's authority to practice telepsychology, within the
30 limits authorized under this compact, in another compact state.

31 (d) "Bylaws" means those bylaws established by the psychology
32 interjurisdictional compact commission pursuant to article X for its
33 governance or for directing and controlling its actions and conduct.

34 (e) "Client/patient" means the recipient of psychological services,
35 whether psychological services are delivered in the context of healthcare,
36 corporate, supervision or consulting services.

37 (f) "Commissioner" means the voting representative appointed by
38 each state psychology regulatory authority pursuant to article X.

39 (g) "Compact state" means a state, the District of Columbia or a
40 United States territory that has enacted this compact legislation and that
41 has not withdrawn pursuant to article XIII(c) or been terminated pursuant
42 to article XII(b).

43 (h) "Coordinated licensure information system" or "coordinated

1 database" means an integrated process for collecting, storing and sharing
2 information on psychologists' licensure and enforcement activities related
3 to psychology licensure laws, administered by the recognized membership
4 organization composed of state and provincial psychology regulatory
5 authorities.

6 (i) "Confidentiality" means the principle that data or information is
7 not made available or disclosed to unauthorized persons or processes.

8 (j) "Day" means any part of a day in which psychological work is
9 performed.

10 (k) "Distant state" means the compact state where a psychologist is
11 physically present, not through the use of telecommunications
12 technologies, to provide temporary in-person, face-to-face psychological
13 services.

14 (l) "E.passport" means a certificate issued by the association of state
15 and provincial psychology boards that promotes the standardization in the
16 criteria of interjurisdictional telepsychology practice and facilitates the
17 process for licensed psychologists to provide telepsychological services
18 across state lines.

19 (m) "Executive board" means a group of directors elected or
20 appointed to act on behalf of, and within the powers granted to them by,
21 the commission.

22 (n) "Home state" means a compact state where a psychologist is
23 licensed to practice psychology. If the psychologist is licensed in more
24 than one compact state and is practicing under the authorization to practice
25 interjurisdictional telepsychology, the "home state" is the compact state
26 where the psychologist is physically present when the telepsychological
27 services are delivered. If the psychologist is licensed in more than one
28 compact state and is practicing under the temporary authorization to
29 practice, the "home state" is any compact state where the psychologist is
30 licensed.

31 (o) "Identity history summary" means a summary of information
32 retained by the federal bureau of investigation, or other designee with
33 similar authority, in connection with arrests and, in some instances, federal
34 employment, naturalization or military service.

35 (p) "In-person, face-to-face" means interactions in which the
36 psychologist and the client/patient are in the same physical space and does
37 not include interactions that may occur through the use of
38 telecommunications technologies.

39 (q) "Interjurisdictional practice certificate" means a certificate issued
40 by the association of state and provincial psychology boards that grants
41 temporary authority to practice based on notification to the state
42 psychology regulatory authority of intention to practice temporarily, and
43 verification of one's qualifications for such practice.

1 (r) "License" means authorization by a state psychology regulatory
2 authority to engage in the independent practice of psychology that would
3 be unlawful without the authorization.

4 (s) "Non-compact state" means any state that is not, at the time, a
5 compact state.

6 (t) "Psychologist" means an individual licensed for the independent
7 practice of psychology.

8 (u) "Psychology interjurisdictional compact commission" or
9 "commission" means the national administration of which all compact
10 states are members.

11 (v) "Receiving state" means a compact state where the client/patient
12 is physically located when the telepsychological services are delivered.

13 (w) "Rule" means a written statement by the psychology
14 interjurisdictional compact commission promulgated pursuant to article XI
15 that:

16 (1) Is of general applicability;

17 (2) implements, interprets or prescribes a policy or provision of the
18 compact, or an organizational, procedural or practice requirement of the
19 commission;

20 (3) has the force and effect of statutory law in a compact state; and

21 (4) includes the amendment, repeal or suspension of an existing rule.

22 (x) "Significant investigatory information" means:

23 (1) Investigative information that a state psychology regulatory
24 authority, after a preliminary inquiry that includes notification and an
25 opportunity to respond if required by state law, has reason to believe, if
26 proven true, would indicate more than a violation of state statute or ethics
27 code that would be considered more substantial than minor infraction; or

28 (2) investigative information that indicates that the psychologist
29 represents an immediate threat to public health and safety, regardless of
30 whether the psychologist has been notified or had an opportunity to
31 respond.

32 (y) "State" means a state, commonwealth, territory or possession of
33 the United States or the District of Columbia.

34 (z) "State psychology regulatory authority" means the board, office or
35 other agency with the legislative mandate to license and regulate the
36 practice of psychology.

37 (aa) "Telepsychology" means the provision of psychological services
38 using telecommunications technologies.

39 (bb) "Temporary authorization to practice" means a licensed
40 psychologist's authority to conduct temporary in-person, face-to-face
41 practice, within the limits authorized under this compact, in another
42 compact state.

43 (cc) "Temporary in-person, face-to-face practice" means a

1 psychologist is physically present, not through the use of
2 telecommunications technologies, in the distant state to provide for the
3 practice of psychology for 30 days within a calendar year and based on
4 notification to the distant state.

5 ARTICLE III

6 HOME STATE LICENSURE

7 (a) The home state shall be a compact state where a psychologist is
8 licensed to practice psychology.

9 (b) A psychologist may hold one or more compact state licenses at a
10 time. If the psychologist is licensed in more than one compact state, the
11 home state is the compact state where the psychologist is physically
12 present when the services are delivered as authorized by the authority to
13 practice interjurisdictional telepsychology under the terms of this compact.

14 (c) Any compact state may require a psychologist not previously
15 licensed in a compact state to obtain and retain a license to be authorized
16 to practice in the compact state under circumstances not authorized by the
17 authority to practice interjurisdictional telepsychology under the terms of
18 this compact.

19 (d) Any compact state may require a psychologist to obtain and retain
20 a license to be authorized to practice in a compact state under
21 circumstances not authorized by temporary authorization to practice under
22 the terms of this compact.

23 (e) A home state's license authorizes a psychologist to practice in a
24 receiving state under the authority to practice interjurisdictional
25 telepsychology only if the compact state:

26 (1) Currently requires the psychologist to hold an active e.passport;
27 (2) has a mechanism in place for receiving and investigating
28 complaints about licensed individuals;

29 (3) notifies the commission, in compliance with the terms herein, of
30 any adverse action or significant investigatory information regarding a
31 licensed individual;

32 (4) requires an identity history summary of all applicants at initial
33 licensure, including the use of the results of fingerprints or other biometric
34 data checks compliant with the requirements of the federal bureau of
35 investigation, or other designee with similar authority, not later than 10
36 years after activation of the compact; and

37 (5) complies with the bylaws and rules of the commission.

38 (f) A home state's license grants temporary authorization to practice
39 to a psychologist in a distant state only if the compact state:

40 (1) Currently requires the psychologist to hold an active
41 interjurisdictional practice certificate;

42 (2) has a mechanism in place for receiving and investigating
43 complaints about licensed individuals;

1 (3) notifies the commission, in compliance with the terms herein, of
2 any adverse action or significant investigatory information regarding a
3 licensed individual;

4 (4) requires an identity history summary of all applicants at initial
5 licensure, including the use of the results of fingerprints or other biometric
6 data checks compliant with the requirements of the federal bureau of
7 investigation, or other designee with similar authority, not later than 10
8 years after activation of the compact; and

9 (5) complies with the bylaws and rules of the commission.

10 ARTICLE IV

11 COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

12 (a) Compact states shall recognize the right of a psychologist,
13 licensed in a compact state in conformance with article III, to practice
14 telepsychology in other compact states, or receiving states, in which the
15 psychologist is not licensed, under the authority to practice
16 interjurisdictional telepsychology as provided in the compact.

17 (b) To exercise the authority to practice interjurisdictional
18 telepsychology under the terms and provisions of this compact, a
19 psychologist licensed to practice in a compact state shall:

20 (1) Hold a graduate degree in psychology from an institute of higher
21 education that was, at the time the degree was awarded:

22 (A) Regionally accredited by an accrediting body recognized by the
23 United States department of education to grant graduate degrees or
24 authorized by provincial statute or royal charter to grant doctoral degrees;
25 or

26 (B) a foreign college or university deemed to be equivalent to
27 subparagraph (A) by a foreign credential evaluation service that is a
28 member of the national association of credential evaluation services or by
29 a recognized foreign credential evaluation service;

30 (2) hold a graduate degree in psychology that meets the following
31 criteria:

32 (A) The program, wherever it may be administratively housed, shall
33 be clearly identified and labeled as a psychology program. Such program
34 must specify in pertinent institutional catalogs and brochures its intent to
35 educate and train professional psychologists;

36 (B) the psychology program shall stand as a recognizable, coherent,
37 organizational entity within the institution;

38 (C) there shall be a clear authority and primary responsibility for the
39 core and specialty areas, whether or not the program cuts across
40 administrative lines;

41 (D) the program shall consist of an integrated, organized sequence of
42 study;

43 (E) there shall be an identifiable psychology faculty sufficient in size

1 and breadth to carry out its responsibilities;

2 (F) the designated director of the program shall be a psychologist and
3 a member of the core faculty;

4 (G) the program shall have an identifiable body of students who are
5 matriculated in that program for a degree;

6 (H) the program shall include supervised practicum, internship or
7 field training appropriate to the practice of psychology;

8 (I) the curriculum shall encompass a minimum of three academic
9 years of full-time graduate study for a doctoral degree and a minimum of
10 one academic year of full-time graduate study for a master's degree; and

11 (J) the program includes an acceptable residency as defined by the
12 rules of the commission;

13 (3) possess a current, full and unrestricted license to practice
14 psychology in a home state that is a compact state;

15 (4) have no history of adverse action that violates the rules of the
16 commission;

17 (5) have no criminal record history reported on an identity history
18 summary that violates the rules of the commission;

19 (6) possess a current, active e.passport;

20 (7) provide attestations in regard to areas of intended practice,
21 conformity with standards of practice, competence in telepsychology
22 technology, criminal background and knowledge and adherence to legal
23 requirements in the home and receiving states and provide a release of
24 information to allow for primary source verification in a manner specified
25 by the commission; and

26 (8) meet other criteria as defined by the rules of the commission.

27 (c) The home state maintains authority over the license of any
28 psychologist practicing into a receiving state under the authority to
29 practice interjurisdictional telepsychology.

30 (d) A psychologist practicing into a receiving state under the authority
31 to practice interjurisdictional telepsychology shall be subject to the
32 receiving state's scope of practice. A receiving state may, in accordance
33 with that state's due process law, limit or revoke a psychologist's authority
34 to practice interjurisdictional telepsychology in the receiving state and may
35 take any other necessary actions under the receiving state's applicable law
36 to protect the health and safety of the receiving state's citizens. If a
37 receiving state takes action, the state shall promptly notify the home state
38 and the commission.

39 (e) If a psychologist's license in any home state or another compact
40 state, or any authority to practice interjurisdictional telepsychology in any
41 receiving state, is restricted, suspended or otherwise limited, the e.passport
42 shall be revoked and therefore the psychologist shall not be eligible to
43 practice telepsychology in a compact state under the authority to practice

1 interjurisdictional telepsychology.

2 ARTICLE V

3 COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

4 (a) Compact states shall also recognize the right of a psychologist,
5 licensed in a compact state in conformance with Article III, to practice
6 temporarily in other compact states, or distant states, in which the
7 psychologist is not licensed, as provided in the compact.

8 (b) To exercise the temporary authorization to practice under the
9 terms and provisions of this compact, a psychologist licensed to practice in
10 a compact state shall:

11 (1) Hold a graduate degree in psychology from an institute of higher
12 education that was, at the time the degree was awarded:

13 (A) Regionally accredited by an accrediting body recognized by the
14 United States department of education to grant graduate degrees or
15 authorized by provincial statute or royal charter to grant doctoral degrees;
16 or

17 (B) a foreign college or university deemed to be equivalent to
18 subparagraph (A) by a foreign credential evaluation service that is a
19 member of the national association of credential evaluation services or by
20 a recognized foreign credential evaluation service;

21 (2) hold a graduate degree in psychology that meets the following
22 criteria:

23 (A) The program, wherever it may be administratively housed, shall
24 be clearly identified and labeled as a psychology program. Such a program
25 must specify in pertinent institutional catalogs and brochures its intent to
26 educate and train professional psychologists;

27 (B) the psychology program shall stand as a recognizable, coherent,
28 organizational entity within the institution;

29 (C) there shall be a clear authority and primary responsibility for the
30 core and specialty areas, whether or not the program cuts across
31 administrative lines;

32 (D) the program shall consist of an integrated, organized sequence of
33 study;

34 (E) there shall be an identifiable psychology faculty sufficient in size
35 and breadth to carry out its responsibilities;

36 (F) the designated director of the program shall be a psychologist and
37 a member of the core faculty;

38 (G) the program shall have an identifiable body of students who are
39 matriculated in that program for a degree;

40 (H) the program shall include supervised practicum, internship or
41 field training appropriate to the practice of psychology;

42 (I) the curriculum shall encompass a minimum of three academic
43 years of full-time graduate study for doctoral degrees and a minimum of

- 1 one academic year of full-time graduate study for master's degrees; and
- 2 (J) the program includes an acceptable residency as defined by the
- 3 rules of the commission;
- 4 (3) possess a current, full and unrestricted license to practice
- 5 psychology in a home state that is a compact state;
- 6 (4) no history of adverse action that violate the rules of the
- 7 commission;
- 8 (5) no criminal record history that violates the rules of the
- 9 commission;
- 10 (6) possess a current, active interjurisdictional practice certificate;
- 11 (7) provide attestations in regard to areas of intended practice and
- 12 work experience and provide a release of information to allow for primary
- 13 source verification in a manner specified by the commission; and
- 14 (8) meet other criteria as defined by the rules of the commission.
- 15 (c) A psychologist practicing into a distant state under the temporary
- 16 authorization to practice shall practice within the scope of practice
- 17 authorized by the distant state.
- 18 (d) A psychologist practicing into a distant state under the temporary
- 19 authorization to practice shall be subject to the distant state's authority and
- 20 law. A distant state may, in accordance with that state's due process law,
- 21 limit or revoke a psychologist's temporary authorization to practice in the
- 22 distant state and may take any other necessary actions under the distant
- 23 state's applicable law to protect the health and safety of the distant state's
- 24 citizens. If a distant state takes action, the state shall promptly notify the
- 25 home state and the commission.
- 26 (e) If a psychologist's license in any home state or another compact
- 27 state, or any temporary authorization to practice in any distant state, is
- 28 restricted, suspended or otherwise limited, the interjurisdictional practice
- 29 certificate shall be revoked and therefore the psychologist shall not be
- 30 eligible to practice in a compact state under the temporary authorization to
- 31 practice.

32 ARTICLE VI
 33 CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING
 34 STATE

35 A psychologist may practice in a receiving state under the authority to
 36 practice interjurisdictional telepsychology only in the performance of the
 37 scope of practice for psychology as assigned by an appropriate state
 38 psychology regulatory authority, as defined in the rules of the commission,
 39 and under the following circumstances:

- 40 (a) The psychologist initiates a client/patient contact in a home state
- 41 via telecommunications technologies with a client/patient in a receiving
- 42 state; and
- 43 (b) other conditions regarding telepsychology as determined by rules

1 promulgated by the commission.

2 ARTICLE VII

3 ADVERSE ACTIONS

4 (a) A home state shall have the power to impose adverse action
5 against a psychologist's license issued by the home state. A distant state
6 shall have the power to take adverse action on a psychologist's temporary
7 authorization to practice within that distant state.

8 (b) A receiving state may take adverse action on a psychologist's
9 authority to practice interjurisdictional telepsychology within that
10 receiving state. A home state may take adverse action against a
11 psychologist based on an adverse action taken by a distant state regarding
12 temporary in-person, face-to-face practice.

13 (c) If a home state takes adverse action against a psychologist's
14 license, that psychologist's authority to practice interjurisdictional
15 telepsychology is terminated and the e.passport is revoked. Furthermore,
16 that psychologist's temporary authorization to practice is terminated and
17 the interjurisdictional practice certificate is revoked.

18 (1) All home state disciplinary orders that impose adverse action shall
19 be reported to the commission in accordance with the rules promulgated
20 by the commission. A compact state shall report adverse actions in
21 accordance with the rules of the commission.

22 (2) In the event discipline is reported on a psychologist, the
23 psychologist will not be eligible for telepsychology or temporary in-
24 person, face-to-face practice in accordance with the rules of the
25 commission.

26 (3) Other actions may be imposed as determined by the rules
27 promulgated by the commission.

28 (d) A home state's psychology regulatory authority shall investigate
29 and take appropriate action with respect to reported inappropriate conduct
30 engaged in by a licensee that occurred in a receiving state as it would if
31 such conduct had occurred by a licensee within the home state. In such
32 cases, the home state's law shall control in determining any adverse action
33 against a psychologist's license.

34 (e) A distant state's psychology regulatory authority shall investigate
35 and take appropriate action with respect to reported inappropriate conduct
36 engaged in by a psychologist practicing under temporary authorization
37 practice that occurred in that distant state as it would if such conduct had
38 occurred by a licensee within the home state. In such cases, the distant
39 state's law shall control in determining any adverse action against a
40 psychologist's temporary authorization to practice.

41 (f) Nothing in this compact shall override a compact state's decision
42 that a psychologist's participation in an alternative program may be used in
43 lieu of adverse action and that such participation shall remain non-public if

1 required by the compact state's law. Compact states shall require
2 psychologists who enter any alternative programs to not provide
3 telepsychology services under the authority to practice interjurisdictional
4 telepsychology or provide temporary psychological services under the
5 temporary authorization to practice in any other compact state during the
6 term of the alternative program.

7 (g) No other judicial or administrative remedies shall be available to a
8 psychologist in the event a compact state imposes an adverse action
9 pursuant to subsection (c).

10 ARTICLE VIII

11 ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S 12 PSYCHOLOGY REGULATORY AUTHORITY

13 In addition to any other powers granted under state law, a compact
14 state's psychology regulatory authority shall have the authority under this
15 compact to:

16 (a) Issue subpoenas, for both hearings and investigations, that require
17 the attendance and testimony of witnesses and the production of evidence.
18 Subpoenas issued by a compact state's psychology regulatory authority for
19 the attendance and testimony of witnesses or the production of evidence
20 from another compact state shall be enforced in the latter state by any
21 court of competent jurisdiction, according to that court's practice and
22 procedure in considering subpoenas issued in its own proceedings. The
23 issuing state psychology regulatory authority shall pay any witness fees,
24 travel expenses, mileage and other fees required by the service statutes of
25 the state where the witnesses or evidence are located; and

26 (b) issue cease and desist or injunctive relief orders to revoke a
27 psychologist's authority to practice interjurisdictional telepsychology or
28 temporary authorization to practice.

29 (c) During the course of any investigation, a psychologist may not
30 change such psychologist's home state licensure. A home state psychology
31 regulatory authority is authorized to complete any pending investigations
32 of a psychologist and to take any actions appropriate under its law. The
33 home state psychology regulatory authority shall promptly report the
34 conclusions of such investigations to the commission. Once an
35 investigation has been completed, and pending the outcome of such
36 investigation, the psychologist may change the psychologist's home state
37 licensure. The commission shall promptly notify the new home state of
38 any such decisions as provided in the rules of the commission. All
39 information provided to the commission or distributed by compact states
40 pursuant to the psychologist shall be confidential, filed under seal and used
41 for investigatory or disciplinary matters. The commission may create
42 additional rules for mandated or discretionary sharing of information by
43 compact states.

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ARTICLE IX

COORDINATED LICENSURE INFORMATION SYSTEM

(a) The Commission shall provide for the development and maintenance of a coordinated licensure information system and reporting system containing licensure and disciplinary action information on all individuals to whom this compact is applicable in all compact states as defined by the rules of the commission.

(b) Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the commission, including:

- (1) Identifying information;
- (2) licensure data;
- (3) significant investigatory information;
- (4) adverse actions against a psychologist's license;
- (5) an indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked;
- (6) non-confidential information related to alternative program participation information;
- (7) any denial of application for licensure and the reasons for such denial; and
- (8) other information that may facilitate the administration of this compact, as determined by the rules of the commission.

(c) The coordinated database administrator shall promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state.

(d) Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the compact state reporting the information.

(e) Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the compact state reporting the information shall be removed from the coordinated database.

ARTICLE X

ESTABLISHMENT OF THE PSYCHOLOGY

INTERJURISDICTIONAL COMPACT COMMISSION

(a) The compact states hereby create and establish a joint public agency known as the psychology interjurisdictional compact commission.

(1) The commission is a body politic and an instrumentality of the compact states.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to

1 the extent it adopts or consents to participate in alternative dispute
2 resolution proceedings.

3 (3) Nothing in this compact shall be construed to be a waiver of
4 sovereign immunity.

5 (b) *Membership, Voting, and Meetings.*

6 (1) The commission shall consist of one voting representative
7 appointed by each compact state who shall serve as that state's
8 commissioner. The state psychology regulatory authority shall appoint its
9 delegate. This delegate shall be empowered to act on behalf of the compact
10 state. This delegate shall be limited to:

11 (A) The executive director, executive secretary or similar executive;

12 (B) a current member of the state psychology regulatory authority of
13 a compact state; or

14 (C) a designee empowered with the appropriate delegate authority to
15 act on behalf of the compact state.

16 (2) Any commissioner may be removed or suspended from office as
17 provided by the law of the state from which the commissioner is
18 appointed. Any vacancy occurring in the commission shall be filled in
19 accordance with the laws of the compact state in which the vacancy exists.

20 (3) Each commissioner shall be entitled to one vote with regard to the
21 promulgation of rules and creation of bylaws and shall otherwise have an
22 opportunity to participate in the business and affairs of the commission. A
23 commissioner shall vote in person or by such other means as provided in
24 the bylaws. The bylaws may provide for commissioners' participation in
25 meetings by telephone or other means of communication.

26 (4) The commission shall meet at least once during each calendar
27 year. Additional meetings shall be held as set forth in the bylaws.

28 (5) All meetings shall be open to the public, and public notice of
29 meetings shall be given in the same manner as required under the
30 rulemaking provisions in article XI.

31 (6) The commission may convene in a closed, non-public meeting if
32 the commission must discuss:

33 (A) Non-compliance of a compact state with its obligations under the
34 compact;

35 (B) the employment, compensation, discipline or other personnel
36 matters, practices or procedures related to specific employees or other
37 matters related to the commission's internal personnel practices and
38 procedures;

39 (C) current, threatened or reasonably anticipated litigation against the
40 commission;

41 (D) negotiation of contracts for the purchase or sale of goods,
42 services or real estate;

43 (E) accusation against any person of a crime or formally censuring

1 any person;

2 (F) disclosure of trade secrets or commercial or financial information
3 that is privileged or confidential;

4 (G) disclosure of information of a personal nature where disclosure
5 would constitute a clearly unwarranted invasion of personal privacy;

6 (H) disclosure of investigatory records compiled for law enforcement
7 purposes;

8 (I) disclosure of information related to any investigatory reports
9 prepared by or on behalf of or for use of the commission or other
10 committee charged with responsibility for investigation or determination
11 of compliance issues pursuant to the compact; or

12 (J) matters specifically exempted from disclosure by federal and state
13 statute.

14 (7) If a meeting, or portion of a meeting, is closed pursuant to this
15 provision, the commission's legal counsel or designee shall certify that the
16 meeting may be closed and shall reference each relevant exempting
17 provision. The commission shall keep minutes that fully and clearly
18 describe all matters discussed in a meeting and shall provide a full and
19 accurate summary of actions taken of any person participating in the
20 meeting and the reasons therefor, including a description of the views
21 expressed. All documents considered in connection with an action shall be
22 identified in such minutes. All minutes and documents of a closed meeting
23 shall remain under seal, subject to release only by a majority vote of the
24 commission or order of a court of competent jurisdiction.

25 (c) The commission shall, by a majority vote of the commissioners,
26 prescribe bylaws or rules to govern its conduct as may be necessary or
27 appropriate to carry out the purposes and exercise the powers of the
28 compact, including, but not limited to:

29 (1) Establishing the fiscal year of the commission;

30 (2) providing reasonable standards and procedures:

31 (A) For the establishment and meetings of other committees; and

32 (B) governing any general or specific delegation of any authority or
33 function of the commission;

34 (3) providing reasonable procedures for calling and conducting
35 meetings of the commission, ensuring reasonable advance notice of all
36 meetings and providing an opportunity for attendance of such meetings by
37 interested parties, with enumerated exceptions designed to protect the
38 public's interest, the privacy of individuals of such proceedings and
39 proprietary information, including trade secrets. The commission may
40 meet in closed session only after a majority of the commissioners vote to
41 close a meeting to the public in whole or in part. As soon as practicable,
42 the commission shall make public a copy of the vote to close the meeting
43 revealing the vote of each commissioner, with no proxy votes allowed;

- 1 (4) establishing the titles, duties and authority and reasonable
2 procedures for the election of the officers of the commission;
- 3 (5) providing reasonable standards and procedures for the
4 establishment of the personnel policies and programs of the commission.
5 Notwithstanding any civil service or other similar law of any compact
6 state, the bylaws shall exclusively govern the personnel policies and
7 programs of the commission;
- 8 (6) promulgating a code of ethics to address permissible and
9 prohibited activities of commission members and employees;
- 10 (7) providing a mechanism for concluding the operations of the
11 commission and the equitable disposition of any surplus funds that may
12 exist after the termination of the compact after the payment or reserving of
13 all of its debts and obligations;
- 14 (8) the commission shall publish its bylaws in a convenient form and
15 file a copy thereof and a copy of any amendment thereto with the
16 appropriate agency or officer in each of the compact states;
- 17 (9) the commission shall maintain its financial records in accordance
18 with the bylaws; and
- 19 (10) the commission shall meet and take such actions as are
20 consistent with the provisions of this compact and the bylaws.
- 21 (d) The commission shall have the following powers:
- 22 (1) The authority to promulgate uniform rules to facilitate and
23 coordinate implementation and administration of this compact. Such
24 uniform rules shall have the force and effect of law and shall be binding in
25 all compact states;
- 26 (2) to bring and prosecute legal proceedings or actions in the name of
27 the commission, provided that the standing of any state psychology
28 regulatory authority or other regulatory body responsible for psychology
29 licensure to sue or be sued under applicable law shall not be affected;
- 30 (3) to purchase and maintain insurance and bonds;
- 31 (4) to borrow, accept or contract for services of personnel, including,
32 but not limited to, employees of a compact state;
- 33 (5) to hire employees, elect or appoint officers, fix compensation,
34 define duties, grant such individuals appropriate authority to carry out the
35 purposes of the compact, and to establish the commission's personnel
36 policies and programs relating to conflicts of interest, qualifications of
37 personnel and other related personnel matters;
- 38 (6) to accept any and all appropriate donations and grants of money,
39 equipment, supplies, materials and services, and to receive, utilize and
40 dispose of the same, provided that at all times the commission shall strive
41 to avoid any appearance of impropriety or conflict of interest;
- 42 (7) to lease, purchase, accept appropriate gifts or donations of, or
43 otherwise to own, hold, improve or use, any real or personal property, or

1 mixed, provided that at all times the commission shall strive to avoid any
2 appearance of impropriety;

3 (8) to sell, convey, mortgage, pledge, lease, exchange, abandon or
4 otherwise dispose of any real or personal property, or mixed;

5 (9) to establish a budget and make expenditures;

6 (10) to borrow money;

7 (11) to appoint committees, including advisory committees comprised
8 of members, state regulators, state legislators or their representatives,
9 consumer representatives and such other interested persons as may be
10 designated in this compact and the bylaws;

11 (12) to provide and receive information from, and to cooperate with,
12 law enforcement agencies;

13 (13) to adopt and use an official seal; and

14 (14) to perform such other functions as may be necessary or
15 appropriate to achieve the purposes of this compact consistent with the
16 state regulation of psychology licensure, temporary in-person, face-to-face
17 practice and telepsychology practice.

18 (e) *The Executive Board.* The elected officers shall serve as the
19 executive board, and the executive board shall have the power to act on
20 behalf of the commission according to the terms of this compact.

21 (1) The executive board shall be comprised of six members:

22 (A) Five voting members who are elected from the current
23 membership of the commission by the commission; and

24 (B) one ex-officio, nonvoting member from the recognized
25 membership organization composed of state and provincial psychology
26 regulatory authorities.

27 (2) The ex-officio member shall have served as staff or member on a
28 state psychology regulatory authority and shall be selected by its
29 respective organization.

30 (3) The commission may remove any member of the executive board
31 as provided in bylaws.

32 (4) The executive board shall meet at least annually.

33 (5) The executive board shall have the following duties and
34 responsibilities:

35 (A) Recommend to the entire commission changes to the rules or
36 bylaws, changes to this compact legislation, fees paid by compact states,
37 such as annual dues and any other applicable fees;

38 (B) ensure compact administration services are appropriately
39 provided, contractual or otherwise;

40 (C) prepare and recommend the budget;

41 (D) maintain financial records on behalf of the commission;

42 (E) monitor compact compliance of member states and provide
43 compliance reports to the commission;

1 (F) establish additional committees as necessary; and

2 (G) other duties as provided in rules or bylaws.

3 (f) *Financing of the Commission.*

4 (1) The commission shall pay, or provide for the payment of, the
5 reasonable expenses of its establishment, organization and ongoing
6 activities.

7 (2) The commission may accept any and all appropriate revenue
8 sources, donations and grants of money, equipment, supplies, materials
9 and services.

10 (3) The commission may levy on and collect an annual assessment
11 from each compact state or impose fees on other parties to cover the cost
12 of the operations and activities of the commission and its staff which must
13 be in a total amount sufficient to cover its annual budget as approved each
14 year for which revenue is not provided by other sources. The aggregate
15 annual assessment amount shall be allocated based upon a formula to be
16 determined by the commission, and the commission shall promulgate a
17 rule binding upon all compact states.

18 (4) The commission shall not incur obligations of any kind prior to
19 securing the funds adequate to meet the same, nor shall the commission
20 pledge the credit of any of the compact states, except by and with the
21 authority of the compact state.

22 (5) The commission shall keep accurate accounts of all receipts and
23 disbursements. The receipts and disbursements of the commission shall be
24 subject to the audit and accounting procedures established under its
25 bylaws. However, all receipts and disbursements of funds handled by the
26 commission shall be audited yearly by a certified or licensed public
27 accountant and the report of the audit shall be included in and become part
28 of the annual report of the commission.

29 (g) *Qualified immunity, defense, and indemnification.*

30 (1) The members, officers, executive director, employees and
31 representatives of the commission shall be immune from suit and liability,
32 either personally or in their official capacity, for any claim for damage to
33 or loss of property or personal injury or other civil liability caused by or
34 arising out of any actual or alleged act, error or omission that occurred, or
35 that the person against whom the claim is made had a reasonable basis for
36 believing occurred, within the scope of commission employment, duties or
37 responsibilities, provided that nothing in this paragraph shall be construed
38 to protect any such person from suit or liability for any damage, loss,
39 injury or liability caused by the intentional or willful or wanton
40 misconduct of that person.

41 (2) The commission shall defend any member, officer, executive
42 director, employee or representative of the commission in any civil action
43 seeking to impose liability arising out of any actual or alleged act, error or

1 omission that occurred within the scope of commission employment,
2 duties or responsibilities, or that the person against whom the claim is
3 made had a reasonable basis for believing occurred within the scope of
4 commission employment, duties or responsibilities: *Provided*, That
5 nothing herein shall be construed to prohibit that person from retaining
6 such person's own counsel: *And provided further*, That the actual or alleged
7 act, error or omission did not result from that person's intentional or willful
8 or wanton misconduct.

9 (3) The commission shall indemnify and hold harmless any member,
10 officer, executive director, employee or representative of the commission
11 for the amount of any settlement or judgment obtained against that person
12 arising out of any actual or alleged act, error or omission that occurred
13 within the scope of commission employment, duties or responsibilities, or
14 that such person had a reasonable basis for believing occurred within the
15 scope of commission employment, duties or responsibilities, provided that
16 the actual or alleged act, error or omission did not result from the
17 intentional or willful or wanton misconduct of that person.

18 ARTICLE XI
19 RULEMAKING

20 (a) The commission shall exercise its rulemaking powers pursuant to
21 the criteria set forth in this article and the rules adopted thereunder. Rules
22 and amendments shall become binding as of the date specified in each rule
23 or amendment.

24 (b) If a majority of the legislatures of the compact states rejects a rule,
25 by enactment of a statute or resolution in the same manner used to adopt
26 the compact, then such rule shall have no further force and effect in any
27 compact state.

28 (c) Rules or amendments to the rules shall be adopted at a regular or
29 special meeting of the commission.

30 (d) Prior to promulgation and adoption of a final rule or rules by the
31 commission, and at least 60 days in advance of the meeting at which the
32 rule will be considered and voted upon, the commission shall file a notice
33 of proposed rulemaking:

34 (1) On the website of the commission; and

35 (2) on the website of each compact states' psychology regulatory
36 authority or the publication in which each state would otherwise publish
37 proposed rules.

38 (e) The notice of proposed rulemaking shall include:

39 (1) The proposed time, date, and location of the meeting in which the
40 rule will be considered and voted upon;

41 (2) the text of the proposed rule or amendment and the reason for the
42 proposed rule;

43 (3) a request for comments on the proposed rule from any interested

1 person; and

2 (4) the manner in which interested persons may submit notice to the
3 commission of their intention to attend the public hearing and any written
4 comments.

5 (f) Prior to adoption of a proposed rule, the commission shall allow
6 persons to submit written data, facts, opinions and arguments, which shall
7 be made available to the public.

8 (g) The commission shall grant an opportunity for a public hearing
9 before it adopts a rule or amendment if a hearing is requested by:

10 (1) At least 25 persons who submit comments independently of each
11 other;

12 (2) a governmental subdivision or agency; or

13 (3) a duly appointed person in an association that has at least 25
14 members.

15 (h) If a hearing is held on the proposed rule or amendment, the
16 commission shall publish the place, time and date of the scheduled public
17 hearing.

18 (1) All persons wishing to be heard at the hearing shall notify the
19 executive director of the commission or other designated member in
20 writing of their desire to appear and testify at the hearing not less than five
21 business days before the scheduled date of the hearing.

22 (2) Hearings shall be conducted in a manner providing each person
23 who wishes to comment a fair and reasonable opportunity to comment
24 orally or in writing.

25 (3) No transcript of the hearing is required unless a written request for
26 a transcript is made, in which case the person requesting the transcript
27 shall bear the cost of producing the transcript. A recording may be made in
28 lieu of a transcript under the same terms and conditions as a transcript.
29 This paragraph shall not preclude the commission from making a
30 transcript or recording of the hearing if the commission so chooses.

31 (4) Nothing in this article shall be construed as requiring a separate
32 hearing on each rule. Rules may be grouped for the convenience of the
33 commission at hearings required by this section.

34 (i) Following the scheduled hearing date, or by the close of business
35 on the scheduled hearing date if the hearing was not held, the commission
36 shall consider all written and oral comments received.

37 (j) The commission shall, by majority vote of all members, take final
38 action on the proposed rule and shall determine the effective date of the
39 rule, if any, based on the rulemaking record and the full text of the rule.

40 (k) If no written notice of intent to attend the public hearing by
41 interested parties is received, the commission may proceed with
42 promulgation of the proposed rule without a public hearing.

43 (l) Upon determination that an emergency exists, the commission

1 may consider and adopt an emergency rule without prior notice,
 2 opportunity for comment, or hearing, provided that the usual rulemaking
 3 procedures provided in the compact and in this article shall be
 4 retroactively applied to the rule as soon as reasonably possible, in no event
 5 later than 90 days after the effective date of the rule. For the purposes of
 6 this provision, an emergency rule is one that must be adopted immediately
 7 in order to:

- 8 (1) Meet an imminent threat to public health, safety or welfare;
- 9 (2) prevent a loss of commission or compact state funds;
- 10 (3) meet a deadline for the promulgation of an administrative rule that
 11 is established by federal law or rule; or
- 12 (4) protect public health and safety.
- 13 (m) The commission or an authorized committee of the commission
 14 may direct revisions to a previously adopted rule or amendment for
 15 purposes of correcting typographical errors, errors in format, errors in
 16 consistency or grammatical errors. Public notice of any revisions shall be
 17 posted on the website of the commission. The revision shall be subject to
 18 challenge by any person for a period of 30 days after posting. The revision
 19 may be challenged only on grounds that the revision results in a material
 20 change to a rule. A challenge shall be made in writing and delivered to the
 21 chair of the commission prior to the end of the notice period. If no
 22 challenge is made, the revision shall take effect without further action. If
 23 the revision is challenged, the revision may not take effect without the
 24 approval of the commission.

25 ARTICLE XII

26 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

27 (a) *Oversight.*

28 (1) The executive, legislative and judicial branches of state
 29 government in each compact state shall enforce this compact and take all
 30 actions necessary and appropriate to effectuate the compact's purposes and
 31 intent. The provisions of this compact and the rules promulgated hereunder
 32 shall have standing as statutory law.

33 (2) All courts shall take judicial notice of the compact and the rules in
 34 any judicial or administrative proceeding in a compact state pertaining to
 35 the subject matter of this compact that may affect the powers,
 36 responsibilities or actions of the commission.

37 (3) The commission shall be entitled to receive service of process in
 38 any such proceeding and shall have standing to intervene in such a
 39 proceeding for all purposes. Failure to provide service of process to the
 40 commission shall render a judgment or order void as to the commission,
 41 this compact or promulgated rules.

42 (b) *Default, Technical Assistance and Termination.*

43 (1) If the commission determines that a compact state has defaulted in

1 the performance of its obligations or responsibilities under this compact or
2 the promulgated rules, the commission shall:

3 (A) Provide written notice to the defaulting state and other compact
4 states of the nature of the default, the proposed means of remedying the
5 default and any other action to be taken by the commission; and

6 (B) provide remedial training and specific technical assistance
7 regarding the default.

8 (2) If a state in default fails to remedy the default, the defaulting state
9 may be terminated from the compact upon an affirmative vote of a
10 majority of the compact states, and all rights, privileges and benefits
11 conferred by this compact shall be terminated on the effective date of
12 termination. A remedy of the default does not relieve the offending state of
13 obligations or liabilities incurred during the period of default.

14 (3) Termination of membership in the compact shall be imposed only
15 after all other means of securing compliance have been exhausted. Notice
16 of intent to suspend or terminate shall be submitted by the commission to
17 the governor and the majority and minority leaders of the defaulting state's
18 legislature and each of the compact states.

19 (4) A compact state that has been terminated is responsible for all
20 assessments, obligations and liabilities incurred through the effective date
21 of termination, including obligations that extend beyond the effective date
22 of termination.

23 (5) The commission shall not bear any costs incurred by the state that
24 is found to be in default or that has been terminated from the compact,
25 unless agreed upon in writing between the commission and the defaulting
26 state.

27 (6) The defaulting state may appeal the action of the commission by
28 petitioning the United States district court for the state of Georgia or the
29 federal district where the compact has its principal offices. The prevailing
30 member shall be awarded all costs of such litigation, including reasonable
31 attorney fees.

32 (c) *Dispute resolution.*

33 (1) Upon request by a compact state, the commission shall attempt to
34 resolve disputes related to the compact that arise among compact states
35 and between compact and non-compact states.

36 (2) The commission shall promulgate a rule providing for both
37 mediation and binding dispute resolution for disputes that arise before the
38 commission.

39 (d) *Enforcement.*

40 (1) The commission, in the reasonable exercise of its discretion, shall
41 enforce the provisions and rules of this compact.

42 (2) By majority vote, the commission may initiate legal action in the
43 United States district court for the state of Georgia or the federal district

1 where the compact has its principal offices against a compact state in
 2 default to enforce compliance with the provisions of the compact and its
 3 promulgated rules and bylaws. The relief sought may include both
 4 injunctive relief and damages. In the event judicial enforcement is
 5 necessary, the prevailing member shall be awarded all costs of such
 6 litigation, including reasonable attorney fees.

7 (3) The remedies herein shall not be the exclusive remedies of the
 8 commission. The commission may pursue any other remedies available
 9 under federal or state law.

10 ARTICLE XIII

11 DATE OF IMPLEMENTATION OF THE PSYCHOLOGY
 12 INTERJURISDICTIONAL COMPACT COMMISSION AND
 13 ASSOCIATED RULES, WITHDRAWAL AND AMENDMENTS

14 (a) The compact shall come into effect on the date on which the
 15 compact is enacted into law in the 7th compact state. The provisions that
 16 become effective at that time shall be limited to the powers granted to the
 17 commission relating to assembly and the promulgation of rules. Thereafter,
 18 the commission shall meet and exercise rulemaking powers necessary to
 19 the implementation and administration of the compact.

20 (b) Any state that joins the compact subsequent to the commission's
 21 initial adoption of the rules shall be subject to the rules as they exist on the
 22 date on which the compact becomes law in that state. Any rule that has
 23 been previously adopted by the commission shall have the full force and
 24 effect of law on the day the compact becomes law in that state.

25 (c) Any compact state may withdraw from this compact by enacting a
 26 statute repealing the same.

27 (1) A compact state's withdrawal shall not take effect until six months
 28 after enactment of the repealing statute.

29 (2) withdrawal shall not affect the continuing requirement of the
 30 withdrawing state's psychology regulatory authority to comply with the
 31 investigative and adverse action reporting requirements of this act prior to
 32 the effective date of withdrawal.

33 (d) Nothing contained in this compact shall be construed to invalidate
 34 or prevent any psychology licensure agreement or other cooperative
 35 arrangement between a compact state and a non-compact state that does
 36 not conflict with the provisions of this compact.

37 (e) This compact may be amended by the compact states. No
 38 amendment to this compact shall become effective and binding upon any
 39 compact state until it is enacted into the law of all compact states.

40 ARTICLE XIV

41 CONSTRUCTION AND SEVERABILITY

42 This compact shall be liberally construed so as to effectuate the
 43 purposes thereof. If this compact shall be held contrary to the constitution

1 of any state member thereto, the compact shall remain in full force and
2 effect as to the remaining compact states.

3 Sec. 2. This act shall take effect and be in force from and after its
4 publication in the statute book.