

**BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING AGENDA
January 10, 2022**

Due to the COVID-19 pandemic, the Board office is practicing social distancing. The office space does not allow for a meeting while practicing social distancing, therefore, the meeting will be conducted virtually on the Zoom platform.

You may view the meeting here:

<https://youtu.be/LSdAcVUX8TE>

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

The pin: 327072

If there are any technical issues during the meeting, you may call the Board office at, 785-296-3240.

The Behavioral Sciences Regulatory Board may take items out of order as necessary to accommodate the time restrictions of Board members and visitors. All times and items are subject to change

Monday, January 10, 2022

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

I. Opening Remarks, Board Chair

II. Agenda Approval

III. Public Comment - None

IV. Minutes Approval for Previous Board Meetings: September 13, 2021; September 27, 2021; and October 25, 2021

V. Executive Director's Report

VI. Staff Reports

VII. Request for Adjustments to Terms of Finalized Orders

A. Grace Meikenhous

VIII. Executive Session

IX. New Business

A. Behavior Analyst Advisory Committee Recommendations for New Members

- i. Allyson Bell (LBA) from Wichita, KS
- ii. Emily Kessler (LBA) from Leawood, KS
- iii. Christine Marie Stiehl (LBA) from Lawrence, KS
- iv. E. Alice Zhang (LBA) from Lawrence, KS

- B. Social Work Advisory Committee Recommendations for New Members
 - i. Sarah Berens (LSCSW and LMSW) from Hays, KS
 - ii. Mary Gill (LMSW) from Hillsboro, KS
 - iii. Catherine Rech (LBSW) from Topeka, KS
 - iv. Eric Schoenecker (LSCSW) from Parsons, KS
- C. Executive Director Evaluation
- D. 2022 Board Member/Advisory Committee Member Training
- E. Board Consideration of Bills During 2022 Legislative Session
- F. Interaction Between Requirements for Provisional Licenses and 2021 HB 2066
- G. Discussion on Types of Licensees Needed for Pre-Approved Continuing Education Courses
- H. Review Draft Guidance Document for Attendees of Board Meetings and Advisory Committee Meetings

X. Old Business

- A. Review Expectations for Board Members (Formerly Included in Board Governance Policy)
- B. Review Advisory Committee Policy of the BSRB (Formerly Included in Board Governance Policy)
- C. Review Language for Marriage and Family Therapy “In Residence” Change

XI. Complaint Review Committee Report

XII. Professions Reports

- A. Licensed Psychology**
- B. Social Work**
- C. Professional Counseling**
- D. Master’s Level Psychology**
- E. Marriage and Family Therapy**
- F. Addiction Counseling**
- G. Behavior Analysis**

XIII. Adjournment

**Behavioral Sciences Regulatory Board
Board Minutes
September 13, 2021
DRAFT**

Call to Order. The meeting was called to order by Chair Leslie Sewester at 10:00 a.m.

I. Roll Call.

Board Members. Members present by Zoom: David Anderson, Donna Hoener-Queal, Jacqueline Lightcap, Bruce Nystrom, Andrea Perdomo-Morales, Mary Jones, Johnna Norton, Leslie Sewester, Deb Stidham, and Carolyn Szafran.

Staff. BSRB Staff present by Zoom: David Fye, Leslie Allen, Cindy D’Ercole, and Ashley VanBuskirk. Laine Barnard, Assistant Attorney General, and Jane Weiler, Assistant Attorney General were present by Zoom.

Guests. None.

II. Agenda Approval. David Anderson moved to approve the agenda as written. Deb Stidham seconded. The motion passed.

III. Public Comment. None.

IV. Minutes Approval.

- Deb Stidham requested an amendment to correct a grammatical error. Carolyn Szafran moved to approve the minutes from the Board meeting on July 12, 2021, with the change. Deb Stidham seconded. The motion passed.

V. Executive Director’s Report. David Fye, Executive Director for the BSRB, reported on the following items:

- **Former Executive Director of the BSRB, Mary Ann Gabel, Passed Away on September 1, 2021.** Flowers were sent to the visitation on behalf of the Board.
- **Update on BSRB YouTube Channel.** Since the launch of the BSRB YouTube channel in January 2021, the agency has streamed or uploaded 29 videos of Board or Advisory Committee meetings. Those videos have been viewed a combined 658 times.
- **Revised Budget Estimate for FY 2022 and FY 2023 and Information on Performance Measures Due on September 15, 2021.** The budget and performance measure are due September 15, 2021.
- **Agency’s Strategic 3-Year IT Plan Has Been Submitted.** The Executive Director noted that all state agencies were required to submit an updated 3-year IT this plan has been submitted as of last week.
- **BSRB Return to Primarily Remote Work as of August 25.** The Governor recently directed most employees to working remotely, due to concerns about the COVID-19 variant.

- **Additional Technology Purchased to Support Remote Work.** The Executive Director noted that the agency recently purchased equipment from the state surplus to assist staff being able to work from home.
- **BSRB Hiring a Senior Administrative Assistant, Advertisement Closing September 23, 2021.** One of the agency staff members resigned and the agency is advertising the position. The agency hopes to fill the position quickly.
- **Board Governance Policy.** The Executive Director noted he has been reviewing the Board Governance Policy and has reached out to the Attorney General's office for guidance on certain topics. He noted he has also reached out to different agencies for comparisons of practices.
- **PSYPACT.** The 2021 Legislature enacted legislation to add Kansas to a multi-state compact for Licensed Psychologists named PSYPACT, with an effective date of January 1, 2022. While the Commissioner for Kansas would not have voting rights until January 2022, the Board was asked to identify a Commissioner for discussion purposes at meetings and the Board has selected the Executive Director as the Commissioner for PSYPACT in Kansas.
- **Kansas Fights Addiction Grant Review Board.** The Executive Director reported no meetings have been scheduled for the Kansas Fights Addictions Grant Review Board, but he will continue to monitor any activities of this group and bring back information to the Board.
- **Overdose Fatality Review Board.** The Kansas Department of Health and Environment (KDHE) received a grant from the Centers for Disease Control (CDC) and can put together a group to review cases. They met on January 24th and the Executive Director attended that meeting. They are still very new so have not had many meetings and none have been scheduled as of yet.
- **Advisory Committees / Other Committees Facilitated.** Many Advisory Committees have met recently to recommend new members be added.
- **NBCC Conference August 4 – 6.** The Executive Director attended the National Board for Certified Counselors (NBCC) in Denver, CO, which was a great opportunity for the Director to learn about effective practices in other jurisdictions.

VI. Staff Reports. Leslie Allen, Assistant Director and Licensing Manager for the BSRB, provided updated information on the number of permanent licensees for active practitioners, per the distinct fields licensed by the BSRB.

VII. New Business.

- A. **Welcome New Board Public Member Donna Hoener-Queal.** The Board welcomed Donna Hoener-Queal as a new public member and Ms. Hoener-Queal introduced herself to the Board.
- B. **Appointment to Master's Level Psychology Advisory Committee and Social Work Advisory Committee.** The Board Chair appointed Donna Hoener-Queal to the Master's Level Psychology Advisory Committee and Social Work Advisory Committee as public member.
- C. **Review of BSRB Website Posting Policy.** Assistant Attorney General, Laine Barnard, discussed the current BSRB website posting policy. Assistant Attorney General, Jane Weiler discussed the disciplinary side of having actions posted on the

- website to protect the public. Both members of the Attorney General's office highlighted suggested changes to language in the policy to add clarity on what items should be posted. It was decided that the suggested changes will be brought back to the Board for consideration.
- D. **Off-Site Board Meeting/Board Retreat.** The Executive Director spoke with the Board regarding the Governor's direction not to hold in-person meetings. The Board discussed having an online option for an all-day meeting or splitting up the meeting into two different days. The Board agreed to have two different meetings. The first date would be September 27, 2021, from 9 am to 12pm. The Executive Director will send out a Doodle poll to provide options on dates for the second meeting day.
 - E. **Licensed Psychology Advisory Committee Recommendations for New Members.** The Board Chair appointed Jessica Hamilton, Tiffany Johnson and Zachary Parrett to the Licensed Psychology Advisory Committee.
 - F. **Master's Level Psychology Advisory Committee Recommendations for New Members.** The Board Chair appointed Lauren Lucht, Kari Wold and Rebecca Jabara to the Master's Level Psychology Advisory Committee.
 - G. **Composition of Behavior Analyst Advisory Committee.** The Executive Director discussed the composition of the Behavior Analyst Advisory Committee. The current Chair of the Advisory Committee is Bruce Nystrom. This Advisory Committee has not met recently, and appointments are needed. The Board reduced the number of Board members on the Advisory Committee to two members, one professional member and one public member. The Board Chair appointed Jacqueline Lightcap as public member to the Behavior Analyst Advisory Committee. The Executive Director will work with the Advisory Committee Chair to schedule a meeting and review letters of interest for new members of the committee.
 - H. **Updated Contractual Agreements with National Board for Certified Counselors (NBCC), Attorney General's Office, and Department of Administration.** The Executive Director made the Board aware of the contractual agreements with the NBCC, the Attorney General's Office, and the Department of Administration. The Executive Director asked Assistant Attorney General, Laine Barnard to review the NBCC agreement. Ms. Barnard reviewed the changes to the contract and discussed those changes with the Board. The Board feels comfortable with the Executive Director moving forward with the NBCC contract. For the yearly contract with the Attorney General's Office, the fee has not changed from last year for this fiscal year, however there may be changes in future years. The agency receives assistance from the Department of Administration for numerous things. The fee is going up a little bit, however it is not a big amount. The Board did not request any changes to the agreements.
 - I. **Review Provisional License Criteria.** The Assistant Director spoke with the Board about providing provisional licenses to applicants if individuals are short any licensure requirements, such as being short a course. These types of licenses have been handled by the agency in the past, however the Assistant Director wanted to check and see if these licenses should go before the Board for review. The Board directed staff to continue the current process and allow the Executive Director or Assistant Director finalize these decisions.

VIII. Old Business.

- A. Forum for Future Board Meetings – In Person, Online, or Hybrid.** The Executive Director recommended pausing the decisions to hold in person meetings until the agency has direction that it is safe to meet in person again. Meetings will be held virtually until further notice.
- B. Review of Applications for Individuals who Received their Education from an Institution not Accredited by a National Accrediting Body.** The Executive Director informed the Board that the agency has contracted with a couple of outside experts that are reviewing qualifications for licensure in certain cases. Andrew Secor is reviewing qualifications for the professional counselor profession. Kendal Carswell is reviewing qualifications for the addiction counselor profession.
- C. Syncing Expiration Dates for Multiple Licenses Under the BSRB.** The Executive Director reported that there are a little over 1,000 licensees that have more than one license with the Board. The Board discussed whether licensees would be able to sync up the expiration dates for licenses. The Board asked Advisory Committees to discuss this topic and report back to the Board.

- IX. Complaint Review Committee Report.** Bruce Nystrom, Chair of the Complaint Review Committee, noted the CRC met in August and he provided a brief report on the number of violations that were received.

X. Professions Reports.

- A. Licensed Psychology.** The Executive Director noted the Advisory Committee met on August 10 and discussed PSYPACT updates. The Advisory Committee members also discussed possible new Advisory Committee members and recommended 3 individuals.
- B. Social Work.** Carolyn Szafran, Co-Chair of the Advisory Committee, noted the Advisory Committee was scheduled to meet August 17, but the meeting was cancelled. The Advisory Committee will be reviewing applicants for membership at the next meeting. Next meeting is scheduled for September.
- C. Professional Counseling.** The Executive Director noted the Advisory Committee met on August 2 and discussed a multi-state compact for professional counselors which has been enacted in Georgia and Maryland. The Advisory Committee will have continued discussion on disposal of records of deceased practitioners and CEU's on diversity, equity and inclusion and their next meeting in October.
- D. Master's Level Psychology.** David Anderson, Chair of the Advisory Committee, noted the Committee met on August 17 and discussed reviewing applicants to be on the committee. The committee recommended 3 individuals to add to the committee. The Advisory Committee had continued discussion on disposal of records from diseased practitioners and CEU's on diversity, equity and inclusion. Next meeting is scheduled for October.
- E. Marriage and Family Therapy.** Mary Jones, Chair of the Advisory Committee, noted the Committee has not met since the last Board meeting but is scheduled to meet in October.

F. Addiction Counseling. Deb Stidham, Chair of the Advisory Committee, reported the Advisory Committee has not met since the last Board meeting. Next meeting is scheduled for September 24.

G. Behavior Analysis. The Executive Director will work with the Committee Chair to find a good date to meet.

XI. Adjourn. Deb Stidham motioned to adjourn the meeting. Mary Jones seconded. The motion passed.

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**Behavioral Sciences Regulatory Board
Board Minutes
September 27, 2021
DRAFT**

Call to Order. The meeting was called to order by Chair Leslie Sewester at 9:00 a.m.

I. Roll Call.

Board Members. Board Members present by Zoom: David Anderson, Donna Hoener-Queal, Jacqueline Lightcap, Bruce Nystrom, Andrea Perdomo-Morales, Mary Jones, Johnna Norton, Leslie Sewester, Laura Shaughnessy, Ric Steele, Deb Stidham, and Carolyn Szafran.

Staff. BSRB Staff present by Zoom: David Fye, Leslie Allen, and Cindy D’Ercole. Assistant Attorney General Laine Barnard and Assistant Attorney General Jane Weiler were present by Zoom.

Guests. None.

II. Agenda Approval. Laura Shaughnessy moved to approve the agenda as written. Mary Jones seconded. The motion passed.

III. Annual Planning Discussion Topics

- A. **BSRB Website Posting Policy.** The Executive Director noted the meeting packet included the current BSRB Website Posting Policy as well as draft language for potential changes recommended by legal counsel for the Board from the Attorney General’s office. Assistant Attorney General Laine Barnard highlighted changes she and Assistant Attorney General Jane Weiler recommend to better clarify for the public and for BSRB staff what items should be posted to the website in the areas of discipline. Ms. Barnard noted that the recommended language changes are not substantive, but better match the language in the Board’s mission policy and better identify what items would be posted. Additionally, these changes do not change the criteria for what items will be posted, but better explain what items will be posted. Dave Anderson moved to approve the new language for the BSRB Website Posting Policy and Ric Steele seconded the motion. The motion passed.
- B. **“Merit the Public Trust” Requirement for Licensure.** The Executive Director noted that BSRB statutes for licensure currently state that an applicant for licensure must have satisfied for the Board’s approval that the individual merits the public trust. A definition for “Merit the Public Trust,” can be found in the BSRB regulations. The agency has received questions whether this is the appropriate standard or whether a different standard should be used for licensure applicants, so the agency has asked legal representation for the Board to review this topic and provide feedback for the Board. Ms. Barnard noted that an evaluation in this area can be more subjective than evaluating educational criteria,

however after review of the definitions in the statutes and regulations, there does not appear to be a more appropriate method to evaluate licensure applicants in this area. Ms. Weiler discussed her experience with other regulatory boards and different methods used by different professions. Ms. Weiler noted that the “Merit the Public Trust” standard appears to be the best standard nationally. Board members discussed whether a standard could focus on ethics. Cindy D’Ercole, Special Investigator for the BSRB, and Leslie Allen, Assistant Director and Licensing Manager for the BSRB, noted that one issue with using “ethics” or referring to an ethical practice standard is that not all violations relate to practice. One example of this type of situation would be when an applicant has a criminal background, such having been convicted of a felony in a certain area. Board members discussed alternatives to the current language and noted that it has been helpful in certain cases when applicants supplied additional information to clarify the circumstances surrounding their situation or how they have experienced rehabilitation since the time of the incidents. Board members discussed the value of having a FAQ for applicants so that more individuals would know what information would be helpful for them to supply upfront without the Board having to follow up for that information later. Board members also discussed whether the elements in the regulatory definition of Merit the Public Trust are comprehensive enough to apply to all problems which present themselves when evaluating licensure applicants. Board members noted support for removing from the regulations the word “moral” and using terminology such as “as evidenced by” instead. Board members discussed review of attestation forms and whether language should be changed on the forms to note concerns. The Board also discussed if more information is sought, what should be the process for reviewing and considering that information. Board members also discussed whether other Boards have considered these issues and currently have similar items posted to their websites. Board members asked the Executive Director to research other Board’s websites and report back. Additionally, the Board would like legal representation from the Attorney General’s office review the regulatory language and provide recommendations on changes given the Board’s discussions.

- C. **Continuing Education Requirements in Diversity, Equity, and Inclusion.** Advisory Committees had recently discussed whether continuing education hours should be required for practitioners in the area of Diversity, Equity, and Inclusion (DEI). Board members discussed feedback from their committees, noting the value of training in this area, but expressed concerns on a requirement for hours in this area, if it would replace existing required ours in ethics and diagnosis and treatment. Board members asked if continuing education providers could be encouraged by the BSRB to offer training in this area, but Leslie Allen, Assistant Director and Licensing Manager, noted that it would be difficult for the agency to encourage offerings in a certain area. Ric Steele, Chair of the Licensed Psychology Advisory Committee, noted that the Licensed Psychology Advisory Committee recommended requiring 3 hours in DEI, and that the Advisory Committee was open to double counting of the hours, if courses could count for both ethics and DEI or diagnosis and treatment and DEI. Board members discussed the way that a requirement in DEI would be defined and discussed possible definitions of terms related to DEI. The Executive Director noted that a requirement in DEI would need the statutes to be changed, which would require a bill to be passed. Board members asked whether a change would need to be made for all professions under the BSRB. The Executive

Director noted that while there was a preference to have consistency between the professions, that was not a requirement, as there are certain differences between the professions. Board members were asked to take back the topic to Advisory Committees for further discussion on specific proposals for the Board.

- D. **Records of Deceased Practitioners.** The Executive Director noted the Board and Advisory Committees had recently discussed solutions to the issue of records that have no logical custodian, but from a single practitioner passing away unexpectedly, but also records that have been abandoned. Two questions for the Board are (1) who should take the records and (2) who should serve as custodian of the records. The Executive Director noted the Board of Healing Arts has a statute on this topic, though it was noted that there is a significant amount of difference between the two agencies in terms of available funding, and it was noted that the Board Healing Arts has fund specifically to assist with these situations. Board members discussed the benefit of having this item as a requirement for practitioners under their professional conduct standards, though several implementation questions and concerns were noted. Jane Weiler, Assistant Attorney General, stated that the Consumer Protection Division of the Attorney General’s office will seize and protect records that have confidential information if they are abandoned. Cindy D’Ercole, lead investigator for the BSRB, noted that Oregon requires certain mental health practitioners to identify another custodian of their records, though she noted that is the only state she is aware of having a requirement for mental health practitioners. Board members discussed the value of requiring practitioners to include the method records would be transferred in a disclosure statement or to provide other notice on the next custodian of their records. Laura Shaughnessy volunteered to assist the BSRB as the agency continues to research solutions in this area. The agency will investigate more information on this topic and bring it back to the Board for future consideration.
- E. **“In Residence” Educational Requirements.** The Executive Director highlighted a document showing the “in residence” educational requirements for each of the professions under the BSRB. Earlier in the year, the agency collected and shared with the Board feedback on potential changes to these requirements from representatives of educational institutions in Kansas and this topic has been discussed by Advisory Committees this past year. Leslie Allen, Assistant Director and Licensing Manager for the BSRB, highlighted the differences for “in residence” language between the professions. The Assistant Director noted the primary issue the agency has seen is from licensure applicants, including members of military families, who have obtained their degrees from online-only institutions, which may have no classes physically at an institution. Several Board members noted that they would discuss possible changes to the “in residence” requirements for their professions with their Advisory Committee members and would bring any recommendations back to the Board for discussion.
- F. **2021 Legislative Special Committee on Mental Health Modernization and Reform.** The Executive Director reported he was recently contacted by Legislative staff for the 2021 Legislative Special Committee on Mental Health Modernization and Reform (LSCMHMR), asking if he would present testimony at an upcoming committee meeting on September 28, 2021, on any actions the Board has taken that could relate to

recommendations made by the 2020 LSCMHMR. The BSRB was listed as a “lead contributor” for one recommendation, which recommended lowering the number of hours needed for individuals seeking clinical level licenses, and this recommendation was accomplished through changes requested by the Board in enacted 2021 Senate Sub. for HB 2208. The other two recommendations the BSRB was asked to address involved a workforce recommendation calling for a workforce investment plan as well as a recommendation involving quality assurance for telehealth. Members of the Board discussed that creation of new levels of licensure would involve defining scope of practice for those levels and that some of that could be driven by factors outside of the agency, such as reimbursements for services. Board members discussed other roles currently not overseen by the BSRB, such as mental health technicians, case managers, peer support, and that one of the main issues is low reimbursement rates for services. The Executive Director noted that some of the recommendations involving telehealth were accomplished through enactment of HB 2208. The Executive Director thanked the Board members for their comments and stated that he would summarize the Board member’s comments when presenting testimony to the Legislative committee.

- G. Allowing Master’s Level Practitioners to Test for a Licensed Addiction Counselor License.** The Executive Director noted that current statutory language allows master’s level (or higher) practitioners under the BSRB to test for a Master’s Addiction Counselor license, however the language does not allow for these individuals to be able to test for the lower level Addiction Counselor license. Deb Stidham, Chair of the Addiction Counselor Advisory Committee, noted that the Advisory Committee discussed this proposal and recommended the statutes be changed. Board members spoke in favor of the proposed change. Deb Stidham moved to allow master’s level practitioners of professions under the BSRB to be able to test for the Licensed Addiction Counselor examination. Carolyn Szafran seconded the motion. The motion passed.
- H. Clarification on Practitioners Providing Addiction Counseling Services in Facilities.** The Executive Director and Assistant Director were recently invited to attend a meeting held between representatives from the Kansas Department for Aging and Disability Services (KDADS) and representatives from addiction counseling facilities overseen by KDADS. The discussion at this meeting involved workforce concerns from addiction counseling facilities. The BSRB licenses individual practitioners and KDADS regulates facilities and has authority over which individuals may be hired at certain facilities to provide services. Individuals who are licensed by the BSRB at a certain level may diagnose and treat substance-related and addictive disorders, according to the DSM-5 and their level of education and training. However, providing these services does not make an individual an Addiction Counselor, as that is a specific license under the BSRB. The Executive Director noted that the information provided by the BSRB at the meeting and following the meeting is consistent with information that had been distributed by the agency in the past. The Executive Director noted that representatives from KDADS may be examining changing their position on which individuals may be hired in these facilities and it was noted that some of the information that was put forward by representatives of KDADS after the meeting had been somewhat confusing.

I. **Board Governance Policy.** The Executive Director noted the Board had previously asked him to review the Board Governance Policy (Policy) and to identify items for the Board to consider updating or changing within the Policy. The Executive Director created a report for the Board, which identified (1) items the Executive Director recommends the Board consider changing and (2) other items for the Board's review and discussion, to determine whether changes were needed. The Executive Director noted that part of his process of examining the Policy included surveying 45 small state agencies to identify the number of agencies using a similar document for their Boards or Commissions. Half of the agencies responded to the survey, and five entities use a document that is similar to the Policy used by the BSRB. The Policy is divided into three sections: (1) items concerning Board members; (2) items concerning BSRB staff members; and (3) Advisory Committee policies. The Executive Director summarized issues relating to the authority of the Policy, separation of powers concerns, current practices by the Board, and current practices of the Advisory Committees. The Executive Director provided a brief summary of several of the recommended changes in the report. Board members will review the report from the Executive Director and consider changes at the next meeting.

IV. **Adjournment.** The next meeting of the Board will be on October 25, 2021. The meeting was adjourned.

**Behavioral Sciences Regulatory Board
Board Minutes
October 25, 2021
DRAFT**

Call to Order. The meeting was called to order by Chair Leslie Sewester at 1:00 p.m.

I. Roll Call.

Board Members. Board Members present by Zoom: David Anderson, Donna Hoener-Queal, Jacqueline Lightcap, Johnna Norton, Bruce Nystrom, Andrea Perdomo-Morales, Leslie Sewester, Laura Shaughnessy, Ric Steele, Deb Stidham, and Carolyn Szafran.

Staff. BSRB Staff present by Zoom: David Fye, Leslie Allen, and Cindy D’Ercole. Assistant Attorney General Jane Weiler was present by Zoom.

Guests. None.

II. Agenda Approval. Donna Hoener-Queal moved to approve the agenda as written. Laura Shaughnessy seconded. The motion passed.

III. New Business

A. Addiction Counselor Advisory Committee Recommendations for New Members.

The Addiction Counselor Advisory Committee recommended Chad Jacobs and Charity Kossin be appointed to the Addiction Counselor Advisory Committee. Leslie Sewester, Chair of the Board, appointed Mr. Jacobs and Ms. Kossin to the Advisory Committee.

B. Professional Counselor Advisory Committee Recommendations for New Members.

The Professional Counselor Advisory Committee recommended Jessica Allison, Harriet Bachner, Michelle Fairbank, and Edil Torres Rivera be appointed to the Professional Counselor Advisory Committee. The Chair of the Board appointed Ms. Allison, Ms. Bachner, Ms. Fairbank, and Mr. Torres Rivera to the Advisory Committee.

IV. Annual Planning Discussion Topics

A. Creating Guidelines for Public Attendees of Board and Advisory Committee Meetings.

The Executive Director noted there is a need for the agency to create a document which outlines expectations for public attendees of Board meetings and Advisory Committee meetings. The Executive Director noted that while public attendees may attend meetings infrequently, if individuals wish to bring information for consideration to the Board or Advisory Committees, it is important that those individuals know the correct methods to provide information to the Board. Additionally, with the prevalence of electronic meetings, it is important for attendees over Zoom to understand what processes they must follow to ensure that the meetings of the Board are secure. The Executive Director highlighted an example of such a document, from the Legislative

House Appropriations Committee. The Executive Director noted that he will create a draft version of a document for BSRB meetings and will provide it to the Board for review at the Board's next meeting.

- B. Continued Discussion on Continuing Education Requirements in Diversity, Equity, and Inclusion.** The Executive Director noted that at the Board's meeting on September 27, 2021, the Board asked Advisory Committees to continue discussions on whether the Board should require continuing education hours in the areas of Diversity, Equity, and Inclusion (DEI) for any of the professions under the Board. The Board asked Chairs of Advisory Committees to bring back any specific proposals for the Board's consideration on this topic. Board members discussed the value of having training in diverse populations. Ric Steele, Chair of the Licensed Psychology Advisory Committee, noted that the Licensed Psychology Advisory Committee recommended requiring 3 hours of continuing education in the categories of DEI. Information was highlighted that between 7 to 10 states currently require DEI continuing education for Licensed Psychologists. Carolyn Szafran, Co-Chair of the Social Work Advisory Committee, noted the Social Work Advisory Committee discussed this topic, and the Advisory Committee preferred the training in this area to be through educational teachings as part of a curriculum. The Social Work Advisory Committee did not recommend changing continuing education requirements. Information was highlighted that 2 states currently require DEI continuing education for Social Workers. It was noted that a survey will be sent out to social workers to obtain additional input from licensees on this topic. The Board discussed how a requirement in DEI continuing education would relate to the Board's mission of public protection. Board members asked if there had been an increase in complaints related to issues connected to DEI. Cindy D'Ercole, Lead Investigator for the BSRB, noted that the BSRB has received allegations from individuals alleging discrimination, which is often alleged to be based on demographics, such as sex, gender, foster parent status, etc. The Board discussed whether continuing education changes would be effective at remedying some of the issues identified in this area. The Executive Director noted that changes to continuing education requirements would require a change to statute, so a bill would be needed to make any changes requiring additional continuing education hours for any of the professions. Ric Steele noted that he would like the recommendation of the Licensed Psychology Advisory Committee to advance from the Board to be included in draft legislation, even if Licensed Psychology would be the sole profession requiring continuing education hours in DEI. The Board permitted the recommendation for Licensed Psychology to be included draft legislation for the 2022 Legislative session. The Executive Director clarified that the proposal recommended by the Licensed Psychology Advisory Committee was to require Licensed Psychologists to obtain 3 continuing education hours in DEI each two-year licensure renewal period and double counting of DEI hours would be allowed if the DEI hours also satisfied an existing requirement in either ethics or in diagnosis and treatment.
- C. Continued Discussion on Records of Deceased Practitioners.** The Executive Director thanked Board member Laura Shaughnessy for assisting with the agency's research on this topic. At the Board's previous meeting on September 27, 2021, it was noted that certain mental health professionals in Oregon were required to identify a future custodian

of their records. The Executive Director provided language from the Oregon statutes, as well as a specific form which certain Oregon practitioners must fill out listing the future custodian of their records. Laura Shaughnessy noted she spoke with Kyle Kessler, Executive Director for the Kansas Association of Community Mental Health Centers. Mr. Kessler noted support for direction for practitioners on how to handle this issue, as there is a need for members of the public to be able to locate their records if their practitioner passed away unexpectedly. The Executive Director noted that he is still working with the Attorney General's office concerning in which instances that office would take possession of records. If records are abandoned, the Attorney General's office would seize the records, but the agency is still working out the logistics in situations where a practitioner passes away unexpectedly, but the records are in a safe location. The Executive Director noted the agency wishes to be helpful in these matters, but there are still several legal issues to resolve. To ensure that appropriate instructions can be given to practitioners to implement any new requirements, the agency needs additional time to continue to work out the logistics on a solution to this issue.

D. Continued Discussion on Board Governance Policy Potential Changes. The

Executive Director referenced the current Board Governance Policy (Policy) which was last updated in 2011, and a report created by the Executive Director identifying (1) items the Executive Director recommends the Board consider changing within the Policy and (2) other items within the Policy that should be reviewed and discussed by the Board. Noting that the Board is a creation of the Kansas Legislature, thus primarily governed by statutes, then by regulations, then by any other processes the agency agrees to follow, Board members discussed that they could either make no changes to the existing Policy, make some changes, or completely eliminate the Policy. The Executive Director noted that some of his apprehensions with the existing language in the Policy are due to concerns that the Board may not have authority over all matters described in the Policy and that some topics are already addressed in Kansas statutes elsewhere. The Executive Director noted that he spoke with Mark Skoglund, the Executive Director for the Kansas Governmental Ethics Commission, concerning some of these issues and noted that Mr. Skoglund would be available if the Board wished to have training at another Board meeting on some of the issues which may apply to Board members. Jane Weiler, Assistant Attorney General, indicated that other agencies she works with have Board member orientation documents and the majority of boards she works with have yearly ethics trainings. Board members asked for clarifications on the purpose of the Policy when it was created. Leslie Allen, Assistant Director and Licensing Manager for the BSRB, noted that the document was created over ten years ago in an effort to bring representatives from the different professions together in agreement on certain issues.

The Executive Director reviewed each of the items identified in his report for the Board. The Board discussed possible changes and agreed to make the following modifications to the Board Governance Policy:

- The Board Governance Policy would be replaced by two new documents: (1) An Expectations for Board Members (Expectations) document and (2) a separate Advisory Committee Policy;

- The Expectations document includes language noting conflicting statutes and regulations hold higher authority to provisions in this document;
- The Expectations document changes many of the “shall” phrasings in the Code of Conduct section to “should,” due to the Governor’s office having authority over the appointment and removal of Board members, rather than the Board having the authority to enforce qualifications for membership on the Board;
- The Expectations document notes that a Board member should not commit acts that would lead to investigations or complaints, replacing previous language that a Board member would not be under investigation of charges or complaints (this change is due to the BSRB having a duty to investigate any complaints, so a Board member may have no control over whether they are under investigation);
- The Expectations document clarifies that meetings of the Board take place every other month and reports by the Executive Director to the Board are provided at every full Board meeting, which reflect current practices of the Board;
- The Expectations document would not include restrictions on staff of the BSRB, aside from language relating to the Executive Director, due to state employees already having restrictions in statutes covering their activities;
- The Expectations document clarifies the yearly performance evaluation of the Executive Director of the BSRB would be performed each calendar year;
- The Advisory Committee Policy clarifies that all Board members serve on Advisory Committees. The previous language stated that the Chair of the Advisory Committee would be licensed in the profession of the Advisory Committee, but was silent to the second member of the two professions that have multiple members on the Board. The new language also states that the Chair of an Advisory Committee is not only licensed in the profession but has been appointed by the Governor to represent that profession on the Board;
- The Advisory Committee Policy includes a maximum of ten non-Board members on Advisory Committees;
- The Advisory Committee Policy does not include the phrase “Board member may serve on the Advisory Committee,” which was previously included in the Board Governance Policy. There is no restriction on previous Board members serving on the Advisory Committee, nor language that previous Board members will be automatically added to the Advisory Committees.
- The Advisory Committee Policy changes terminology to recommend the Assistant Director or Licensing Manager attend the Advisory Committee meetings, rather than the previously titled Credentialing Specialist, and notes the Assistant Attorney General representing the Board should attend when their attendance is requested;
- The Advisory Committee Policy clarifies appointments should be staggered to avoid having too many members reach maximum length of service at the same time;
- The Advisory Committee Policy includes new language on reviewing nominees for membership, noting that the Committee should work to ensure that there is diverse representation, including but not limited to, geographic setting, gender, culture, and ethnicity;

- The Advisory Committee Policy includes revised terminology to replace the use of the term “nominations,” in certain sections, so it is clear the Advisory Committee will reach recommendations for new members and those recommendations will be provided to the Chair of the Board for consideration; and
- The Advisory Committee Policy removes language that the list of recommendations would be provided to the Chair at a Board meeting and allows for appointees to be contacted by e-mail.

E. Re-Adding Language to K.S.A. 65-6306(C) to Allow “Postgraduate Supervised Experience as Determined by the Board” to Fulfill Requirements of K.S.A. 65-6306(D). The Executive Director stated that when 2021 HB 2208 was heard during the 2021 Legislative session, an amendment was added to the bill striking statutory language previously requiring 350 hours of direct client contact for individuals pursuing a clinical level social work license. However, while advocates of the amendment noted the purpose of the amendment was to eliminate the 350-hour requirement, the actual amendment struck language that followed the requirement, which previously allowed the agency to accept other postgraduate supervised experience. Leslie Allen, Assistant Director and Licensing Manager for the Board, noted that the issue with the new language is that it would only allow clinical practicums, and some individuals previously were able to satisfy the requirements for licensure with administrative practicums. The Assistant Director noted that this has already been a problem with individuals submitting training plans, to the point where if this is not changed, they may have to go back to school to do a second practicum. The Executive Director noted that he does not believe the intent of the amendment was to be limiting, so he recommended the Board add back language to allow “postgraduate supervised experience as determined by the Board.” The Board authorized the language to be included in draft legislation for the 2022 Legislative session.

F. Continued Discussion on “In Residence” Educational Requirements. The Assistant Director noted that the current regulatory language for the Marriage and Family Therapy profession requires that for any program, half of all coursework must be completed “in residence,” physically at the location of the educational institution. However, the Marriage and Family Therapy Advisory Committee recommended changing existing regulatory language to allow programs that are accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) to not be required to meet the residency requirement. This would bring this profession in line with the requirements for the Professional Counselor profession. The BSRB would require non-COAMFTE accredited programs to continue to have half of their coursework completed in residence. The Assistant Director noted that she would amend the language and bring it back to the Board for Approval.

V. Adjournment. Deb Stidham moved the Board adjourn. The motion was seconded by Laura Shaughnessy. The motion passed.

Executive Director's Report

Agency Update

- Update on BSRB YouTube Channel
- Update on Revenues and Expenditures
- Governor Directed State Employees to Return to Primarily In-Office Work as of January 4, 2022
- BSRB Hired New Administrative Assistant Tyla Wadsworth

Legislative Updates

- 2022 Legislative Session Begins Monday, January 10, 2022
- State of the State by the Governor on Tuesday, January 11, 2022
- Legislation Will Be Requested on Behalf of the Board of the BSRB
- BSRB Budget Will Be Reviewed and Approved by Both House and Senate

Other Updates

- Update on PSYPACT; Implemented in Kansas as of January 1, 2022
- Update on the Kansas Fights Addiction Grant Review Board
- Update on the Overdose Fatality Review Board
- Update on 2021 Legislative Special Committee on Mental Health Modernization and Reform

Advisory Committees / Other Committees Facilitated

- November 3- Social Work Advisory Committee
- November 4 – Master's Level Psychology Advisory Committee
- November 24 - Licensure Application Review Meeting Under the Kansas Administrative Procedure Act (KAPA)
- December 6 – Professional Counselor Advisory Committee
- December 13 – Complaint Review Committee
- December 17 – Addiction Counselor Advisory Committee
- December 28 - Licensure Application Review Meeting Under KAPA

Meetings Attended/To Be Attended

- November 10 – ASWB Administrator Forum
- November 18 – PSYPACT Commission Annual Meeting
- November 19-20 ASWB Annual Meeting of Delegate Assembly
- December 2 – 2021 Legislative Special Committee on Mental Health Modernization and Reform Telehealth Workgroup
- December 20 - Legislative Budget Committee Meeting
- January 28-29 - Federation of Associations of Regulatory Board (FARB) Conference

Behavioral Sciences Regulatory Board
History of Permanent Licenses January 2018 to Current

	July 2018	Jan 2019	July 2019	Jan 2020	Mar 2020	July 2021	Sept 2021	Nov 2021	Jan 2022
LP	984	928	949	996	1,006	988	1,016	1,035	1,046
LASW	19	18	17	15	13	9	8	9	8
LBSW	1,725	1,668	1,638	1,601	1,577	1,466	1,427	1,413	1,393
LMSW	3,862	3,854	3,927	3,881	3,861	3,970	4,016	4,022	4,006
LSCSW	2,088	2,115	2,172	2,260	2,274	2,474	2,509	2,553	2,566
LPC	813	829	847	880	882	937	953	961	956
LCPC	619	661	704	747	747	843	896	929	947
LMLP	302	305	295	289	291	294	296	298	304
LCP	297	287	288	294	293	282	284	284	286
LMFT	347	335	324	330	327	335	324	319	329
LCMFT	566	587	611	618	620	681	703	719	726
LAC	620	612	618	572	569	578	520	520	521
LMAC	343	352	363	376	375	427	432	433	432
LCAC	527	546	566	546	541	570	536	537	542
LaBA	18	13	14	14	14	12	11	13	13
LBA	175	176	199	224	229	263	270	288	292
Total									
Permanent Licenses	13,305	13,286	13,532	13,643	13,619	14,129	14,201	14,333	14,367

Note : In March 2020, the state of Kansas began to experience the COVID-19 pandemic. During this time, the Governor released Executive Orders which delayed enforcement of expiration of licenses until the end of May 2021.

Behavioral Sciences Regulatory Board

History of Permanent Licenses January 2018 to Current

	<u>July 2018</u>	<u>Jan 2019</u>	<u>July 2019</u>	<u>Jan 2020</u>	<u>Mar 2020</u>	<u>July 2021</u>	<u>Sept 2021</u>	<u>Nov 2021</u>	<u>Jan 2022</u>
Total LPs	984	928	949	996	1,006	988	1,016	1,035	1,046
Total SWs	7,694	7,655	7,754	7,757	7,725	7,919	7,960	7,997	7,973
Total PCs	1,432	1,490	1,551	1,627	1,629	1,780	1,849	1,890	1,903
Total LMLPs/LCPs	599	592	583	583	584	576	580	582	590
Total MFTs	913	922	935	948	947	1,016	1,027	1,038	1,055
Total ACs	1,490	1,510	1,547	1,494	1,485	1,575	1,488	1,490	1,495
Total BAs	193	189	213	238	243	275	281	301	305
Total Permanent Licenses	13,305	13,286	13,532	13,643	13,619	14,129	14,201	14,333	14,367

Note : In March 2020, the state of Kansas began to experience the COVID-19 pandemic. During this time, the Governor released Executive Orders which delayed the enforcement of expiration of licenses until the end of May 2021.

BSRB Guidelines for Public Attendees of Meetings

Meetings of the Behavioral Sciences Regulatory Board (BSRB) and subcommittee meetings of the BSRB, such as Advisory Committee meetings, fall under the Kansas Open Meeting Act (KOMA) and are open to the public. The KOMA does not require state agencies to provide public comment to individuals, however as part of the BSRB's public protection mission, the agency values the receipt of information and input from members of the public. To ensure that all individuals are treated in a consistent and respectful manner, the agency has created this guidance document to provide general procedures for individuals attending Board Meetings and Advisory Committee meetings as well as general guidance on topics relevant for public comment at these meetings.

Guidelines for Individuals Attending Meetings

In-Person Meetings

When Board and Advisory Committee meetings are held in-person, the BSRB will attempt to provide sufficient physical space for public attendees to be present at the meetings. Unless otherwise noted, in-person meetings will be held in the BSRB Boardroom at 700 SW Harrison St., Ste. 420, Topeka, KS. Additional public access to the meeting will be provided by the agency through the use of a conference call line and by broadcasting the meetings on the BSRB YouTube Channel. (*Note: At the present time, all Board meeting and Advisory Committee meetings are being held remotely.*)

Virtual Meetings

When Board and Advisory Committee meetings are held virtually, public access will be provided through the use of a conference call line and by broadcasting the meeting to the BSRB YouTube Channel. If the Board Chair or Advisory Committee Chair permits time for public comment to an attendee, the attendee will be provided a Zoom link to log into the meeting virtually. Individuals presenting information to the Board over Zoom should provide sufficient information to the Executive Director prior to the meeting so that the attendee may be identified in the Zoom waiting room. If individuals cannot be identified in the Zoom waiting room, they will not be admitted into the Zoom meeting. Individuals who have not received a specific Zoom link to attend the meeting will not be granted access to attend the meeting over Zoom.

General Guidance for Attendees

When attending meetings of the Board or Advisory Committees, cellular phones and other devices which create audible tones should be turned off or disabled during meetings to avoid disruptions. Attendees should avoid side-conversations that could cause distractions during meetings.

Guidelines for Presentation of Information at Meetings

Procedure for Public Comment

The Chair of the Board and Chairs of Advisory Committees will determine whether public comment will be allowed at each meeting. If time for public comment is permitted, the Chair will have authority to determine the amount of time available for public comment. Any individuals wishing to provide public comment at Board or Advisory Committee meetings should contact David Fye, Executive Director for the BSRB, no later than 48 hours prior to the meeting, by sending an e-mail to david.fye@ks.gov. Information in the e-mail to the Executive Director should make clear that the individual is seeking to provide public comment, the specific meeting being referenced, and should indicate the general topic on which the individual wishes to provide public comment. Written comment is not required to be submitted to the Executive Director, but it is strongly encouraged so that members of the Board or Advisory Committees may read the information ahead of the meeting and be better prepared to communicate with the individual providing comment. After receiving requests to provide public comment, the Executive Director will speak with the Chair to determine if public comment will be permitted at the meeting. The Executive Director will communicate the decision of the Chair to individuals requesting to provide public comment, as well as the time limit if public comment is permitted at the meeting.

At the meeting, the Chair will recognize the presenter at the appropriate time identified on the agenda. While receipt of public comment is not preceded by the formality of an oath, by appearing before the Board or an Advisory Committee, the presenter hereby certifies that the information is presented truthfully, based upon facts that are capable of verification, and offered in good faith. Presenters should promptly bring to the Board or Committee's attention any necessary corrections to information that they have previously presented. Any individuals presenting public comment should avoid exceeding the time permitted and should conduct themselves in a respectful manner when addressing the Chair and members of the Board or Advisory Committees. At the conclusion of public comment, the Chair may allow time for questions or may move to the next item on the agenda.

Topics Relevant for Public Comment

As a state agency created by the Kansas Legislature, the BSRB is governed by statutes and regulations. Information presented to the Board or Advisory Committees should be relevant to those statutes or regulations governing the agency. The Chair reserves the right to limit testimony that is, in the judgment of the Chair, not relevant to matters germane to the Board or Advisory Committees. Common examples of past public comment topics include requested changes to the statutes or regulations relating to qualifications for licensure, fees, continuing education, or unprofessional conduct of practitioners. The BSRB highly values receipt of information that a licensee may have violated the statutes and regulations for a profession regulated by the agency. However, information on a specific practitioner licensed by the BSRB, information that is relevant to an active investigation, or information that could be grounds for a complaint against a practitioner should be provided to the BSRB through the submission of a complaint/Report of Alleged Violation (RAV), rather than through public comment at a Board or Advisory Committee meeting. Use of a standardized process for receiving this information, investigating allegations, and determining possible discipline helps ensure that both members of the public and licensees are treated consistently and fairly. Instructions on the BSRB's investigation process and instructions on filing a Report of Alleged Violation with the agency can be found on the BSRB's website at <https://ksbsrb.ks.gov/complaints>.

Behavioral Sciences Regulatory Board

Expectations for Board Members

I. Authority

Insofar as the Expectations for Board Members conflicts with or limits any federal or state statute or regulation, the statute or regulation controls.

II. Mission Statement

The mission of the BSRB, in accordance with the intent of the Kansas Legislature, is to protect and serve the consumers of mental health services and the professionals that offer them, through the issuance of licenses, resolution of complaints and the creation of appropriate regulations, accomplished through efficiency, fairness and respect to all those involved.

III. Guiding Principles

- A. Persons in Kansas shall expect that licensed mental health providers are qualified, competent, and professional.
- B. Persons regulated by the BSRB shall expect equitable and fair treatment in relation to licensing activities, disciplinary processes and administrative regulations.
- C. The BSRB shall provide all services in a manner that is timely, cost efficient, courteous and competent.
- D. The BSRB shall be guided and led by ethical principles, clear policies, progressive thinking and strategic decision making.
- E. The BSRB shall respect the dignity and worth of all individuals.

IV. Services

- A. Process license applications and license renewals in a timely manner as defined by pre-established performance goals. These goals are to be set by the Executive Director and communicated to applicants and licensees at the time they initiate a service request.
- B. Take disciplinary action when appropriate.

C. Provide timely information to the public (i.e., mailing lists, list of licensees, maintain current website)

D. Maintain Rules / Regulations and Statutes

V. Code of Conduct

The purpose of the Code **of Conduct** is to instill and assure the public's trust and confidence in its regulatory board for the licensed professions. That trust must embrace the people who serve on the board, including the qualifications for public service that attracted their appointment.

A. Integrity

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

B. Conflict of Interest

A member of the BSRB **should** guard against conflict of interests.

1. Compliance

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

- a. A **Board** member of the BSRB **should** have no personal financial benefit as a result of service to the BSRB except sustenance and mileage;
- b. A **Board** member of the BSRB who may have a conflict of interest according to stated criteria **should** refrain from voting on the matter;
- c. A **Board** member of the BSRB **should** disclose any relationship with any other agency or individual involved with the BSRB and be excluded from matters involving such a conflict;
- d. A **Board** member of the BSRB serving as part of an organization working in any way with the BSRB **should** inform the Board Chair;
- e. A **Board** member of the BSRB **should** not accept any gifts or promotional items received as part of their affiliation with the agency for personal use;
- f. A **Board** member of the BSRB **should** not use the agency's name or agency information for personal gain;

C. Confidentiality

Board discussion involving any of the following matters shall remain confidential, unless the Board expressly agrees to the contrary:

1. Any discussion that occurs during executive session; and
2. Any discussion concerning actual or potential litigation.

VI. Board Meetings

A. Board Composition

Per K.S.A. 74-5401(a), 12 Board members are appointed by the Governor, including: Two licensed psychologists; two individuals licensed to engage in the practice of social work; one professional counselor, one marriage and family therapist, one master's level psychologist, one licensed addiction counselor or licensed clinical additional counselor; and four members of the Board represent the general public.

B. Meeting Schedule and Agenda Formation

Board meetings shall take place the second Monday of **every other** month, unless the Board determines otherwise.

1. The following items will always appear on the agenda:

- a. Roll Call
- b. Approval of Agenda
- c. Approval of the Minutes
- d. Public Comments
- e. Staff Reports
- f. Complaint Review Committee (CRC) Report
- g. Reports from Professional Board members

C. Chair Authority and Responsibility

1. Chair — The Chair of the BSRB shall:

- a. Preside at all meetings;
- b. Appoint members of the Advisory Committees;
- c. Appoint members of the CRC; and
- d. Appoint members to other ad hoc committees.

2. Vice-Chair — The Vice-Chair shall discharge the duties of the Chair in his/her absence, disability, resignation, or death.

D. Emergency Executive Succession

1. In the event that the Board Chair is unable to perform the duties of the Office discharge the duties of the Office to the Vice-Chair.

2. In the event that the Executive Director is unable to perform the duties of the office of Executive Director, the BSRB may request an interim Director. If the BSRB is unable to meet immediately, the Board Chair will seek an interim Director until the Board can meet.

VII. Board-Executive Director Relationship

A. Organizational Structure

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

2. The Chair of the Board will present these Board related issues to the Board;
and
3. The Executive Director will communicate to the staff the Board wishes, intentions, policies, etc.

B. Delegation to the Executive Director

1. The Executive Director shall be the administrative head of the organization, serving at all times under the Board. The Executive Director will be responsible for implementing and executing the policies and activities approved by the Board. She/He shall assist in the developing of the over-all program and shall recommend policies and activities for consideration by the Board.
2. The Executive Director shall have sole authority to employ, eliminate, and fix the duties and salaries of other employees or independent contractors of the organization, subject to policies, regulations and limitations approved by the State of Kansas.

C. Executive Expectations

1. The Executive Director shall keep the Board advised of BSRB activities by issuing a report to the Board **at each full Board meeting**, which summarizes pertinent information.
2. The Executive Director shall prepare the agenda for Board meetings in consultation with the Board Chair.
3. The Executive Director shall prepare the agenda in consultation with the Board Chair for an annual Board retreat which shall allow for issues before the Board that need in depth consideration.

D. Monitoring the Executive Director's Performance

1. The Board shall, when necessary, utilize executive session to discuss issues concerning the Executive Director. The Board shall also formally evaluate the **performance of the** Executive Director **each calendar year and on an annual basis thereafter**, with emphasis on whether set outcomes are attained.

Behavioral Sciences Regulatory Board

Advisory Committee Policy

Purpose: A BSRB Advisory Committee, as a creation of the Board, has the purpose of supporting the Board in carrying out its mission to protect the public. Members serve at the pleasure of the Board. Actions pertaining to informing, licensing, and disciplining of those persons regulated by the Board are the methods for accomplishing the mission.

Process: An Advisory Committee fulfills its purpose by addressing issues referred to it by the Board through the Advisory Committee Chair or the Executive Director. A Committee may suggest issues it believes the Board should consider by referring those through the Chair of the Advisory Committee. When the latter occurs the Board has three courses of action from which to choose:

1. The Board can agree the issue needs to be addressed at the Board level.
2. The Board can agree the issue should be addressed and refer the matter to the appropriate person or committee for additional information, review, or analysis, which will then be brought back to the Board.
3. The Board can decide to not address the issue.

Structure of the Committee: The Chair of the Committee will be a Board member licensed in the discipline of the committee **and appointed by the Governor to represent that discipline on the Board. Any other Board members appointed by the Governor to represent that discipline on the Board will serve as a member of that advisory committee.** A public member of the Board will also be a member. There will be a minimum of three and **a maximum of ten additional members appointed.** The Executive Director will be a non-voting, ex officio member. **The Assistant Director or Licensing Manager is encouraged to attend. The Assistant Attorney General representing the Board should attend meetings when their attendance is requested.**

Terms for Advisory Committee members will be two years. They will be appointed by the Chair of the BSRB and can serve up to four terms. Appointments to the committee should be staggered **to avoid having too many members of the Advisory Committee reach their maximum length of service at the same time.** The policies and procedures under which the BSRB Board Members are expected to operate will apply also to the Advisory Committee Members. The Chair of the BSRB can remove members.

Selection: Members for the Committee may be nominated by anyone, including the public, committee members, members of a professional organization — either the discipline’s own or other’s — or through self-nomination. In reviewing nominations, the Committee should work to ensure that there **is diverse representation including, but not limited to, geographic setting, gender, culture, and ethnicity. Members should provide representation of the levels of licensing for that discipline and those members should be selected from among public and private practitioners and educators.**

The Committee as a whole discusses nominations **and reaches recommendations on new members**. The nominee’s resume, a letter stating the reasons why he or she desires to be appointed, and a copy of the Board’s mission and goals to which the nominee has indicated agreement, are reviewed. The Chair of the Committee will submit the **Committee’s recommendations for new members** to the BSRB Board Chair. The Chair will review the **recommendations** and may request input before making a decision, which will be announced at a Board meeting.

After the appointment has been approved the Executive Director will inform the Advisory Committee appointee by letter **or e-mail**. The Executive Director may assist the new member by providing information, which will help orient the member to the Board’s, and Advisory Committee’s, role and function.

Draft Changes to K.A.R. 102-5-3

102-5-3. Education requirements. (a) Definitions. For purposes of this regulation, the following terms shall be defined as follows:

(1) “Core faculty member” means an individual who is part of the program’s teaching staff and who meets the following conditions:

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

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

(C) is an individual who is identified with the program and is centrally involved in program development, decision making, and student training as demonstrated by consistent inclusion of the individual’s name in public and departmental documents.

(2) “In residence,” when used to describe a student, means that the student is present at the physical location of the institution for the purpose of completing coursework during which the student and one or more core faculty members are in face-to-face contact.

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

(b) Each applicant for licensure shall meet both of the following education requirements:

(1) Each applicant shall have been awarded a master's or doctoral degree that meets the standards in subsection (c), (e), or (f).

(2) The applicant shall have completed no less than 50% of the coursework for the degree "in residence" at one institution, and the required practicum shall be completed at the same institution.

(c) To qualify for licensure with a master's or doctoral degree from a marriage and family therapy program, both of the following requirements shall be met:

(1) The college or university at which the applicant completed a master's or doctoral degree in marriage and family therapy shall be regionally accredited, with accreditation standards equivalent to those in Kansas.

(2) The marriage and family therapy program through which the applicant completed a master's or doctoral degree either shall be accredited by the commission on accreditation for marriage and family therapy education or shall meet the standards set out in subsection (d).

(d) Each marriage and family therapy program that is not accredited by the commission on accreditation for marriage and family therapy education shall meet all of these conditions:

(1) The program requires satisfactory completion by the applicant of a marriage and family therapy practicum, or its equivalent, that is provided by the program and that fulfills these conditions:

(A) Is a part-time clinical experience that integrates didactic learning with clinical experience and that is completed concurrently with didactic coursework at a typical rate of five to 10 hours of direct client contact per week;

(B) consists of at least 300 total hours of client contact; and

(C) includes at least 60 total hours of supervision that is provided by the program's core faculty and off-site supervisors. The practicum shall provide a minimum of 30 supervised hours in an individual format and no more than 30 supervised hours in a group format. Supervision shall occur at least once a week.

(2) The program requires that each marriage and family therapy student successfully complete a minimum of nine graduate semester credit hours, or the academic equivalent, in each of the following substantive content areas:

(A) Human development and family study courses in which the interplay between interpersonal and intrapersonal development is stressed and issues of gender, ethnicity, and ecosystems are addressed as they relate to human development. These courses may include studies in sexuality, sexual functioning, sexual identity, sexism, stereotyping, and racism;

(B) theoretical foundations of marital and family functioning courses, including an overview of the historical development of systems theory and cybernetics, a study of the life cycle of the family, and a study of family processes

and the modification of family structures over time. These courses may include studies in the birth of the first child, adolescent sexual development, death of a family member, and issues of context, including gender and ethnicity; and

(C) marital and family assessment and therapy courses that underscore the interdependence between diagnosis or assessment and treatment by insuring that students can use appropriate assessment instruments and methods within a systemic context. These courses shall provide a thorough understanding of the major theoretical models of systemic change, including structural, strategic, intergenerational, contextual, experiential, systemic, and behavioral theories. These courses also shall teach the principles and techniques evolving from each theory. In addition, the courses shall identify the indications and contraindications for use of each theory or technique, and shall address the rationale for intervention, the role of the therapist, and the importance of considering gender and ethnicity in selecting and using assessment and treatment methods.

(3) The program requires that each marriage and family therapy student successfully complete a minimum of three graduate semester credit hours, or the academic equivalent, in each of the following substantive content areas:

(A) A professional study course that contributes to the development of a professional attitude and identity by examining the role of professional socialization, professional organizations, licensure and certification, the code of ethics, the legal responsibilities and liabilities of clinical practice and research,

and interprofessional cooperation, as these topics relate to the profession and practice of marriage and family therapy. A generic course in ethics shall not be considered appropriate for this area of study; and

(B) a research course in which students gain an understanding of research methodology, data analysis, computer research skills, and evaluation and critical examination of professional research reports. The emphasis of the course shall be placed on the quantitative and qualitative research that is relevant to marriage and family therapy.

(4) Each applicant shall have completed no less than 50% of the coursework for the degree “in residence” at one institution, and the required practicum shall be completed at the same institution.

(e) To qualify for licensure with a master’s or doctoral degree in a related field, both of the following requirements shall be met:

(1) The college or university at which the applicant completed a master’s or doctoral degree in a related field shall be regionally accredited, with accreditation standards equivalent to those in Kansas.

(2) To be considered equivalent to a marriage and family therapy program, the related-field degree program shall have provided and the applicant shall have completed the requirements of subsection (d).

(f) To qualify for licensure with a master’s or doctoral degree in a related field with additional coursework in marriage and family therapy, both of the following requirements shall be met:

(1) The college or university at which the applicant completed a master's or doctoral degree in a related field shall be regionally accredited, with accreditation standards equivalent to those in Kansas.

(2) The marriage and family therapy program through which the applicant obtained additional coursework in marriage and family therapy either shall be accredited by the commission on accreditation for marriage and family therapy education or shall meet the standards approved by the board as set out in subsection (d).

(g) Each applicant for licensure as a clinical marriage and family therapist whose master's or doctoral degree is earned on or after July 1, 2003 shall meet the following education requirements:

(1) A graduate degree as required by the board for licensure as a licensed marriage and family therapist in accordance with subsection (c), (e), or (f); and

(2) in addition to or as a part of the academic requirements for the graduate degree, completion of 15 graduate semester credit hours, or the academic equivalent, supporting diagnosis and treatment of mental disorders using the "diagnostic and statistical manual of mental disorders" as specified in K.A.R. 102-5-14. Three of the 15 semester credit hours, or the academic equivalent, shall consist of a discrete academic course with the primary and explicit focus of psychopathology and the diagnosis and treatment of mental disorders as classified in the "diagnostic and statistical manual of mental disorders." The remaining 12 graduate semester credit hours, or their academic

equivalent, shall consist of academic courses with the primary and explicit focus of diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches, and professional ethics or other coursework that specifically contains identifiable, equivalent instruction. The 15 graduate semester credit hours shall be from an educational institution and graduate degree program meeting the requirements described in subsection (c), (e), or (f).

(h) The following activities shall not be substituted for or counted toward any of the education or supervised experience requirements set out in subsections (b) through (g):

- (1) Academic courses that the applicant completed as a part of or in conjunction with undergraduate degree requirements;
- (2) independent studies;
- (3) thesis or independent research courses;
- (4) academic coursework that has been audited rather than graded;
- (5) academic coursework for which the applicant received an incomplete or a failing grade;

(6) graduate or postgraduate coursework or experiential training provided by colleges, universities, institutes, or training programs that do not qualify under subsection (c), (e), or (f); and

(7) continuing education, an in-service activity, or on the job training.

(Authorized by K.S.A. 2010 Supp. 65- 6404 and K.S.A. 2010 Supp. 74-7507; implementing K.S.A. 2010 Supp. 65-6404; effective March 29, 1993; amended

Dec. 19, 1997; amended July 7, 2003; amended Oct. 27, 2006; amended April
15, 2011.)

RAV Statistics for FY 2022

July 2021	
Received	14
Closed	3
Total # of Cases	86

January 2022	
Received	
Closed	
Total # of Cases	

August 2021	
Received	8
Closed	15
Total # of Cases	79

February 2022	
Received	
Closed	
Total # of Cases	

September 2021	
Received	20
Closed	15
Total # of Cases	84

March 2022	
Received	
Closed	
Total # of Cases	

October 2021	
Received	13
Closed	11
Total # of Cases	86

April 2022	
Received	
Closed	
Total # of Cases	

November 2021	
Received	4
Closed	11
Total # of Cases	79

May 2022	
Received	
Closed	
Total # of Cases	

December 2021	
Received	18
Closed	16
Total # of Cases	81

June 2021	
Received	22
Closed	32
Total # of Cases	75

Cases Open by FY					
FY 2017	0	FY 2018	8	FY 2019	1
FY 2020	5	FY 2021	14	FY 2022	53
FY 2023					

RAV Statistics for FY 2022

December 2021

Cases Open by License FY 2022

Profession	# Open	Percentage
LP	7	8.64%
LMLP	0	0.00%
LCP	1	1.23%
LMFT	9	11.11%
LCMFT	8	9.88%
LPC	9	11.11%
LCPC	9	11.11%
LBSW	4	4.94%
LMSW	11	13.58%
LSCSW	16	19.75%
LAC	3	3.70%
LMAC	0	0.00%
LCAC	0	0.00%
LBA/LaBa	1	1.23%
No License	3	3.70%
Total	81	100.00%

Cases Received for FY 2022 by License

Profession	# Received	Percentage
LP	7	9.09%
LMLP	0	1.30%
LCP	1	0.00%
LMFT	9	10.39%
LCMFT	8	11.69%
LPC	4	5.19%
LCPC	9	9.09%
LBSW	2	2.60%
LMSW	11	14.29%
LSCSW	16	20.78%
LAC	3	1.30%
LMAC	0	0.00%
LCAC	1	1.30%
LBA/LaBa	1	1.30%
No License	3	11.69%
Total	77	100.00%

DISPOSITION OF CASES REVIEWED BY COMPLAINT REVIEW COMMITTEE

Time Frame - FY 2022

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Cases Reviewed		20		25		29							74
CAO/SPO		3		6		3							12
Proposed Diversion		1		5		4							10
Revocation		0		0		0							0
Suspension		1		0		0							1
Suspension stayed													0
Emergency Suspension		0		0		0							0
Public Censure		2		1		5							8
Fine Only		0		0		0							0
Cease and Desist		0		0		0							0
License Surrender		0		0		0							0
Dismissed:													
Facts did not Support		8		7		8							23
No jurisdiction		0		0		0							0
Not Docketed		3		6		4							13
													0
													0
Cautionary Letter		0		0		3							3
Non-Disciplinary Letter		1		0		0							1
Further Investigation		0		0		2							2
Suppoena (request) to Appear		0		0		0							0
Tabled to next CRC		1		0		0							1
Refer to District Attorney		0		0		0							0
Other Action		0		0		0							0
Total													74