

**BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING AGENDA
JULY 11, 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/6ToMTF7mOE4>

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, July 11, 2022

9:00 a.m. Call to Order and Roll Call

- I. Opening Remarks, Board Chair**
- II. Agenda Approval**
- III. Minutes Review and Approval for Previous Board Meeting: May 9, 2022**
- IV. Welcome New Board Members**
 - A. Cynthia Schendel, Board Member for Social Work**
 - B. Richard Nobles, Board Member for Licensed Psychology**
- V. Public Comment – None**
- VI. Executive Director’s Report**
- VII. Possible Executive Session**
- VIII. Staff Reports**
- IX. Complaint Review Committee Report**
- X. 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**

10-Minute Break

XI. Old Business

- A. Comment on Executive Director Annual Evaluation**
- B. BSRB Investigation Policy – Consideration of Changes**
- C. Review and Approval of Regulatory Language on Pre-Approved Continuing Education Providers for Marriage and Family Therapy Profession and Master’s Level Psychology Profession**
- D. Review of Postgrad Experience and Training Plan Questions for Board Discussion**

XII. New Business

- A. Election of New Chair of the Board**
- B. Election of New Vice-Chair of the Board**
- C. Appointments to the Complaint Review Committee**
- D. Possible Appointment of Complaint Review Committee Chair**
- E. Appointment of Behavior Analyst Advisory Committee Chair**
- F. Appointment of Board Members to Advisory Committees**
- G. Appointment of Advisory Committee Members**
 - i. Marriage and Family Therapy Advisory Committee**
 - 1. Chris Habben**
 - 2. Marcie Lechtenberg**
 - 3. Nicole Eitzen**
 - ii. Master’s Level Psychology Advisory Committee**
 - 1. Travis Hamrick**
- H. Consideration of Professional Counselor Advisory Committee Recommendation to Change Definition of “Related Field”**
- I. Possible Delegation Motion to Allow Alternate Presiding Officer at Advisory Committee Meetings**
- J. Possible Delegation Motion to Allow Alternate Presiding Officer at Complaint Review Committee Meetings**
- K. Possible Delegation Motions Relating to KSA 74-7501 to KSA 74-7511**
- L. Discussion of Reciprocity Requirements**
- M. Implementation of 988 National Suicide Prevention Hotline and Requirement that Practitioners have an “After-Hours” Policy**
- N. Board All-Day Planning Meeting in Late September/October (Discussion on Format)**
- O. Future Board Meetings (Discussion on Format)**

XIII. Adjournment

**BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING MINUTES
MAY 9, 2022**

DRAFT MINUTES

- I. Call to Order and Roll Call.** The meeting was called to order by Chair Leslie Sewester at 9:00 am.
- Board Members.** Board Members present by Zoom: Leslie Sewester, David Anderson, Mary Jones, Jacqueline Lightcap, Johnna Norton, Bruce Nystrom, Andrea Perdomo-Morales, 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 Jane Weiler were present by Zoom.
- Guests.** Dr. Tim Davis, Department Chair, Fort Hays State University of Social Work; Rhonda Weimer, MSW Program Director; and Kendal Carswell, MSW Field Director, were present by Zoom.
- II. Agenda Approval.** David Anderson moved to approve the agenda as written. Deb Stidham seconded. The motion passed.
- III. Minutes Approval:** Mary Jones moved to approve the minutes from the Board meeting on March 14, 2022. Carolyn Szafran seconded. The motion passed. Bruce Nystrom moved to approve the minutes from the Board meeting on April 15, 2022. Deb Stidham seconded the motion. The motion passed.
- IV. Public Comment.** David Fye, Executive Director for the BSRB, summarized the Board meeting on April 15, 2022, concerning matters relating to the Fort Hays State University online Master's of Social Work program, legislative action in SB 453 concerning graduates from this program, graduates from other social work programs that are in candidacy for accreditation from the Council on Social Work Education (CSWE), and the Board's discussion on "in residence" requirements for licensure. Representatives from Fort Hays State University were available for questions from the Board and thanked the Board.
- V. Executive Director's Report.** David Fye, Executive Director for the BSRB, reported on the following topics:
- A. BSRB YouTube Channel.** Since the BSRB YouTube Channel was launched in January 2021, the BSRB has streamed or uploaded 59 Board and Advisory Committee meetings, which have been viewed over 1,500 times.
- B. Governor's Direction on State Offices and In-Person Meetings.** The Governor has lifted many COVID-19 directions, but the limitation on in-person meetings remains in

effect, to ensure adequate spacing for attendees. Most meetings of the Board and Advisory Committees will continue to be held remotely.

- C. Revenue and Expenditures.** At the Beginning of FY 2022, the BSRB Fee Fund had a balance of almost \$2,077,000 dollars. The current balance in the fund is \$2,033,000.
- D. Advisory Committee Update.** Advisory Committees met began discussing possible changes to the unprofessional conduct regulations. The Executive Director followed up on a previous recommendation by the Behavior Analyst Advisory Committee to request legislation to add a member to the Board to represent the Behavioral Analyst profession. The Executive Director reached out to the Kansas Legislative Research Department (KLRD) to clarify any requirements on the ratio of public to professional members. Representatives from KLRD provided information on the ratio of public members to professional members on boards, which showed that the ratio used by the BSRB is in-line with most agencies. Representatives from KLRD clarified that they are unaware of any state-wide restrictions on a ratio of public members to professional members on state agency boards.
- E. Expert Review Process.** The BSRB is still seeking additional experts to assist with the review process of certain applicants that did not attend a school that was accredited by a national accreditation body. If Board members wish to recommend additional experts, they should contact the Executive Director.
- F. SPARK Taskforce Update.** The BSRB applied for funding from the Kansas Strengthening People and Revitalizing Kansas (SPARK) Taskforce, as a modernization project, to convert paper records into electronic records. The Executive Director noted he has not received any news that the proposal was recommended by the Taskforce, so he stated it is unlikely that the BSRB will receive funding, but the BSRB will continue to seek creative funding opportunities for this project.
- G. Legislative Updates.** The Executive Director noted that the BSRB's budget for FY 2022 and FY 2023 was approved by the Legislature in the appropriations bill (House Sub. for Sub. for SB 267.) The appropriations bill also included a five percent raise for most state employees, includes the BSRB Staff. The bill originally requested by the BSRB, SB 387, was introduced and heard in the Senate Public Health and Welfare Committee. An amendment removed the Board's recommendation on continuing education for the License Psychology profession in the area of Diversity, Equity, and Inclusion (DEI). SB 387 was passed out of committee favorably as amended, but was not worked on the Senate floor died as a result. Amended SB 387 was reintroduced as HB 2734 and was passed in the House Health and Human Services Committee and was passed on the House floor with no changes. The contents of HB 2734 was added to SB 453, which was passed by the Legislature and signed into law by the Governor. The recommendations that have gone into law allow most master's-level licensees under the BSRB to use that standing to fulfill the education requirements to take the examination for the addiction counselor license at the master's level or lower. The recommendation on the social work language allows the Board the statutory authority

to evaluate applicants for the clinical level of license without those applicants having attained a clinical practicum, but the standards for licensure will still need to be established in rules and regulations before the BSRB can review those applicants.

- H. Bills Relevant to BSRB.** The Executive Director provided a summary on other bills having a connection to the BSRB. A bill was passed by the Legislature requiring the BSRB to complete a comprehensive report on all regulations under the agency, to the Legislative Rule and Regulations Committee. The BSRB must show whether each regulation is necessary for the implementation of state law. The report is due at the beginning of FY 2026. The Kansas Open Borders for Jobs Act did not pass nor did a bill that would have established a committee to develop telehealth and telemedicine standards.
- G. PSYPACT.** On January 1, 2022, Kansas officially became a member-state in a multi-state compact for Licensed Psychologists titled PSYPACT. The BSRB has posted information to the front of the Board's website and the Executive Director created a frequently-asked-question handout based on questions the agency has received. As of May 6, 2022, 47 Licensed Psychologists in Kansas have received approval from the PSYPACT Commission to practice teletherapy in other compact states and four Licensed Psychologists have received approval to practice a limited number of days of service in compact states. The BSRB is researching the effect of PSYPACT on licensure and will provide a report to the Board on the change in licensure after July 1, 2022.
- H. Updates on Special Meetings.** The 2021 Legislature passed legislation creating the Kansas Fights Addiction Review Board (KFARB), and the Kansas Fights Addiction Grant Fund, which receives a share of the proceeds of federal legislation concerning opioids. The KFARB is organized under the Attorney General's office. The Executive Director has been in contact with that office, but no meetings have been scheduled. The Executive Director will continue to track this group. The Overdose Fatality Review Board was proposed in legislation during the 2021 Legislative session, but the legislation did not pass. The Kansas Department of Health and Environment (KDHE) received a grant from the Centers for Disease Control and Prevention (CDC), and KDHE have used part of this funding to commence meetings of this Board. This Board has not met in calendar year 2022. The Association of Social Work Board (ASWB) is offering a virtual training for new board members that will take place June 2 and June 3, 2022. The Executive Director will be attending this training. ASWB is offering an in-person training on September 15-17, 2022, in Alexandria, Virginia. Trainings are paid for by ASWB for approved individuals. If any Board members are interested in attending the training in September, they should contact the Executive Director. The Executive Director recently attended the Mid-Year meeting for the Association of State and Provincial Psychology Boards (ASPPB) and the ASWB Educator Meeting. At the ASPPB Mid-Year meeting, representatives from the American Psychological Association (APA) announced they are working on standards for accredited master's level psychology programs. They hope to have standards developed by the fall of 2023. Updates were provided on accreditation standards, PSYPACT, and the EPPP-2.

ASPPB has planned two town-hall meetings to discuss the EPPP-2 further in May. At the ASWB conference, some states are discussing waivers of fees for individuals of low income, re-evaluating past criminal conduct as a barrier to licensure, and what applicant data should be tracked. Other discussion topics included reciprocity for military members and military spouses, sunset review bills being passed by other states, and states considering relaxing the definition of dual relationships to allow adoptions. Other discussion topics included pre-applicant determination by Boards on past criminal conduct, pushes to eliminate licensing requirements in certain states, and DEI trainings or continuing education requirements. At the ASWB meeting, an announcement was made that a draft of the multi-state compact for social workers is expected to be released for review and comment sometime this summer or fall.

- I. Temporary Licenses for Graduates from Schools in Candidacy for Accreditation through CSWE.** The Executive Director provided information on a model used by the Minnesota Social Work Licensing Board, which provides temporary licenses to applicants who graduated from social work programs that were in candidacy for accreditation when they graduated from those programs. These temporary licenses cannot be renewed, but can be extended by the Board if necessary. Board members noted concerns whether the reciprocity standards of the BSRB were strict compared to other states and requested the topic of the BSRB reciprocity requirements be reviewed at a future Board meeting,
- VI. Staff Reports.** Board members received an updated report with the number of permanent licenses under the BSRB, separated by profession. In May 2022, there were 14,475 permanent licenses under the BSRB.
- VII. Complaint Review Committee (CRC) Report.** Cindy D'Ercole, Lead Investigator for the BSRB, highlighted a report on the number of Report of Alleged Violation (RAV) that had been received by the BSRB. The Lead Investigator discussed the number of cases that have been reviewed by the CRC this fiscal year totals 167. At this time last year, that total was 110 cases. The investigators have seen an increase in new cases, including having received 30 new cases last month. The Executive Director noted that other states have experienced a similar trend of an increase in complaints against practitioners. Board members requested additional information on violations, so the Executive Director noted would collect that information and provide it to the Board at the next meeting.
- VIII. Professions Reports**
 - A. Licensed Psychology.** The Advisory Committee met on April 12 and began reviewing the regulations regarding unprofessional conduct. The Advisory Committee and will continue to review unprofessional conduct regulations at the next meeting on June 14, 2022.
 - B. Social Work.** The Advisory Committee met on April 19 and is focusing on clinical supervision, workforce issues, and possible continuing education requirements. The Advisory Committee also discussed expectations for Advisory Committee

membership for FY 2023. There were discussions on possible changes to the unprofessional conduct regulations and considering proactive ways to approach public protection. The June Advisory Committee meeting will be the last meeting for Carolyn Szafran and the Advisory Committee thanks her for her service. The next meeting will be on June 21, 2022.

- C. Professional Counseling.** The Advisory Committee met April 4 and recommended creation of a subcommittee to study possible changes to the unprofessional conduct regulations. The Advisory Committee also discussed possible changes to the accreditation standards for the Council for Accreditation of Counseling and Related Educational Programs (CAPREP). The Advisory Committee is still considering whether it supports pre-approval for continuing education providers. The next meeting will be June 6.
- D. Master's Level Psychology.** The Advisory Committee met on April 20 and continued to discuss continuing education hour requirements, “in residence” requirements for licensure, unprofessional conduct regulations, and candidates who have expressed interested in being added to the Advisory Committee. The Advisory Committee’s next meeting is June 22.
- E. Marriage and Family Therapy.** The Advisory Committee April 8. The Advisory Committee considered recruitment of new members and reviewed the unprofessional conduct regulations for the profession. The Advisory Committee recommended requesting a subcommittee be formed for the creation of a supervision manual, similar to the existing supervision manual for the social work profession. The next meeting will be on June 24.
- F. Addiction Counseling.** The Advisory Committee met March 18. The Committee discussed possible continuing education requirements in DEI and also discussed pre-approved continuing education providers. The next meeting will be June 24.
- G. Behavior Analyst.** The Advisory Committee met on April 13 to introduce new members and discuss the Advisory Committee’s recommendation for a Behavior Analyst to be added to the Board. The Advisory Committee also discussed standards for education. The Advisory Committee will meet again on June 8. Board members requested an agenda item be scheduled for a future Board meeting, to continue discussions on whether the BSRB should seek legislation adding a Board member for the Behavior Analyst profession.

IX. Old Business

- A. Feedback on Pre-Approved Continuing Education.** The Executive Director noted that social work is the only profession under the BSRB with statutory authority for continuing education providers to seek pre-approval for a continuing education course or pre-approval for a continuing education provider by the BSRB. Advisory Committees were asked to discuss and report back whether their professions would

want the option of pre-approval for continuing education provider and pre-approval for continuing education courses. The Marriage and Family Therapy and Master's Level Psychology professions were supportive of adding of pre-approval as an option to their regulations. Leslie Allen, Assistant Director and Licensing Manager for the BSRB, will bring draft language back to the Board for review.

X. New Business

- A. Reappointment of Advisory Committee Members.** The Chair reappointed Christina Boyd, Jason Hess, and Dulcinea Rakestraw to the Addiction Counselor Committee; Rodney McNeal to the Licensed Psychology Advisory Committee; Jurdene Coleman, John Fleeker, and James Godbey to the Marriage and Family Advisory Committee; Iris Pauley and Joshua Tanguay to the Master's Level Psychology Advisory Committee; and Mike Gillett, Lee Ann Gingery, Angi Heller-Workman, Jane Holzrichter, Cristin Stice, and Robin Unruh to the Social Work Advisory Committee.
- B. Recognition of Advisory Committee Member Reaching Maximum Service.** The Chair thanked Joyce Baptist and Rebecca Culver-Turner from the Marriage and Family Therapy Advisory Committee and Kenton Olliff from the Professional Counseling Advisory Committee for serving the maximum length of service on those Advisory Committees. Certificates of appreciation were sent to Advisory Committee members who were leaving the Advisory Committees.
- C. Board Delegation Motion for Alternate Presiding Officers.** Every July, according to statute, the Board elects a Chair and Vice-Chair for the next fiscal year. A delegation motion was discussed to allow other Board members to serve as presiding officers when both the Chair and Vice-Chair are unavailable. The delegation motion showed the following hierarchy after the Chair and Vice-Chair: (1) a past Board Chair (in order of most recent past Board Chair; (2) a past Board Vice-Chair (in order of most recent past Board Vice-Chair); then (3) the longest serving Board member. If there was a tie in terms of longest serving Board member, hierarchy would be determined in alphabetical order of last name. Dave Anderson voted to approve the motion, Mary Jones seconded the motion. The motion passed. By consensus, the Board authorized signing of orders using this process for the Board's meeting under the Kansas Administrative Procedures Act in April 2022.
- D. Review and Approval of Regulatory Language.** The Board reviewed official regulatory language relating to past Board votes on fees. This language included a one-time \$20 fee to become a Board-Approved Supervisor for the Marriage and Family Therapy profession or the Professional Counseling profession and a \$25 PSYPACT Homestate Privilege to Practice Fee. Additionally, a fee change was presented to the Board to lower the Marriage and Family Therapy Temporary License Fee from \$150 to \$75, to bring that fee in line with similar fees that were reduced in past years. Ric Steele moved to approve the language for these fees. Carolyn Szafran Seconded. The motion passed. Additional regulatory language was presented to the Board on changes to the Master's Level Psychology profession in K.A.R. 102-4-3a Education

Requirements, relating to “core faculty” and use of “in residence” in terms of semesters of attendance at a program. David Anderson moved to approve the language. Deb Stidham seconded. The motion passed. Regulatory changes were provided for the Marriage and Family Therapy profession involving K.A.R. 102-5-7b, Board-approved clinical supervisor regulations, and K.A.R. 102-5-10, continuing education regulations. The Assistant Director and Licensing Manager summarized the changes to the regulation. Mary Jones moved to approve the language. Deb Stidham seconded the motion. The motion passed. Board member noted concern that there may not be sufficient providers of continuing education or training for Board-approved supervisors. The Board was supportive of further discussion on this topic, and encouraging ways to increase the number of continuing education providers providing trainings in this area. Regulation language was provided for the Marriage and Family Therapy profession in K.A.R. 102-5-3 concerning changing the previous “in residence” requirement so it would apply to applicants from non-accredited schools only, rather than all applicants. Mary Jones moved to approve the changes to the regulations. Deb Stidham seconded the motion. The motion passed.

E. Board Consideration of Clinical License and Training Plan Questions. The Executive Director noted there are situations in which further clarification of the regulations on clinical licenses and training plans are necessary to come before the Board. The BSRB provided a handout including several scenarios which require further clarification.

- a. A clinical-level licensee is seeking to become clinically licensed in another profession. Does the licensee need to receive 3,000 hours in the new profession, or can that applicant use the 3,000 hours they already completed for the original clinical license to satisfy the requirement for the new clinical license? The Board held that the regulations do not permit this request to use the hours from a previous clinical license pursuit. Board member discussed whether the regulations should be changed asked the BSRB to report back if these requests increase in frequency.
- b. If a licensee who holds two master’s-level licenses is seeking to become clinically-licensed in both professions and the licensee wants to complete postgraduate supervised hours at the same time with the same person serving as the supervisor, but the supervisor is only licensed in one of the professions, is that acceptable? The Board discussed this issue and it was determined that it would be acceptable, if there was a showing that a supervisor in the specific profession was unavailable, as that is a requirement in regulation.
- c. A licensee is providing crisis counseling services over the phone. The regulations state that certain identifiable information about the provider must be provided when they provide services. Are these providers still required to provide the identifiable information when providing services? The Board discussed this scenario and will revisit this question at a future meeting.
- d. The BSRB is receiving training plans for individuals who have a supervisor in Kansas, but are seeking to acquire direct client contact hours in other states by providing telehealth services. Can the hours in other states be approved? Should

something additional be provided? The Board did not reach a position on this scenario.

Due to time limitations, the Board decided to revisit certain scenarios at future Board meeting. It was requested that Board members review the remaining language for further discussion.

F. Review of Possible Changes to BSRB Investigation Policy. The Executive Director referenced the BSRB Investigation Policy, which guides the work of the CRC, and was last updated 2009. The Executive Director spoke with legal counsel for the Board and the investigators for the Board and created a report with recommendations and items for Board discussion of potential changes to the Investigation Policy. The Executive Director asked Board members to review the recommended changes in the report so that changes to the document could be discussed and voted on by the Board at the next Board meeting.

G. Statutory Review for Delegation Consideration (K.S.A. 74-7501 to K.S.A. 74-7511). The Executive Director noted the statutes and regulations for the BSRB include many references to “the Board.” Some of these references mean the full Board, some are delegated to the BSRB, the Executive Director, the Complaint Review Committee, etc. The Executive Director previously noted that he would review sections of the statutes and regulations with the Board, identifying areas for possible statutory changes and other areas that may be appropriate for delegation motions. The Executive Director summarized K.S.A. 74-7501 to K.S.A. 74-7511, noting possible areas for changes and delegation motions. The Executive Director highlighted language in K.S.A. 74-7501 that indicates a Board member may be a Licensed Addiction Counselor or a Licensed Clinical Addiction Counselor, but there is no reference to a Master’s Level Addiction Counselor, so this could be clarified with a future edit to statute. In K.S.A. 74-7501(d), it notes the Board may employ clerical personnel and other assistants. The Board does not employ clerical staff, as hiring of non-Executive Director staff has previously been delegated to the Executive Director, so this could be appropriate for a delegation motion. Also, the statute states clerical staff and assistants will be classified employees. New state employees must be unclassified employees, so this could be another area that could be updated with a statutory change. K.S.A. 74-7506 states all expenditures from the BSRB Fee Fund will be “issued pursuant to vouchers approved by the chairperson of the BSRB or a person or persons designated by the chairperson.” Historically, BSRB expenditures have been delegated to the Executive Director, so this could be appropriate for a delegation motion. K.S.A. 74-7507(a)(2) states the BSRB will compile and publish annually a list of the names and addresses of all persons who are licensed under the profession acts. In accordance with the statute, the BSRB is making preparations to publish this list on the BSRB website. K.S.A. 74-7507(a)(11) states that the Board “appoints an Executive Director and other employees.” The Board does appoint an Executive Director, but other hires are delegated to the Executive Director, so this could be appropriate for a delegation motion. K.S.A. 74-7508 may not need delegation motions, unless the Board would like to clarify certain actions by the CRC, rather than the Board. K.S.A. 74-7511 provides authority to charge a fee for

fingerprinting applicants, though the Executive Director stated the amount of that fee has never been set in regulation, so if the Board wished to enforce this section in the future, it would need to set an amount for that fee.

- H. Request for Unprofessional Conduct Subcommittee for the Professional Counselor Advisory Committee.** The Executive Director stated the statutes for the BSRB state for Board members to receive compensation for attending Board meetings or subcommittees of the Board, those must be approved by the Board. In requesting the subcommittee, the Advisory Committee noted it intends to collect information from national associations and unprofessional conduct regulations in other states. By consensus, the Board approved the creation of the subcommittee.
- I. Request for Clinical Supervision Manual Subcommittee for Marriage and Family Therapy Advisory Committee.** The Marriage and Family Therapy Advisory Committee requested a subcommittee be created for construction of a supervision manual. By consensus, the Board approved the creation of the subcommittee.
- XI. Preview of Topics for Future Board Meeting.** The Executive Director noted the Board may discuss topics at future meetings, including possible use of an impaired provider program, developing a consistent approach to telehealth standards, and continuing to review statutes and regulations of the BSRB for potential changes and to identify when delegation motions are appropriate. The Executive Director also noted that at the July Board meeting, the Board will hold the annual election for Board Chair and Board Vice-Chair. Additionally, appointments to several committees will occur, including the Complaint Review Committee.
- XII. Special Recognition of Board Members Completing Terms.** Carolyn Szafran is completing her second term on the Board. The Board thanked her for her service over the past eight years on the Board. It was noted that Leslie Sewester and Bruce Nystrom were completing their first terms on the Board and the Board thanked each member for their service on the Board.
- XIII. Adjournment.** Carolyn Szafran moved to adjourn the meeting. David Anderson seconded the motion. The motion passed.

Executive Director's Report

Agency Updates

- Year-End Report of the BSRB
- Update on BSRB YouTube Channel
- Governor's Direction on State Offices and In-Person Meetings
- Update on Revenues and Expenditures
- Budget Preparations for Future Years
- End of the Year Fiscal Reports
- End of the Year Legislative Report on Applicants Under 2021 HB 2066 Reciprocity Bill
- Contracts with Other State Entities
- Staff Performance Reviews
- New Part-Time Licensing Specialist Starting July 18
- Update on Expert Review Process
- Transferring Certain Records to Historical Society Archives
- Update on BSRB Licensing of Licensed Psychologists and K.A.R. 102-1-15(g)

Legislative Updates

- Update on Health Interim Committees

Other Updates

- Update on the Psychology Interjurisdictional Compact (PSYPACT)
- Update on the Kansas Fights Addiction Grant Review Board
- Update on the Overdose Fatality Review Board
- Opportunity for Board Members Training by the Association of Social work Boards (ASWB)

Advisory Committees / Other Meetings Facilitated

- May 17 – Association of State and Provincial Psychology Boards (ASPPB) Townhall Meeting on the EPPP-2
- May 20 – Administrator Meeting for the American Association of State Counseling Boards (AASCB)
- May 24 - Licensure Application Review Meeting Under the Kansas Administrative Procedure Act (KAPA)
- May 26 – Presenter at the Governor's Behavioral Health Services Planning Council – Rural and Frontier Subcommittee Meeting
- June 2 and 3 – ASWB New Board Member Training
- June 6 – Professional Counseling Advisory Committee Meeting
- June 8 – Behavior Analyst Advisory Committee Meeting
- June 13 – Complaint Review Committee Meeting

- June 14 – PSYPACT Board Administrators Training
- June 14 – Licensed Psychology Advisory Committee Meeting
- June 16 – ASWB Administrator Meeting
- June 17 – Administrator Meeting for AASCB
- June 21 – Social Work Advisory Committee Meeting
- June 22 – Master’s Level Psychology Advisory Committee Meeting
- June 24 – Addiction Counseling Advisory Committee Meeting
- June 24 – Marriage and Family Therapy Advisory Committee Meeting
- June 28 – Licensure Application Review Meeting Under KAPA
- June 29 – BSRB Staff Meeting
- July 7 – Meeting with the Board of Healing Arts to Discuss Integration of Disciplinary Database into Licensing Database

Upcoming Meetings of Note

- July 14 – PSYPACT Mid-Year Meeting
- July 14 – Kansas Fights Addictions Grant Review Board
- August 3-5 – Presenter at the 2022 Counseling Regulatory Boards Summit by the National Boards for Certified Counselors (NBCC) and the Center for Credentialing & Education (CCE), in Philadelphia, PA

102-1-15. Continuing education.

(a) Each applicant for renewal of licensure shall have earned 50 continuing education hours in the two years preceding an application for renewal. The required number of continuing education hours shall be prorated for periods of renewal that are less than the full two years, using the ratio of one- third of the continuing education hours for each six months since the date of licensure or most recent renewal. Continuing education hours for each type of continuing education activity as specified below in subsection (d) shall be prorated accordingly for those persons whose periods of renewal are less than the full two years. Each person who is licensed within six months of the current expiration period shall be exempt from the continuing education requirement for that person's first renewal period.

(b) The content of each continuing education activity shall be clearly related to the enhancement of psychology practice, values, skills, or knowledge.

(c) During each two-year renewal cycle and as part of the required continuing education hours, each licensed psychologist shall complete at least three continuing education hours of training on professional ethics and at least six continuing education hours related to diagnosis and treatment of mental disorders. These hours shall be obtained from any of the activities specified in paragraphs (d)(1), (d)(2), (d)(4), and (d)(6) of this regulation.

(d) Acceptable continuing education activities, whether taken within the state or outside the state, shall include the following:

(1) Attendance at workshops, seminars, and presentations that are sponsored, accredited, or conducted by educational institutions, professional associations, or private institutions. These activities shall be sponsored, accredited, or conducted by educational institutions, professional associations, or private institutions that are nationally or regionally accredited for training. Activities conducted by agencies, groups, or individuals that do not meet the requirements of national or regional accreditation shall be acceptable, if the content is clearly related to the enhancement of psychology skills, values, and knowledge. Actual contact hours, excluding breaks and lunch, shall be credited. A maximum of 50 continuing education hours shall be allowed;

(2) the first-time preparation and initial presentation of courses, workshops, or other formal training activities, for which a maximum of 15 continuing education hours shall be allowed;

(3) documented completion of a self-study program. A maximum of 12 continuing education hours shall be allowed;

(4) documented completion of a self-study program with a posttest that is conducted by a continuing education provider as described in paragraph (d)(1). A maximum of 40 continuing education hours shall be allowed;

(5) publication and professional presentation. Fifteen continuing education hours may be claimed for the publication or professional presentation of each scientific or professional paper or book chapter authored by the applicant. A maximum of 45 continuing education hours shall be allowed;

(6) completion of an academic course, for which a maximum of 15 continuing education hours shall be allowed for each academic semester credit hour;

(7) providing supervision as defined in K.A.R. 102-1-1, for which a maximum of 15 continuing education hours shall be allowed;

(8) receiving supervision as defined in K.A.R. 102-1-1, except in connection with any disciplinary action, for which a maximum of 15 continuing education hours shall be allowed;

(9) initial preparation for a specialty board examination, for which a maximum of 25 continuing education hours shall be allowed;

(10) participation in quality care, client or patient diagnosis review conferences, treatment utilization reviews, peer review, case consultation with another licensed psychologist, or other quality assurance committees or activities, for which a maximum of 15 continuing education hours shall be allowed;

(11) participation, including holding office, in any professional organization related to the applicant's professional activities, if the organization's activities are clearly related to the enhancement of psychology or mental health practice, values, skills, or knowledge. A maximum of 12 continuing education hours shall be allowed; and

(12) receiving personal psychotherapy that is provided by a licensed or certified mental health provider and is a part of a designated training program. A maximum of 20 continuing education hours shall be allowed.

(e) Each licensed psychologist shall be responsible for maintaining personal continuing education records. Each licensee shall submit to the board the licensee's personal records of participation in continuing education activities if requested by the board.

(f) In determining whether or not a claimed continuing education activity will be allowed, the licensed psychologist may be required by the board to demonstrate that the content was clearly related to psychology or to verify that psychologist's participation in any claimed or reported activity. If a psychologist fails to comply with this requirement, the claimed credit may be disallowed by the board.

(g) Any applicant who submits continuing education documentation that fails to meet the required 50 continuing education hours may request an extension from the board. The request shall include the applicant's reason for requesting an extension and a plan outlining the manner in which the applicant intends to complete the continuing education requirements. For good cause shown, the applicant may be granted an extension, which shall not exceed six months.

(Authorized by and implementing K.S.A. 74-7507; effective May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended July 24, 1989; amended Oct. 27, 2000; amended July 11, 2003.)

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

	July 2018	Jan 2019	July 2019	Jan 2020	Mar 2020	Jul 2021	Sept 2021	Nov 2021	Jan 2022	Mar 2022	May 2022	July 2022
LP	984	928	949	996	1,006	988	1,016	1,035	1,046	1,040	1,054	952
LASW	19	18	17	15	13	9	8	9	8	7	7	5
LBSW	1,725	1,668	1,638	1,601	1,577	1,466	1,427	1,413	1,393	1,389	1,377	1,346
LMSW	3,862	3,854	3,927	3,881	3,861	3,970	4,016	4,022	4,006	4,003	3,980	4,012
LSCSW	2,088	2,115	2,172	2,260	2,274	2,474	2,509	2,553	2,566	2,593	2,634	2,680
LPC	813	829	847	880	882	937	953	961	956	963	957	981
LCPC	619	661	704	747	747	843	896	929	947	978	945	1,034
LMLP	302	305	295	289	291	294	296	298	304	309	309	308
LCP	297	287	288	294	293	282	284	284	286	286	287	289
LMFT	347	335	324	330	327	335	324	319	329	326	330	330
LCMFT	566	587	611	618	620	681	703	719	726	736	745	754
LAC	620	612	618	572	569	578	520	520	521	524	522	522
LMAC	343	352	363	376	375	427	432	433	432	434	436	431
LCAC	527	546	566	546	541	570	536	537	542	547	551	556
LaBA	18	13	14	14	14	12	11	13	13	15	16	17
LBA	175	176	199	224	229	263	270	288	292	304	325	333
Total Permanent Licenses	13,305	13,286	13,532	13,643	13,619	14,129	14,201	14,333	14,367	14,454	14,475	14,550

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

	July 2018	Jan 2019	July 2019	Jan 2020	Mar 2020	July 2021	Sept 2021	Nov 2021	Jan 2022	Mar 2022	May 2022	July 2022
Total LPs	984	928	949	996	1,006	988	1,016	1,035	1,046	1,040	1,054	952
Total SWs	7,694	7,655	7,754	7,757	7,725	7,919	7,960	7,997	7,973	7,992	7,998	8,043
Total PCs	1,432	1,490	1,551	1,627	1,629	1,780	1,849	1,890	1,903	1,941	1,902	2,015
Total LMLPs/LCPs	599	592	583	583	584	576	580	582	590	595	596	597
Total MFTs	913	922	935	948	947	1,016	1,027	1,038	1,055	1,062	1,075	1,084
Total ACs	1,490	1,510	1,547	1,494	1,485	1,575	1,488	1,490	1,495	1,505	1,509	1,509
Total BAs	193	189	213	238	243	275	281	301	305	319	341	350
Total Permanent Licenses	13,305	13,286	13,532	13,643	13,619	14,129	14,201	14,333	14,367	14,454	14,475	14,550

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.

FINAL RAV Statistics for FY 2022

July 2021	
Received	14
Closed	3
Total # of Cases	86

January 2022	
Received	17
Closed	16
Total # of Cases	82

August 2021	
Received	8
Closed	15
Total # of Cases	79

February 2022	
Received	21
Closed	22
Total # of Cases	81

September 2021	
Received	20
Closed	15
Total # of Cases	84

March 2022	
Received	22
Closed	3
Total # of Cases	100

October 2021	
Received	13
Closed	11
Total # of Cases	86

April 2022	
Received	30
Closed	28
Total # of Cases	102

November 2021	
Received	4
Closed	11
Total # of Cases	79

May 2022	
Received	14
Closed	11
Total # of Cases	105

December 2021	
Received	18
Closed	16
Total # of Cases	81

June 2022	
Received	24
Closed	29
Total # of Cases	100

Cases Open by FY

FY 2017	0	FY 2018	3	FY 2019	0
FY 2020	5	FY 2021	7	FY 2022	85
FY 2023					

FINAL RAV Statistics for FY 2022

June 2022

Cases Open by License FY 2022

Profession	# Open	Percentage
LP	13	13.00%
LMLP	3	3.00%
LCP	3	3.00%
LMFT	3	3.00%
LCMFT	6	6.00%
LPC	16	16.00%
LCPC	9	9.00%
LBSW	1	1.00%
LMSW	19	19.00%
LSCSW	18	18.00%
LAC	4	4.00%
LMAC	1	1.00%
LCAC	0	0.00%
LBA/LaBa	1	1.00%
No License	3	3.00%
Total	100	100.00%

Cases Received for FY 2022 by License

Profession	# Received	Percentage
LP	21	10.24%
LMLP	4	1.95%
LCP	5	2.44%
LMFT	12	5.85%
LCMFT	16	7.80%
LPC	16	7.80%
LCPC	14	6.83%
LBSW	5	2.44%
LMSW	43	20.98%
LSCSW	39	19.02%
LAC	4	1.95%
LMAC	2	0.98%
LCAC	2	0.98%
LBA/LaBa	2	0.98%
No License	20	9.76%
Total	205	100.00%



Replace with Current
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Behavioral Sciences Regulatory Board

Investigations: Policy and Procedures

Revised and approved by the
Board on July 13, 2009

Update after
edits resolved

I. Initial Office Process

Report of Alleged Violation

A. An investigation may be initiated by a ~~report of alleged violation~~ (RAV) which is received by the Behavioral Sciences Regulatory Board:

← ("Board")

1. Which may be a complaint lodged by a person.-

← Delete "-"

2. Other reasonably reliable written information (e.g., court decision, newspaper article, yellow pages ad, etc.).

social media post?

3. Information that a licensee has failed to comply with the conditions of a lawful order or directive of the Board. ~~disciplinary or non-disciplinary consent agreement and order, or initial or final order.~~

4. Information indicating a possible violation received during the process of the initial issue of a license, renewal of a license, or reinstatement of a license.

B. Request for Forms:

staff

1. Upon receiving a request for a RAV/complaint form, ~~Staff~~ shall comply with the requestor's preference of whether the form should be mailed, ~~E-mailed,~~ may ~~faxed,~~ or if the requestor will download the form from the Board's website.

← e-mailed

2. Anyone wishing to file a complaint by electronic means shall be informed that the ~~Report of Alleged Violation~~ form should be completed in full and returned to the Board.

← RAV



Insert new title
"Receipt of
Information:"

Add "When in..."

RAVs

C.

Receipt of ~~report of alleged violation~~, other reasonably reliable written information, information regarding non-compliance with a ~~disciplinary or non-disciplinary consent agreement and order, or initial or final order~~, or information indicating a possible violation received during the process of the initial issue of a license, renewal of a license, or reinstatement of a license:

lawful order or directive of the Board

Staff will date

verify date of receipt of

Rationale:
Info could
be audio/
video, etc.

1. ~~Date~~ stamp the first page of the RAV or of the other information received.
2. ~~Place~~ the RAV or other information in the Special Investigator's ~~IN~~ box.
3. The Special Investigator will:
 - a. Assign a Case Number in sequence
 - b. Add the information to the Investigations ~~Data Base~~.
 - c. Prepare a case file folder.
 - d. Notify the licensee in a timely manner of the receipt of the complaint, a brief description of the information contained therein, and the identity of the complainant.
 - e. Notify the complainant or other reporter of the receipt of the information.

Staff will place

(delete space)

inbox

Database

II. COMPLAINT REVIEW COMMITTEE

A. The review and evaluation of the investigated ~~reports of alleged violations (RAV)~~ will be performed by a standing Complaint Review Committee comprised of the following persons who will serve in a decision making capacity:

RAVs

1. a psychologist Board member,

licensed



licensed

Questions on
composition of CRC:
1. Add LAC/LMAC/
LCAC?
2. Keep Two Public
Members or One and
Another Rotating
Board Member?
3. 6th Member?

2. a social worker Board member,
3. a Board member who is:
 - a. a marriage and family therapist ~~or clinical marriage and family therapist,~~ or
 - b. a professional counselor ~~or a clinical professional counselor,~~ or
 - c. a masters level psychologist or clinical psychotherapist

4

2. 2 public Board members.

B. The following persons shall serve as members of the Complaint Review Committee in an advisory capacity:

1. the Board's Special Investigators
2. the Board's Executive Director, as needed.

C. Additionally, the Board's Disciplinary Counsel will be requested to serve as a member of the Complaint Review Committee in an advisory capacity.

D. The terms of the Complaint Review Committee for Board members shall be two years on a staggered basis. begin on Terms ~~are from~~ July 1st ~~to June 30th.~~

E. The remaining ~~six~~ Board members will be available to serve on hearing panels (preferably 3-person hearing panels) for any case that proceeds to an administrative disciplinary hearing. The Executive Director is authorized to appoint hearing panel members who will be Board members not associated with the investigative phase and who do not have any conflict of interest.

F. The Board delegates the authority to take the following actions to the Complaint Review Committee:

Discussion Item



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Summary Proceeding Orders

1. To issue ~~summary proceeding orders~~:
 - (a) to revoke, suspend, condition, or limit a license,
 - (b) to assess fines in the amount of ~~the maximum~~ **up to the statutory maximum** of \$ 1,000. ~~per violation~~, **delete period**
 - ~~(c) to assess costs in the amount of \$ 200. maximum,~~ **Board may only assess costs related to cases before OAH**
 - (c)** ~~(d)~~ to censure a licensee, and/or
 - (d)** ~~(e)~~ to revoke the license or registration of any licensee or registrant who voluntarily surrender such person's license or registration pending investigation of misconduct or while charges of misconduct against the licensee or registrant are pending;
2. To issue cease and desist orders to any person who has practiced without a valid license in a profession for which practitioners are required by law to be licensed; and
3. To apply to any court of competent jurisdiction for an order enjoining any licensed or unlicensed person who has engaged, or is about to engage, in any acts or practices that will constitute a violation of any practice act under the Board's jurisdiction. **settlement agreements (including Consent Agreements, Final Orders, and Diversion Agreements)**
- Discussion Item** 4. To approve any ~~consent agreement and order~~ over the signature of the ~~chair~~ **Chair** of the Complaint Review Committee.



III. Initial Review and Determination

- A. When the Behavioral Sciences Regulatory Board receives a completed ~~Report of Alleged Violation~~ ^{RAV}, the Special Investigator and/or the Executive Director reviews the complaint and an initial determination is made as to whether to proceed with opening the case for investigation.
- B. Making the initial jurisdictional determination:
1. For ^a ~~an~~ RAV against a person licensed by BSRB, two criteria are used to determine whether the BSRB has jurisdiction:
 - a. The complaint pertains to a profession or scope of practice regulated by the Board.
 - b. The complaint alleges facts constituting non-compliance with, or violations of the rules, regulations, and/or Statutes, and/or Board ordered conditions governing the practice or conduct of the professional on whom the report is being filed.
 2. If the Special Investigator and/or Executive Director find that jurisdictional criteria are met, the case shall be docketed and an investigation shall be initiated.
 3. When the Special Investigator and/or the Executive Director need consultation to determine jurisdiction, the following procedure shall apply:
 - a. If during the initial jurisdictional determination process the Special Investigator and/or the Executive Director find that one or both of the two criteria are not met, the Special Investigator shall consult with a



the Chair

helpful

the RAV was filed
against

~~member~~ of the Complaint Review Committee. When ~~possible~~ the Committee member ~~shall~~ ^{may} be of the same profession as the person ~~complained against~~. ^c The Consultation may be in person, by telephone, fax or by E-mail. The Special Investigator shall document the decision made in consultation.

- b. If the Committee member determines that the Board has jurisdiction, the case shall be docketed and an investigation shall be initiated.
- c. If the Committee ~~member concurs with an assessment made by the Special Investigator and/or Executive Director that the Board does not have jurisdiction, or if the Committee~~ member is uncertain of jurisdiction, ~~the Special Investigation will forward a copy of all relevant documents to the Complaint Review Committee for review and determination as to whether the Board has jurisdiction.~~ If the Committee determines that the Board does not have jurisdiction, the case shall not be docketed. If the Committee determines that the Board has jurisdiction, the case shall be docketed and an investigation shall be initiated.

legal counsel for the Board will be consulted and the matter will be discussed at a Complaint Review Committee meeting.

- 4. If a determination that the Board does not have jurisdiction is made, the Special Investigator shall notify the complainant and licensee of the jurisdictional determination and the disposition of the complaint. If another Board or Agency ^{may have} ~~has~~ jurisdiction in the matter, the complainant will be notified which Board or Agency ~~has~~ jurisdiction. If the complaint is of

^{may have}



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Special Investigator

sufficient concern, the special investigator can forward the information available directly to the Board or Agency which ~~has~~ ^{may have} jurisdiction.

5. The Special Investigator shall update all information charts and logs.

of Violations:

D. Review and Determination: Possible Violation

1. Docket case.

~~2. Begin Investigation Worksheet.~~

2

Database

3. Add relevant case information to Investigative Data Base.

3

disciplinary information

Database

4. Update ~~Disciplinary Information~~ in Licensure Data Base.

IV. Investigation Process

A. Licensee Notification

1. The purpose of an administrative investigation is to uncover facts and to facilitate the Board's regulatory goals and compliance with the law. In consideration of that goal and the nature of the investigative function, the Special Investigator is hereby given discretionary procedural authority in determining which manner a licensee under investigation is be notified of the allegations charged against them.

2. Licensee Notification can include but is not limited to:

- a. An initial notification of complaint, if there will be a delay between the receipt of the complaint and the request for a written response.
- b. Notification in writing with a request for a written response due in the Board office on or before a date indicated by the Special Investigator, usually a period of 30 days from the date of notification.



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c. At the conclusion of a personal interview with the licensee at which time the licensee is presented with written notification of the allegations.

Discussion Item - should language be added to allow for a stay on BSRB review if there is a pending criminal/civil case or investigation?

d. A combination of (b) and (c).

3. ~~In any case, the~~ **The** respondent/licensee shall be notified of the allegations in writing and asked to provide a written response to the Board.

Discussion Item

4. At the discretion of the Executive Director and/or Special Investigator, the respondent may receive one 15-day extension to prepare the response. At the discretion of the Executive Director, the respondent may receive a second 15-day extension on a showing of good cause.

B. During the investigation process, the Special Investigator should explore the strengths of the case, along with the weaknesses.

Discussion Item

C. The Special Investigator should interview witnesses, collect documents and other **including** evidence relevant to the allegation, ~~and explore all avenues for the basis or motive of the complaint.~~

D. If warranted, during the course of the investigation the Special Investigator may provide copies of documents obtained in the investigation and consult with:

1. a Complaint Review Committee member,
2. ~~a member of the Board who is not on the Complaint Review Committee,~~
3. ~~a former Board member of the profession involved, and/or~~
4. ~~another professional who has specialized expertise.~~

Discussion Item

3



- E. The Special Investigator should possess a working knowledge of the rules, regulations, and State ~~Statutes~~ statutes governing the professions licensed by the Board.
- F. Written Reports:
 - 1. The Special Investigator shall generate a written narrative report outlining the facts of the case as found in the investigation in relation to applicable statutes and/or regulations.
 - 2. Supplemental reports can be generated when necessary.
- G. The Special Investigator will notify the ~~complainant and~~ licensee by letter when the RAV ~~enters each next stage in the process.~~ is scheduled to be heard by the Complaint Review Committee
- H. Investigative subpoenas will be signed by the ~~Executive Director or by the Board Chairperson if the Executive Director is unavailable.~~ Chair of the Complaint Review Committee
- I. Pursuant to K.S.A. 74-7508(c)(3), the Special Investigator may advise proper Discussion item authorities or state agencies of information gathered during the investigation.

V. Complaint Review Committee Procedure

- A. Upon completion of the investigation, the Special Investigator shall:
 - 1. Prior to the Complaint Review Committee's meeting, provide a copy of the completed Narrative Report to each member of the Committee.
 - 2. Have the complete investigation file available at Complaint Review Committee meetings.
 - 3. ~~Have Consent Agreement and Order Referral forms available at Complaint Review Committee meetings, for completion at the Committee's direction if warranted.~~



B. Complaint Review Committee Evidentiary Determinations:

1. Prior to the Complaint Review Committee's meeting, each member of the Committee should read and preliminarily evaluate whether the narrative summary indicates that non-compliance or violation(s) of statute(s), regulation(s), or Board ordered conditions have occurred.
2. At its meetings the Complaint Review Committee will discuss, evaluate, and determine whether sufficient evidence exists to support a determination of non-compliance or a violation of statute(s) and/or regulation(s), and/or Board ordered conditions. (In making this determination, Committee members should bear in mind that a preponderance of the evidence, which is easily understood and conclusive in nature, is needed establish violation(s) of law at any subsequent disciplinary hearing).

↑
to

↑
statute or regulation
3. The Committee may direct the Special Investigator to conduct further interviews and/or to obtain additional documents.
4. At its discretion, the Committee may invite the licensee to a Committee meeting to discuss the ~~report of alleged violation~~ **RAV** and/or terms of any proposed ~~Consent Agreement and Order.~~ **settlement offer**
5. For a disciplinary case, if the Committee determines sufficient evidence exists to support a determination of a violation of statute(s) and/or regulation(s), **may consider aggravating/mitigating factors** Committee members ~~will complete the Aggravating/Mitigating Factors form~~ **when determining the proposed disposition of a case** to assess the seriousness of the violation(s). ~~The purpose of this assessment is to guide the Committee in forming a basis for terms and conditions of any~~



~~proposed Consent Agreement and Order that may be offered to the licensee and/or to serve as recommendations to Disciplinary Counsel for appropriate discipline should the case proceed to hearing.~~

~~6. The Committee may direct the Special Investigator to obtain a Victim Impact Statement prior to finalizing the Aggravating/Mitigating Factors form.~~

6. 7. For a case involving asserted non-compliance or violation of a Board ordered condition, Committee members will assess the seriousness of the non-compliance or violation(s). The purpose of this assessment is to guide the Committee in forming a basis for terms and conditions of any proposed **or settlement agreement** ~~extended Consent Agreement and Order~~ that may be offered to the licensee and/or to serve as recommendations to Disciplinary Counsel for appropriate discipline should the case proceed to hearing.

C. Complaint Review Committee action determinations:

1. If at least 3 members of the Complaint Review Committee determine that **the** ~~there is insufficient evidence to proceed:~~ **does not show that a violation of the statutes or regulation has occurred**

- a. The Special Investigator will close the case.
- b. The Complaint Review Committee may authorize sending an educational letter or non-disciplinary letter of caution in order to alert the licensee that he/she may want to modify his/her conduct to avoid further complaints.
- c. The Special Investigator will notify complainant and respondent of the determination.



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2. If at least 3 members of the Complaint Review Committee determine that there is sufficient evidence to proceed: that a violation of statute(s) or regulation(s) has occurred:
- Disciplinary Counsel may be directed
- a. Direct disciplinary counsel to initiate an administrative hearing by disciplinary action by either a Summary Proceeding Order or Petition in Discipline filing a disciplinary petition or show cause petition, as applicable. Disciplinary Counsel may be directed
- b. Direct disciplinary counsel to propose resolution of the case by a either a public or non-public settlement agreement Consent Agreement and Order (CAO) upon such terms and conditions as determined by the Committee.
- c. the Committee may If authorized by law, recommend county or district attorney initiate criminal proceedings.
- d. For minor or technical violations, the Complaint Review Committee may authorize a sending an educational or non-disciplinary letter of caution to the licensee.
- e. In the event of (2)(a) or (b), the Special Investigator shall provide a copy of the completed Narrative Report and all documents obtained during the investigation to the Board's Disciplinary Counsel.
- f. The Special Investigator will monitor the progress of cases referred to the Attorney General's Office for resolution by Consent Agreement and Order or for hearing.

- D. Emergency procedures: In the event the Board's Special Investigator believes emergency procedures are warranted, the Special Investigator he shall consult with the Chair of the Complaint Review Committee and may consult with the Board's disciplinary counsel. After



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Settlement

such consultation and if warranted, the Chair of the Complaint Review Committee may authorize emergency proceedings pursuant to K.S.A. 77-536.

VI. ~~Consent~~ Agreement Process

settlement agreement

A. The Disciplinary Counsel prepares the ~~formal Consent Agreement and Order~~ and forwards it to the ~~respondent~~, or the ~~respondent's lawyer~~ if represented, along with

licensee

licensee's attorney

settlement agreement

correspondence outlining the approval process and the date upon which the signed

settlement agreement

CAO should be returned. Any negotiations regarding the terms of the CAO will be

done by the Disciplinary Counsel in consultation with the Complaint Review

Committee or its designee.

settlement agreement

B. Upon receipt of the signed CAO, the Disciplinary Counsel will present the agreement

Chair of the

or the Chair's designee on the CRC

to the Complaint Review Committee for final approval at the Committee's next

signature

~~scheduled meeting.~~

Discussion Item

C. ~~Approval: A designee of the Complaint Review Committee will sign and return the~~

~~The signed settlement agreement will be provided to the Special Investigator~~

~~CAO to the Executive Director or other designated Board staff who will then mail a~~

~~who will then execute the settlement agreement~~

~~copy of the CAO, along with a letter of correspondence, to the licensee.~~

D. ~~CAO not approved:~~ If Consent Agreement and Order negotiations are not successful

~~the matter will be returned to the CRC for further consideration.~~

~~in resolving the case, a petition will be filed and the case scheduled for hearing.~~

E. The Special Investigator will monitor the receipt of reports as required by the CAO

settlement agreement

and take steps to obtain those reports if not received as ordered.

F. The Special Investigator will monitor terms and/or conditions and the receipt of

reports as required by the CAO or Final Order and take steps to obtain these reports if

not received as ordered.



VII. Case Disposition Authority

- A. The Complaint Review Committee retains the authority to negotiate or settle the case until the close of the presentation of evidence in the hearing.
- B. The Hearing Panel assumes authority regarding the disposition of the case after the close of the presentation of evidence in the hearing.

DRAFT

MFT

New Regulation # Continuing education approval for sponsors.

(a) Each application to become an approved provider as defined in K.A.R. 102-5-1 X, or a single-program provider as defined in K.A.R. 102-5-1 X shall be submitted on forms provided by the board and shall include the nonrefundable fee prescribed in K.A.R. 102-5-2.

(b) Approved providers.

(1) Each applicant for approved provider status shall submit the application form and application fee for approved-provider status at least three months prior to the first scheduled program.

(2) Each applicant for approved-provider status shall submit an organizational plan that includes a written statement of purpose documenting that marriage and family therapy practice, values, skills, and knowledge are the bases for the provider's educational goals and objectives and administrative procedures.

(3) Each approved provider shall designate a person who hold licensure as a psychologist, master social worker, specialist clinical social worker, professional counselor, clinical professional counselor, master's level psychologist, clinical psychotherapist, marriage and family therapist, clinical marriage and family therapist, master's addiction counselor, clinical addiction counselor, assistant behavior analyst or behavior analyst to be responsible for the development of the program.

(4) Each approved provider shall develop these systems:

(A) a system for maintaining records for a period of at least three years; and

(B) a system for selection and evaluation of instructors, participant performance requirements, and provision of accessible and adequate space.

(5) Each approved provider shall maintain a summary of each individual program offered for a period of at least three years a summary of each individual program offered that documents the following information:

(A) the relationship of the program to the enhancement of marriage and family therapy practice, values, skills, or knowledge;

(B) the learning objectives for the program and the relationship between the program content and the objectives;

(C) the licensing levels for which the program is designed and any program prerequisites;

(D) the relationship of the format and presentation methods to the learning objectives and the content, and the size and composition of the participant group;

(E) the qualifications of the instructor in the subject matter;

(F) the means of program evaluation;

(G) the program agenda. The agenda shall clearly indicate all coffee and lunch breaks; and

(H) the dates the program was given.

(6) Upon board approval of the application and payment of the initial application fee, a provider shall be provisionally approved for one year;

(7) At least 60 days before the end of the year of provisional approved-provider status and at least 60 days before the end of each succeeding three-year period of approved-provider status, each approved provider seeking renewal shall submit an application to the board. Each application for renewal of approved-provider status shall include the documentation required in paragraph (b)(5) for each program offered during that period of approved-provider status. Upon determination by the board that the approved provider has provided sufficient documentation as specified in paragraph (b)(5) and upon payment of the approved-provider renewal fee established in K.A.R. 102-2-3, approved-provider status shall be granted for a new three-year period.

(8) Any approved providers may be evaluated and monitored by the board by random contact of marriage and family therapy participants attending programs sponsored by the approved provider.

(9) Approved-provider status may be withdrawn by the board if the provider violates this regulation or if quality programs are not maintained to the board's satisfaction.

(c) Single-program providers.

(1) Each applicant for single-program provider status shall submit a separate single-program provider application form and fee for each continuing education activity or each continuing education activity date for which single-program provider status is requested.

(2) The applicant shall submit each application for single-program provider status on a board-approved form that includes a description of the following items:

(A) the relationship of the program to the enhancement of marriage and family therapy practice, values, skills, or knowledge;

(B) the learning objectives for the program and the relationship between the program content and the objectives;

(C) the licensing levels for which the program is designed and any program prerequisites;

(D) the relationship of the format and presentation methods to the learning objectives and the content, and the size and composition of the participant group;

(E) the qualifications of the instructor in the subject matter;

(F) the means of program evaluation;

(G) the program agenda. The agenda shall clearly indicate all coffee and lunch breaks; and

(H) the date or dates the program is to be given.

(3) Each applicant shall submit the required application fee with the completed single-program provider application. If the completed single-program provider application form is not received in the board office at least 30 days prior to the scheduled continuing education activity, the application may not be processed or approved by the board.

(4) Single-program provider status may be withdrawn by the board if the provider violates this regulation or if the quality of the program is not satisfactory to the board.

(d) Each single-program provider and approved provider shall maintain a record of each participant's attendance for a period of at least three years.

(e) Each single-program provider and approved provider shall provide each participant with verification of the participant's attendance. This verification shall be on forms approved by the board.

DRAFT

DRAFT

MLP

New Regulation # Continuing education approval for sponsors.

(a) Each application to become an approved provider as defined in K.A.R. 102-4-1a X, or a single-program provider as defined in K.A.R. 102-4-1a X shall be submitted on forms provided by the board and shall include the nonrefundable fee prescribed in K.A.R. 102-4-2.

(b) Approved providers.

(1) Each applicant for approved provider status shall submit the application form and application fee for approved-provider status at least three months prior to the first scheduled program.

(2) Each applicant for approved-provider status shall submit an organizational plan that includes a written statement of purpose documenting that master's level psychology or clinical psychotherapy practice, values, skills, and knowledge are the bases for the provider's educational goals and objectives and administrative procedures.

(3) Each approved provider shall designate a person who hold licensure as a psychologist, master social worker, specialist clinical social worker, professional counselor, clinical professional counselor, master's level psychologist, clinical psychotherapist, marriage and family therapist, clinical marriage and family therapist,

master's addiction counselor, clinical addiction counselor, assistant behavior analyst or behavior analyst to be responsible for the development of the program.

(4) Each approved provider shall develop these systems:

(A) a system for maintaining records for a period of at least three years; and

(B) a system for selection and evaluation of instructors, participant performance requirements, and provision of accessible and adequate space.

(5) Each approved provider shall maintain a summary of each individual program offered for a period of at least three years a summary of each individual program offered that documents the following information:

(A) the relationship of the program to the enhancement of master's level psychology or clinical psychotherapy practice, values, skills, or knowledge;

(B) the learning objectives for the program and the relationship between the program content and the objectives;

(C) the licensing levels for which the program is designed and any program prerequisites;

(D) the relationship of the format and presentation methods to the learning objectives and the content, and the size and composition of the participant group;

(E) the qualifications of the instructor in the subject matter;

(F) the means of program evaluation;

(G) the program agenda. The agenda shall clearly indicate all coffee and lunch breaks; and

(H) the dates the program was given.

(6) Upon board approval of the application and payment of the initial application fee, a provider shall be provisionally approved for one year;

(7) At least 60 days before the end of the year of provisional approved-provider status and at least 60 days before the end of each succeeding three-year period of approved-provider status, each approved provider seeking renewal shall submit an application to the board. Each application for renewal of approved-provider status shall include the documentation required in paragraph (b)(5) for each program offered during that period of approved-provider status. Upon determination by the board that the approved provider has provided sufficient documentation as specified in paragraph (b)(5) and upon payment of the approved-provider renewal fee established in K.A.R. 102-2-3, approved-provider status shall be granted for a new three-year period.

(8) Any approved providers may be evaluated and monitored by the board by random contact of master's level psychology or clinical psychotherapy participants attending programs sponsored by the approved provider.

(9) Approved-provider status may be withdrawn by the board if the provider violates this regulation or if quality programs are not maintained to the board's satisfaction.

(c) Single-program providers.

(1) Each applicant for single-program provider status shall submit a separate single-program provider application form and fee for each continuing education activity or each continuing education activity date for which single-program provider status is requested.

(2) The applicant shall submit each application for single-program provider status on a board-approved form that includes a description of the following items:

(A) the relationship of the program to the enhancement of master's level psychology or clinical psychotherapy practice, values, skills, or knowledge;

(B) the learning objectives for the program and the relationship between the program content and the objectives;

(C) the licensing levels for which the program is designed and any program prerequisites;

(D) the relationship of the format and presentation methods to the learning objectives and the content, and the size and composition of the participant group;

(E) the qualifications of the instructor in the subject matter;

(F) the means of program evaluation;

(G) the program agenda. The agenda shall clearly indicate all coffee and lunch breaks; and

(H) the date or dates the program is to be given.

(3) Each applicant shall submit the required application fee with the completed single-program provider application. If the completed single-program provider application form is not received in the board office at least 30 days prior to the scheduled continuing education activity, the application may not be processed or approved by the board.

(4) Single-program provider status may be withdrawn by the board if the provider violates this regulation or if the quality of the program is not satisfactory to the board.

(d) Each single-program provider and approved provider shall maintain a record of each participant's attendance for a period of at least three years.

(e) Each single-program provider and approved provider shall provide each participant with verification of the participant's attendance. This verification shall be on forms approved by the board.

DRAFT

Postgraduate Supervised Experience and Training Plans

1. A licensee is accruing hours towards a clinical-level license, under a training plan approved by the BSRB. The licensee wishes to change supervisors and locations, so the licensee submits a training plan amendment, which is approved by the BSRB. At a later date, the licensee returns to the original supervisor but does not file a training plan amendment within 45 days to re-add a previously approved supervisor. Can the supervisee count the hours accrued from the date of the change or when the new training plan amendment was submitted?

K.A.R. 102-3-7a (h) Professional postgraduate supervised experience requirement to be licensed as a clinical professional counselor. ...

... (h) All changes to the clinical supervision training plan shall be submitted by the supervisee to the board for its approval. The changes shall be submitted no more than 45 days after the date on which the changes took effect. If the supervisee fails to submit the changes to the board within that 45-day period, no supervised hours of practice shall be accrued or credited for any practice, beginning on the date the changes took effect through the date on which the changes to the plan are approved by the board.

2. A licensee applies for a LCPC. The licensee submitted a training plan, which was approved by the BSRB. While the person practiced under an approved training plan, they changed positions and received a new position description at their worksite. They did not change supervisor or worksite. The supervisee failed to submit a training plan amendment for this change. Can they count those hours accrued from the date the change took place or do they lose the hours they accrued after the change took place?

K.A.R. 102-3-7a (h) Professional postgraduate supervised experience requirement to be licensed as a clinical professional counselor. ...

... (h) All changes to the clinical supervision training plan shall be submitted by the supervisee to the board for its approval. The changes shall be submitted no more than 45 days after the date on which the changes took effect. If the supervisee fails to submit the changes to the board within that 45-day period, no supervised hours of practice shall be accrued or credited for any practice, beginning on the date the changes took effect through the date on which the changes to the plan are approved by the board.

3. A licensee is providing crisis counseling services only on the phone. Due to the nature of this work, they do not provide their supervisors name, contact information, or limits of confidentiality as required in the regulation.

K.A.R. 102-3-7a (g)(5) Professional Postgraduate Supervised Experience Requirement to be Licensed as a Clinical Professional Counselor.

... (5) a plan for notifying clients of the following information:

- (A) The fact that the supervisee is practicing professional counseling under supervision;
- (B) the limits of client confidentiality within the supervisory process; and
- (C) the name, address, and telephone number of the clinical supervisor....

Behavioral Sciences Regulatory Board
Election of Chair and Vice-Chair

K.S.A. 74-7501(c) - The board shall organize annually at its first meeting subsequent to June 30 and shall select from its members a chairperson and a vice-chairperson. Other meetings shall be held as the board designates. A majority of members appointed to the board shall constitute a quorum for the transaction of business.

Definition of “Related Field” Recommended Added to K.A.R. 102-3-1a By Professional Counselor Advisory Committee

(V) “Related field” means a degree program in the helping professions and may include any of the following:

- (1) Education;
- ~~(2) human development and family studies;~~
- (3) marriage and family therapy;
- (4) psychology;
- ~~(5) social work;~~ and
- (6) theology.

Behavioral Sciences Regulatory Board

Board Meeting – July 11, 2022

Presiding Officer of Advisory Committees

I move that, should the Chair of an Advisory Committee of the BSRB be unable to serve as Presiding Officer of the Advisory Committee, another Board member serving on the Advisory Committee will serve as Presiding Officer in the following order of availability: (1) a Board member appointed by the Governor to represent that profession on the Board; (2) a Public Member of the Board appointed to the Advisory Committee. An alternate Presiding Officer serves with the same authority during that meeting as the Chair of the Advisory Committee.

Motion Made By:

- | | | | |
|-----------------------------------|---------------------------------------|--|-----------------------------------|
| <input type="checkbox"/> Anderson | <input type="checkbox"/> Hoener-Queal | <input type="checkbox"/> Jones | <input type="checkbox"/> Lightcap |
| <input type="checkbox"/> Nobles | <input type="checkbox"/> Norton | <input type="checkbox"/> Perdomo-Morales | |
| <input type="checkbox"/> Sewester | <input type="checkbox"/> Shaughnessy | <input type="checkbox"/> Steele | <input type="checkbox"/> Stidham |
| <input type="checkbox"/> Schendel | | | |

Second Made By:

- | | | | |
|-----------------------------------|---------------------------------------|--|-----------------------------------|
| <input type="checkbox"/> Anderson | <input type="checkbox"/> Hoener-Queal | <input type="checkbox"/> Jones | <input type="checkbox"/> Lightcap |
| <input type="checkbox"/> Norton | <input type="checkbox"/> Nobles | <input type="checkbox"/> Perdomo-Morales | |
| <input type="checkbox"/> Sewester | <input type="checkbox"/> Shaughnessy | <input type="checkbox"/> Steele | <input type="checkbox"/> Stidham |
| <input type="checkbox"/> Schendel | | | |

Action: Amended Adopted Failed Postponed Tabled Withdrawn

Behavioral Sciences Regulatory Board

Board Meeting – July 11, 2022

Presiding Officer of Complaint Review Committee

I move that, should the Chair of the Complaint Review Committee (CRC) of the BSRB be unable to serve as Presiding Officer of the CRC, another Board member serving on the CRC will serve as Presiding Officer in the following order of availability: (1) a past CRC Chair (in order of most recent past CRC Chair); (2) any other member of the CRC in order of the longest serving CRC member (any ties broken by order of last name alphabetically). An alternate Presiding Officer serves with the same authority during that meeting as the Chair of the CRC.

Motion Made By:

- | | | | |
|-----------------------------------|---------------------------------------|--|-----------------------------------|
| <input type="checkbox"/> Anderson | <input type="checkbox"/> Hoener-Queal | <input type="checkbox"/> Jones | <input type="checkbox"/> Lightcap |
| <input type="checkbox"/> Nobles | <input type="checkbox"/> Norton | <input type="checkbox"/> Perdomo-Morales | |
| <input type="checkbox"/> Sewester | <input type="checkbox"/> Shaughnessy | <input type="checkbox"/> Steele | <input type="checkbox"/> Stidham |
| <input type="checkbox"/> Schendel | | | |

Second Made By:

- | | | | |
|-----------------------------------|---------------------------------------|--|-----------------------------------|
| <input type="checkbox"/> Anderson | <input type="checkbox"/> Hoener-Queal | <input type="checkbox"/> Jones | <input type="checkbox"/> Lightcap |
| <input type="checkbox"/> Norton | <input type="checkbox"/> Nobles | <input type="checkbox"/> Perdomo-Morales | |
| <input type="checkbox"/> Sewester | <input type="checkbox"/> Shaughnessy | <input type="checkbox"/> Steele | <input type="checkbox"/> Stidham |
| <input type="checkbox"/> Schendel | | | |

Action: Amended Adopted Failed Postponed Tabled Withdrawn

74-7501. Behavioral sciences regulatory board created; composition; appointment; terms, organization; compensation and expenses; executive director and other employees. (a) There is hereby created a behavioral sciences regulatory board consisting of 12 members appointed by the governor. The membership of the board shall be as follows: Two members of the board shall be licensed psychologists; two members of the board shall be licensed to engage in the practice of social work; one member of the board shall be a professional counselor; one member of the board shall be a marriage and family therapist and one member of the board shall be a licensed masters level psychologist; one member of the board shall be a licensed addiction counselor or a licensed clinical addiction counselor; and four members of the board shall be from and represent the general public. Each member of the board shall be a citizen of the United States and a resident of this state.

(b) The term of office of each member of the board shall be four years. No member of the board shall be appointed for more than two successive terms. Upon the expiration of a member's term of office, the governor shall appoint a qualified successor. Each member shall serve until a successor is appointed and qualified. Whenever a vacancy occurs in the membership of the board prior to the expiration of a term of office, the governor shall appoint a qualified successor to fill the unexpired term. The governor may remove any member of the board for misconduct, incompetency or neglect of duty.

(c) The board shall organize annually at its first meeting subsequent to June 30 and shall select from its members a chairperson and a vice-chairperson. Other meetings shall be held as the board designates. A majority of members appointed to the board shall constitute a quorum for the transaction of business.

(d) The board may appoint an executive director who shall be in the unclassified service of the Kansas civil service act and shall receive an annual salary fixed by the board, subject to approval by the governor. The board may employ clerical personnel and other assistants, all of whom shall be in the classified service under the Kansas civil service act. The board may make and enter into contracts of employment with such professional personnel as necessary, in the board's judgment, for the performance of its duties and functions and the execution of its powers.

(e) Members of the behavioral sciences regulatory board attending meetings of the board, or attending a subcommittee meeting thereof authorized by the board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. [75-3223](#), and amendments thereto.

History: L. 1980, ch. 242, § 1; L. 1981, ch. 299, § 61; L. 1982, ch. 347, § 48; L. 1986, ch. 299, § 41; L. 1988, ch. 304, § 3; L. 1990, ch. 286, § 7; L. 1992, ch. 116, § 39; L. 1996, ch. 153, § 42; L. 2010, ch. 45, § 16; July 1, 2011.

74-7502. Abolition of state board of examiners of psychologists and board of social work examiners; transfer of powers, duties and functions to behavioral sciences regulatory board; rules and regulations preserved. (a) On July 1, 1980, the following boards are hereby abolished:

- (1) The state board of examiners of psychologists created by K.S.A. 1979 Supp. [74-5303](#); and
- (2) the board of social work examiners created by K.S.A. 1979 Supp. 75-5349.

(b) All of the powers, duties and functions of the boards designated in subsection (a) and all of the powers, duties and functions of the secretary of social and rehabilitation services under K.S.A. [75-5346](#) to [75-5361](#), inclusive, and amendments thereto, are hereby transferred to and conferred and imposed upon the behavioral sciences regulatory board.

(c) The behavioral sciences regulatory board shall be the successor in every way to the powers, duties and functions of the boards designated in subsection (a) and to the powers, duties and functions of the secretary of social and rehabilitation services under K.S.A. [75-5346](#) to [75-5361](#), inclusive, and amendments thereto, in which the same were vested prior to the effective date of this act, except as otherwise provided by this act. Every act performed in the exercise of such powers, duties and functions by or under the authority of the behavioral sciences regulatory board shall be deemed to have the same force and effect as if performed by the boards designated in subsection (a) or by the secretary of social and rehabilitation services under K.S.A. [75-5346](#) to [75-5361](#), inclusive, and amendments thereto, in which the same were vested prior to the effective date of this act.

(d) Whenever the boards designated in subsection (a), or words of like effect, and the secretary of social and rehabilitation services in regard to the powers, duties and functions of the secretary under K.S.A. [75-5346](#) to [75-5361](#), inclusive, and amendments thereto, are referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the behavioral sciences regulatory board.

(e) All rules and regulations of the boards designated in subsection (a) and rules and regulations of the secretary of social and rehabilitation services adopted under K.S.A. [75-5346](#) to [75-5361](#), inclusive, and amendments thereto, shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the behavioral sciences regulatory board, until revised, amended, revoked or nullified pursuant to law. The board shall review such rules and regulations and shall adopt new rules and regulations, if necessary, pursuant to K.S.A. [77-415](#) et seq., and amendments thereto.

- (f) The behavioral sciences regulatory board shall be a continuation of the boards designated in subsection (a).

History: L. 1980, ch. 242, § 2; July 1.

74-7503. Transfer of certain officers and employees to board; civil service and retirement rights preserved; transfer of records and property; disposition of conflicts. (a) On July 1, 1980, officers and employees who were engaged prior to such date in the performance of powers, duties and functions of the boards designated in subsection (a) of K.S.A. [74-7502](#) or in assisting the secretary of social and rehabilitation services to carry out the provisions of K.S.A. [75-5346](#) to 75-5361, inclusive, and amendments thereto, and who, in the opinion of the behavioral sciences regulatory board are necessary to perform the powers, duties and functions of the behavioral sciences regulatory board shall become officers and employees of the behavioral sciences regulatory board and shall retain all retirement benefits and all rights of civil service which such officer or employee had before July 1, 1980, and their service shall be deemed to have been continuous. All transfers and any abolishment of positions of personnel in the classified civil service shall be in accordance with civil service laws and rules and regulations.

(b) All books, records and other property of the boards designated in subsection (a) of K.S.A. [74-7502](#) and of the department of social and rehabilitation services maintained in the course of administering the provisions of K.S.A. [75-5346](#) to 75-5361, inclusive, and amendments thereto, are hereby transferred to the behavioral sciences regulatory board on the effective date of this act.

(c) Whenever any conflict arises as to the proper disposition of any property or records as a result of any abolishment or transfer made under this act, or under authority of this act, such conflict shall be resolved by the governor, and the decision of the governor shall be final.

History: L. 1980, ch. 242, § 3; July 1.

74-7504. Rights preserved in legal actions and proceedings. (a) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any board designated in subsection (a) of K.S.A. [74-7502](#) or under the provisions of K.S.A. [75-5346](#) to 75-5361, inclusive, and amendments thereto, or by or against any officer of the state in such officer's official capacity or in relation to the discharge of such officer's official duties, shall abate by reason of the taking effect of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the behavioral sciences regulatory board.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this act.

History: L. 1980, ch. 242, § 4; July 1.

74-7505. Abolition of fee funds; transfer of moneys and liabilities to behavioral sciences regulatory board fee fund. The psychologists fee fund, established by K.S.A. 1979 Supp. [74-5346](#), and the social work examiners fee fund, established by K.S.A. 1979 Supp. 75-5359, are hereby abolished. On the effective date of this act the director of accounts and reports shall transfer all moneys in such funds to the behavioral sciences regulatory board fee fund established by this act. On the effective date of this act, all liabilities of the psychologists fee fund, established by K.S.A. 1979 Supp. [74-5346](#), and the social work examiners fee fund, established by K.S.A. 1979 Supp. 75-5359, existing immediately prior to the effective date of this act are hereby transferred to and imposed on the behavioral sciences regulatory board fee fund.

History: L. 1980, ch. 242, § 5; July 1.

74-7506. Disposition of moneys received; behavioral sciences regulatory board fee fund established; approval of expenditures. The behavioral sciences regulatory board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. [75-4215](#), and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Ten percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the behavioral sciences regulatory board fee fund, which is hereby established. All expenditures from the behavioral sciences regulatory board fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the behavioral sciences regulatory board or by a person or persons designated by the chairperson.

History: L. 1980, ch. 242, § 6; L. 2001, ch. 5, § 339; L. 2011, ch. 53, § 53; July 1.

74-7507. Powers, duties and functions of board. (a) The behavioral sciences regulatory board shall have the following powers, duties and functions:

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

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

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

(4) enter into contracts necessary to administer this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, the marriage and family therapists licensure act or the addiction counselor licensure act;

(5) adopt an official seal;

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

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

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

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

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

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

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

(b) If an order of the behavioral sciences regulatory board is adverse to a licensee or registrant of the board, the actual costs shall be charged to such person as in ordinary civil actions in the district court. The board shall pay any additional costs and, if the board is the unsuccessful party, the costs shall be paid by the board. Witness fees and costs may be taxed in accordance with statutes governing taxation of witness fees and costs in the district court.

History: L. 1980, ch. 242, § 7; L. 1986, ch. 299, § 42; L. 1987, ch. 315, § 17; L. 1991, ch. 114, § 15; L. 1992, ch. 184, § 7; L. 1996, ch. 153, § 43; L. 2004, ch. 16, § 5; L. 2010, ch. 45, § 15; L. 2016, ch. 92, § 79; July 1.

Source or Prior Law:
74-5308, 75-5350.

74-7508. Investigations by board; access to documents and other evidence; oaths and testimony; subpoenas; confidentiality of information; exceptions; client or patient communications; violations; remedies; disciplinary action. (a) In connection with any investigation, based upon a written complaint or other reasonably reliable written information, by the behavioral sciences regulatory board, the board or its duly authorized agents or employees shall at all reasonable times have access to, for the purpose of examination, and the right to copy any document, report, record or other physical evidence of any person being investigated, or any document, report, record or other evidence maintained by and in possession of any clinic or office of a practitioner of the behavioral sciences, or other public or private agency if such document, report, record or other physical evidence relates to practices which may be grounds for disciplinary action.

(b) In all matters pending before the behavioral sciences regulatory board, the board shall have the power to administer oaths and take testimony. For the purpose of all investigations and proceedings conducted by the behavioral sciences regulatory board:

(1) The board may issue subpoenas compelling the attendance and testimony of witnesses or the production for examination or copying of documents, reports, records or any other physical evidence if such documents, reports, records or other physical evidence relates to practices which may be grounds for disciplinary action. Within five days after the service of the subpoena on any person requiring the production of any documents, reports, records or other physical evidence in the person's possession or under the person's control, such person may petition the board to revoke, limit or modify the subpoena. The board shall revoke, limit or modify such subpoena if in its opinion the documents, reports, records or other physical evidence required does not relate to practices which may be grounds for disciplinary action, is not relevant to the allegation which is the subject matter of the proceeding or investigation, or does not describe with sufficient particularity the documents, reports, records or other physical evidence which is required to be produced. Any member of the board, or any agent designated by the board, may administer oaths or affirmations, examine witnesses and receive such documents, reports, records or other physical evidence.

(2) The district court, upon application by the board or by the person subpoenaed, shall have jurisdiction to issue an order:

(A) Requiring such person to appear before the board or the board's duly authorized agent to produce documents, reports, records or other physical evidence relating to the matter under investigation; or

(B) revoking, limiting or modifying the subpoena if in the court's opinion the evidence demanded does not relate to practices which may be grounds for disciplinary action, is not relevant to the allegation which is the subject matter of the hearing or investigation or does not describe with sufficient particularity the documents, reports, records or other physical evidence which is required to be produced.

(3) (A) If the board determines that an individual has practiced without a valid license a profession regulated by the board for which the practitioners of the profession are required by law to be licensed in order to practice the profession, in addition to any other penalties imposed by law, the board, in accordance with the Kansas administrative procedure act, may issue a cease and desist order against such individual.

(B) Whenever in the judgment of the behavioral sciences regulatory board any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, a violation of K.S.A. [65-6301](#) to [65-6320](#), inclusive, and amendments thereto, [74-5361](#) to [74-5374](#), inclusive, and K.S.A. [74-5375](#), and amendments thereto, the licensure of psychologists act, the marriage and family therapists licensure act or the alcohol and other drug abuse counselor registration act, or any valid rule or regulation of the board, the board may make application to any court of competent jurisdiction for an order enjoining such acts or practices, and upon a showing by the board that such person has engaged, or is about to engage in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court without bond.

(c) Any complaint or report, record or other information relating to a complaint which is received, obtained or maintained by the behavioral sciences regulatory board shall be confidential and shall not be disclosed by the board or its employees in a manner which identifies or enables identification of the person who is the subject or source of the information except the information may be disclosed:

(1) In any proceeding conducted by the board under the law or in an appeal of an order of the board entered in a proceeding, or to any party to a proceeding or appeal or the party's attorney;

(2) to the person who is the subject of the information or to any person or entity when requested by the person who is the subject of the information, but the board may require disclosure in such a manner that will prevent identification of any other person who is the subject or source of the information; or

(3) to a state or federal licensing, regulatory or enforcement agency with jurisdiction over the subject of the information or to an agency with jurisdiction over acts or conduct similar to acts or conduct which would constitute grounds for action under this act. Any confidential complaint or report, record or other information disclosed by the board as authorized by this section shall not be redisclosed by the receiving agency except as otherwise authorized by law.

(d) Nothing in this section or any other provision of law making communications between a practitioner of one of the behavioral sciences and the practitioner's client or patient a privileged or confidential communication shall apply to investigations or proceedings conducted pursuant to this section. The behavioral sciences regulatory board and its employees, agents and representatives shall keep in confidence the content and the names of any clients or patients whose records are reviewed during the course of investigations and proceedings pursuant to this section.

(e) In all matters pending before the behavioral sciences regulatory board, the board shall have the power to revoke the license or registration of any licensee or registrant who voluntarily surrenders such person's license or registration pending investigation of misconduct or while charges of misconduct against the licensee are pending or anticipated.

(f) In all matters pending before the behavioral sciences regulatory board, the board shall have the option to censure the licensee or registrant in lieu of other disciplinary action.

History: L. 1980, ch. 242, § 8; L. 2001, ch. 154, § 1; L. 2004, ch. 16, § 6; L. 2016, ch. 92, § 80; July 1.

Source or Prior Law:

74-5309.

Revisor's Note:

Section was not amended in the 2016 session.

74-7509. Existing certificates and licenses continued in effect. All licenses issued prior to the effective date of this act under K.S.A. [75-5340](#) to 75-5361, inclusive, and amendments thereto, shall continue in force and effect until the expiration thereof as provided immediately prior to the effective date of this act under the provisions of the act under which such license was issued. All certificates issued prior to the effective date of this act under the certification of psychologists act of the state of Kansas shall continue in force and effect until the expiration thereof as provided immediately prior to the effective date of this act under the provisions of the act under which such certificates were issued.

History: L. 1980, ch. 242, § 26; July 1.

74-7510. Immunity from liability in civil actions for reporting, communicating and investigating certain information concerning alleged malpractice incidents and other information; conditions. (a) No person reporting to the behavioral sciences regulatory board in good faith and without malice any information such person may have relating to alleged incidents of malpractice, or the qualifications, fitness or character of, or disciplinary action taken against, a person licensed or registered by the board shall be subject to a civil action for damages as a result of reporting such information.

(b) Any state, regional or local association composed of persons licensed or registered to practice in a field governed by the behavioral sciences regulatory board and the individual members of any committee thereof, which in good faith and without malice investigates or communicates information pertaining to fitness or character of, or disciplinary action taken against, any licensee, registrant or certificate holder to the behavioral sciences regulatory board or to any committee or agent thereof, shall be immune from liability in any civil action that is based upon such investigation or transmittal or information if the investigation and communication was made in good faith and without malice and did not represent as true any matter not reasonably believed to be true.

History: L. 1989, ch. 276, § 6; July 1.

74-7511. Fingerprinting of applicants to practice profession regulated by board; procedure; collection and disposition of fees. (a) As part of an original application for or reinstatement of any license, registration, permit or certificate or in connection with any investigation of any holder of a license, registration, permit or certificate, the behavioral sciences regulatory board may require a person to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the person and to determine whether the person has a record of criminal history in this state or another jurisdiction. The behavioral sciences regulatory board is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The behavioral sciences regulatory board may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the person and in the official determination of the qualifications and fitness of the person to be issued or to maintain a license, registration, permit or certificate.

(b) Local and state law enforcement officers and agencies shall assist the behavioral sciences regulatory board in the taking and processing of fingerprints of applicants for and holders of any license, registration, permit or certificate and shall release all records of adult convictions and nonconvictions and adult convictions or adjudications of another state or country to the behavioral sciences regulatory board.

(c) The behavioral sciences regulatory board may fix and collect a fee as may be required by the board in an amount equal to the cost of fingerprinting and the criminal history record check. Any moneys collected under this subsection shall be deposited in the state treasury and credited to the behavioral sciences regulatory board fee fund. The behavioral sciences regulatory board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. [75-4215](#), and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the behavioral sciences regulatory board fee fund.

History: L. 2016, ch. 92, § 34; July 1.

Behavioral Sciences Regulatory Board

Board Meeting – July 11, 2022

Action: Amended Adopted Failed Postponed Tabled Withdrawn
Delegation Motion on Hiring Clerical Staff and Other Assistants

I move that the use of the term “Board” in the following section of K.S.A. 74-7501(d), shall be a delegation of authority by the Board of the Behavioral Sciences Regulatory Board (BSRB) to the Executive Director of the BSRB, to act on behalf of the Board.

*The **board** may employ clerical personnel and other assistants, all of whom shall be in the classified service under the Kansas civil service act. The **board** may make and enter into contracts of employment with such professional personnel as necessary, in the **board's** judgment, for the performance of its duties and functions and the execution of its powers.*

Signature of Maker: _____

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|-----------------------------------|---------------------------------------|--|-----------------------------------|
| <input type="checkbox"/> Anderson | <input type="checkbox"/> Hoener-Queal | <input type="checkbox"/> Jones | <input type="checkbox"/> Lightcap |
| <input type="checkbox"/> Norton | <input type="checkbox"/> Nobles | <input type="checkbox"/> Perdomo-Morales | |
| <input type="checkbox"/> Sewester | <input type="checkbox"/> Shaughnessy | <input type="checkbox"/> Steele | <input type="checkbox"/> Stidham |
| <input type="checkbox"/> Schendel | | | |

Second:

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|-----------------------------------|---------------------------------------|--|-----------------------------------|
| <input type="checkbox"/> Anderson | <input type="checkbox"/> Hoener-Queal | <input type="checkbox"/> Jones | <input type="checkbox"/> Lightcap |
| <input type="checkbox"/> Norton | <input type="checkbox"/> Nobles | <input type="checkbox"/> Perdomo-Morales | |
| <input type="checkbox"/> Sewester | <input type="checkbox"/> Shaughnessy | <input type="checkbox"/> Steele | <input type="checkbox"/> Stidham |
| <input type="checkbox"/> Schendel | | | |

Behavioral Sciences Regulatory Board

Board Meeting – July 11, 2022

Action: Amended Adopted Failed Postponed Tabled Withdrawn
Delegation Motion Authorizing Approval of Expenditures from the BSRB Fee Fund

I move that the Executive Director for the Behavioral Sciences Regulatory Board (BSRB) will be considered a person designated by the Chairperson to approve vouchers related to expenditures from the BSRB Fee Fund, as described in the text below from K.S.A. 74-7506.

All expenditures from the Behavioral Sciences Regulatory Board Fee Fund shall be made in accordance with appropriation acts upon warrants of the Director of Accounts and Reports issued pursuant to vouchers approved by the Chairperson of the Behavioral Sciences Regulatory Board or by a person or person designated by the Chairperson.

Signature of Maker: _____

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| <input type="checkbox"/> Anderson | <input type="checkbox"/> Hoener-Queal | <input type="checkbox"/> Jones | <input type="checkbox"/> Lightcap |
| <input type="checkbox"/> Norton | <input type="checkbox"/> Nobles | <input type="checkbox"/> Perdomo-Morales | |
| <input type="checkbox"/> Sewester | <input type="checkbox"/> Shaughnessy | <input type="checkbox"/> Steele | <input type="checkbox"/> Stidham |
| <input type="checkbox"/> Schendel | | | |

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| <input type="checkbox"/> Anderson | <input type="checkbox"/> Hoener-Queal | <input type="checkbox"/> Jones | <input type="checkbox"/> Lightcap |
| <input type="checkbox"/> Norton | <input type="checkbox"/> Nobles | <input type="checkbox"/> Perdomo-Morales | |
| <input type="checkbox"/> Sewester | <input type="checkbox"/> Shaughnessy | <input type="checkbox"/> Steele | <input type="checkbox"/> Stidham |
| <input type="checkbox"/> Schendel | | | |

Behavioral Sciences Regulatory Board

Board Meeting – July 11, 2022

Action: Amended Adopted Failed Postponed Tabled Withdrawn
Delegation Motion on Hiring BSRB Staff Other than Executive Director

I move that the hiring of “other employees,” as referenced in K.S.A. 74-7507(a)(11), shall be delegated by the Board of the Behavioral Sciences Regulatory Board (BSRB) to the Executive Director of the BSRB, to act on behalf of the Board.

K.S.A. 74-7507(a) The Behavioral Sciences Regulatory Board shall have the following powers, duties and functions:

...

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

Signature of Maker: _____

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|-----------------------------------|---------------------------------------|--|-----------------------------------|
| <input type="checkbox"/> Anderson | <input type="checkbox"/> Hoener-Queal | <input type="checkbox"/> Jones | <input type="checkbox"/> Lightcap |
| <input type="checkbox"/> Norton | <input type="checkbox"/> Nobles | <input type="checkbox"/> Perdomo-Morales | |
| <input type="checkbox"/> Sewester | <input type="checkbox"/> Shaughnessy | <input type="checkbox"/> Steele | <input type="checkbox"/> Stidham |
| <input type="checkbox"/> Schendel | | | |

Second:

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|-----------------------------------|---------------------------------------|--|-----------------------------------|
| <input type="checkbox"/> Anderson | <input type="checkbox"/> Hoener-Queal | <input type="checkbox"/> Jones | <input type="checkbox"/> Lightcap |
| <input type="checkbox"/> Norton | <input type="checkbox"/> Nobles | <input type="checkbox"/> Perdomo-Morales | |
| <input type="checkbox"/> Sewester | <input type="checkbox"/> Shaughnessy | <input type="checkbox"/> Steele | <input type="checkbox"/> Stidham |
| <input type="checkbox"/> Schendel | | | |