

**BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING REVISED AGENDA
May 8, 2023**

The Board meeting will be a hybrid meeting with both an in-person and a virtual option to attend. The in-person option will be in the conference room at the BSRB office at 700 SW Harrison St. Ste. 420, Topeka, KS 66603. Also, the meeting will be conducted virtually on a Zoom platform and by telephone conference call. If there are any technical issues during the meeting, you may call the Board office at, 785-296-3240.

You may view the meeting here: <https://youtube.com/live/hGD89PFIWhY?feature=share>

To join the meeting by conference call: 877-278-8686 (Pin: 327072)

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, May 8, 2023

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

- I. Opening Remarks, Board Chair**
 - II. Agenda Approval**
 - III. Public Comment**
 - A. None**
 - IV. Review and Approve Minutes from Previous Board Meeting on March 13, 2023**
 - V. Executive Director's Report**
 - VI. Staff Reports**
 - VII. Complaint Review Committee Report**
 - VIII. 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**
- IX. Old Business**
 - A. Proposed Changes to Unprofessional Conduct Regulations by Advisory Committees**

B. Discussion on Types of Changes Necessary to be Reported for Clinical Training Plans

X. New Business

A. Re-Appointment of Current Advisory Committee Members

i. Addiction Counseling Advisory Committee

- 1. Lisa Carter**
- 2. Shane Hudson**
- 3. Chad Jacobs**
- 4. Michael James**
- 5. Charity Kossin**

ii. Behavior Analyst Advisory Committee

- 1. Allyson Bell**
- 2. Emily Kessler**
- 3. Christine Marie Stiehl**
- 4. Alice Zhang**

iii. Master's Level Psychology Advisory Committee

- 1. Rebecca Jabara**
- 2. Lauren Lucht**
- 3. Kari Wold**

iv. Professional Counseling Advisory Committee

- 1. Harriet Bachner**
- 2. Michelle Fairbank**
- 3. Bob Kircher**
- 4. Andrew Secor**
- 5. Edil Torres-Rivera**

v. Licensed Psychology Advisory Committee

- 1. Abby Callis**
- 2. Jessica Hamilton**
- 3. Tiffany Johnson**
- 4. Doug Wright**

vi. Social Work Advisory Committee

- 1. Sarah Berens**
- 2. Mary Gill**
- 3. Catherine Rech**
- 4. Eric Schoenecker**

B. Appointment of New Advisory Committee Members

i. Licensed Psychology Advisory Committee

- 1. Mark Goodman**
- 2. Matthew Guelker**
- 3. Edward Hunter**
- 4. Sarah Kirk**
- 5. Jay Middleton**

C. Appointment of Kansas Compact Commissioner for the Professional Counselor Multi-State Compact (Per Enactment of HB 2288)

D. Appointment of Board Member to Replace Ric Steele on LCP Hearing Panel

E. Appointment of Board Member to Replace Johnna Norton and David Anderson on LPC Hearing Panel

F. Discussion on Chair for Behavior Analyst Advisory Committee Meeting for FY 2024

G. BSRB Action Items for Passage of SB 131

- H. Board Members Input in Reviewing Bid Submissions for RFP for Legal Services**
- I. Consideration of Other Practitioners to Be Approved to Become Board-Approved Supervisors Based on Unavailability**
- J. Discussion on Board's Annual Planning Meeting in September or October of 2023**
- K. Recognition of Outgoing Board Members**

XI. Adjournment

**BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING MINUTES
March 13, 2023**

DRAFT MINUTES

- I. Call to Order and Roll Call.** The meeting was called to order by Board Vice-Chair David Anderson at 10:00 a.m.

Board Members. David Anderson, Donna Hoener-Queal, Jim Kilmartin, Jacqueline Lightcap, Richard Nobels, Andrea Perdomo-Morales, Cynthia Schendel, Ric Steele, Deb Stidham. Mary Jones, Johnna Norton, and Laura Shaughnessy were absent.

Staff. BSRB Staff present by Zoom: David Fye, Leslie Allen, Tyla Wadsworth, Cindy D’Ercole. Legal counsel for the Board, Attorney Jared Langford, was present by Zoom.

Guests. Deborah Ramberg, Human Resources General Director, Topeka Public Schools, USD 501

- II. Agenda Approval.** Donna Hoener-Queal moved to approve the agenda. Cynthia Schendel seconded. The motion passed.
- III. Public Comment from Deborah Ramberg, Human Resources General Director, Topeka Public Schools, USD 501.** Ms. Ramberg informed the Board that Topeka Public Schools is considering possible salary adjustments for social workers that are licensed by the BSRB as Licensed Specialist Clinical Social Workers (LSCSW). A request was made for a letter of support from the Board including a statement that a LSCSW credential was comparable to a doctoral level degree for clinical social workers, concerning the possible salary adjustment in the school districts’ salary schedule. The Board did not take a position on this issue, although it was noted that if Board members wished to revisit this issue in the future, it could be discussed at a later time.
- IV. Minutes Approval:** Deb Stidham moved to approve the minutes from the Board meeting on January 6, 2023. Ric Steele seconded. The motion passed. Cynthia Schendel moved to approve the minutes from the Board meeting on January 18, 2023. Deb Stidham seconded. The motion passed. Donna Hoener-Queal moved to approve the minutes from the Board meeting on February 8, 2023. Deb Stidham seconded. The motion passed.
- V. Executive Director's Report.** David Fye, Executive Director for the BSRB, reported on the following topics:
- A. Outreach.** The agency has been broadcasting Board meetings and Advisory Committee meetings on the BSRB YouTube channel since January of 2021. Currently 100 meetings have been broadcast and those meetings have been viewed over 3,343 times.

- B. Presentations.** The Executive Director and Assistant Director have been visiting schools remotely to present information to students on the licensure process and disciplinary process.
 - C. Expenditure and Revenue.** At the end of February 2023, the net revenue for the BSRB was about \$565,000 after the 10.0 percent transfer to the State General Fund. The current balance in the BSRB Fee Fund is about \$2.2 million dollars. The agency's budget must be approved by the legislature every year. This year the agency submitted a revised budget estimate for Fiscal Year (FY) 2023 as well as a new budget request for FY 2024 and FY 2025. The House has passed the budget with a proviso for FY 2024 and FY 2025, prohibiting, as a condition of licensure, a requirement of continuing education in the area diversity or other similar topics. The approved budget was reported out of the House Appropriations Committee with no changes. The budget passed out of the Senate Ways and Means Committee with no proviso or other changes.
 - D. Legislative Updates.** The BSRB House Bill (HB) 2340 was heard in the House Health and Human Services Committee. Several individuals provided testimony. There were 6 amendments that were made to the Bill when it was worked. It passed out of Committee favorably as amended and was passed on the House floor. HB 2340 has been assigned to the Senate Public Health and Welfare Committee. The hearing on HB 2340 is tentatively scheduled for Tuesday March 21, 2023.
 - E. Kansas Fight Addiction Grant Review Board (K FAGRB).** Jason Hess serves as the Boards appointee for the K FAGRB. The K FAGRB has met twice, and Mr. Hess has provided the Board with a written update.
 - F. Social Work Compact.** Drafters are still working on finalizing language for the compact and it is likely that the model language will be available for legislation next year. Information can be found on swcompact.org.
 - G. Strengthening People and Revitalizing Kansas (SPARK) Funding.** The BSRB submitted two grant requests for federal funding to modernize technology. The agency recently received information that those submissions were approved, so the agency will be awarded over \$2,000 to purchase new equipment.
- VI. Staff Reports.** The Executive Director highlighted a report created by the BSRB, which shows historic totals of permanent licensees from 2015 to current. Trends differ by professions, but overall, the number of individuals with permanent licenses under the BSRB continues to increase.
- VII. Complaint Review Committee (CRC) Report.** Cindy D'Ercole, Lead Investigator for the BSRB, provided updates on the CRC. It was reported that as of the end of February 2023, the BSRB received 115 complaints this fiscal year. During FY 2022, the BSRB received a total of 205 complaints.
- VIII. Professions Reports**
- A. Licensed Psychology.** The Advisory Committee met on February 7, 2023, and continued discussion of the education regulation K.A.R. 102-1-12. In addition, the Advisory Committee discussed the EPPP-2.

- B. Social Work.** The Advisory Committee did not meet, due to conflicts with Legislative committee meetings. The next meeting will be scheduled in April 2023.
- C. Professional Counseling.** The Advisory Committee met in February 2023 and members received annual training for Board members and Advisory Committee members.
- D. Master's Level Psychology.** The Advisory Committee did not meet, due to conflicts with Legislative committee meetings. The next meeting will be scheduled in April 2023.
- E. Marriage and Family Therapy.** The Advisory Committee did not meet. The next meeting will be scheduled in April 2023.
- F. Addiction Counseling.** The Advisory Committee met on March 3, 2023. New members were added to the Advisory Committee. The Advisory Committee discussed possible changes to the education regulations.
- G. Behavior Analyst.** The Advisory Committee did not meet. The next meeting will be scheduled in May 2023.

IX. Old Business

- A. Proposed Changes to Unprofessional Conduct Regulations by Advisory Committees.** The Executive Director provided an update that Advisory Committees were working on recommendations to each professions unprofessional conduct regulations. Due to canceled Advisory Committee meeting, more detailed discussion of this item will be continued after those Advisory Committees have finalized their recommendations.

X. New Business

- A. Appointment of Advisory Committee Members.** Zenova Williams was appointed to the Addiction Counseling Advisory Committee.
- B. Board Members for Hearing Panel.** Dave Anderson, Laura Shaughnessy, Jacqueline Lightcap, Cynthia Schendel, and Johnna Norton were identified as members of the Board to serve as a hearing panel for a license hearing for a professional counseling applicant. Deb Stidham moved for those Board members to serve on the hearing panel. Andrea Perdomo-Morales Seconded. The motion passed.
- C. Technical Modification to Advisory Committee Policy to Reflect Change in Legal Counsel.** The Executive Director noted the Advisory Committee Policy states the "Assistant Attorney General" representing the Board should attend meetings when their attendance is requested. The BSRB no longer receives Board legal services from the Attorney General's office, so a motion was requested to modify this language to include legal counsel for the Board. Cynthia Schendel moved to adopt the new language. Jim Kilmartin Seconded. The motion passed.
- D. Board Discussion on Possible Change in Interpretation of Regulations for Program Requirements for Educational Equivalency Review.** Individuals that went to a program that is not accredited by the national accrediting body must go through an educational equivalency process so the BSRB can verify that their education meets the requirements for licensure. When determining educational equivalency, a questionnaire

is sent to the educational institution to verify whether the program meets the requirements in the regulations and representatives from that program must send supporting documentation. Most questions ask for point-in-time answers, but the Executive Director noted it would be helpful to rephrase certain questions as programs sometimes make changes over the course of time that an individual attends that program and it would be helpful to receive answers regarding the status of the program over the majority of time that an individual attended the program. By consensus, the Board agreed for the questionnaires to be modified, given the change in the evaluating process.

- E. Board Consideration of Regulation Changes-Addiction Counseling - Recognition of National Addiction Studies Accreditation Commission (NASAC) as National Accreditation Body for Option in Meeting Educational Requirement in K.A.R. 102-7-3.** The BSRB does not currently recognize a national accrediting body for the Addiction Counseling profession. Individuals from NASAC presented information to the Addiction Counseling Advisory Committee as an option to be designated as a national accrediting body for this purpose. The Advisory Committee's recommended changes to K.A.R. 102-7-3, including accepting individuals who received their education from programs accredited by NASAC as having met the educational qualifications for licensure. Additionally, the Advisory Committee recommended specific changes to the educational coursework required for other individuals to meet the educational standards for licensure. One recommendation includes removing the term "substance use" and replacing it with "biophysical needs" in K.A.R. 102-7-3(c)(2). Another recommendation was to strike the language "the impact of addiction on the family and society" from K.A.R. 102-7-3(c)(8). Richard Nobles moved to approve the recommendations. Ric Steele Seconded. The motion passed.
- F. Board Discussion on K.A.R. 102-2-12 - Requirement that Postgraduate Supervision Hours Must be Completed in Not More than Six Years.** For the Social Work profession, K.A.R. 102-2-12(c) states each applicant for clinical social worker license "shall complete, in not less than two years and not more than six years" at least 3,000 hours of postgraduate supervised clinical social work practice experience. It was noted that social work was the only profession limits the time period to not more than six years. By consensus, the Board recommended removing the language limiting the time period to not more than 6 years.
- G. Board Discussion on Types of Changes Necessary to be Reported for Clinical Training Plans.** The Executive Director noted that for individuals who have an approved clinical training plan, language in regulations requires that all changes shall be submitted by the supervisee to the Board for its approval. If changes are not submitted within 45 days of making the change, then hours accrued after the change would not count towards the hours being accrued. Advisory Committees will be asked to discuss language that could be added to the regulations on specific times of changes that would necessitate review and approval by the Board. Advisory Committees were also asked to discuss possible alternatives to the current language that prohibits hours from counting if the change was not submitted within 45 days of making the change.
- H. Update on Contract with the Center for Credentialing and Education for Educational Equivalency Reviews.** The Executive Director noted the agency has been negotiating a contract with representatives from the Center for Credentialing Education

for the purpose of providing educational equivalency reviews. The Executive Director noted it may be helpful for the Board to receive legal advice concerning the most recent draft of the contract and recommended the Board enter executive session to discuss the proposed contract with legal counsel for the Board.

XI. Executive Session. Jim Kilmartin made the following motion to enter executive session:

Pursuant to K.S.A. 75-4319, I move that the Board recess into executive session for 15 minutes and reconvene the open meeting at 12:55p.m. The meeting will be reconvened remotely by conference call at 1-877-278-8686, PIN 327072, and by Zoom, broadcast to the BSRB YouTube Channel, as directed in the notice of meeting that was sent to individuals who requested notice and is published on the Board's website: ksbsrb.ks.gov

The justification for closure is consultation and discussion that would be deemed privileged, with an attorney for the agency, concerning a proposed contract. David Fye, Executive Director for the BSRB, and Jared Langford, the Board's legal counsel, are to be included in the executive session. The subject to be discussed in the executive session is consideration of a proposed contract.

Cynthia Schendel seconded. The motion passed by voice vote.

After the conclusion of the executive session The Board re-opened the meeting after the conclusion of the Executive Session.

XII. Adjournment. Jim Kilmartin moved to adjourn. Donna Hoener-Queal seconded. The motion passed.

**Executive Director's Report
May 8, 2023**

Operations Updates

- Outreach
- Update on Revenues and Expenditures
- Information Technology

Legislative Updates

- Update on Budget Proviso
- Update on BSRB Bill – SB 131 (Originally HB 2340)
- Update on Bills Relevant to the BSRB

Associations Updates

- Updates from Association of Social Work Boards (ASWB) Mid-Year Meeting
- Updates from Association of State and Provincial Psychology Boards (ASPPB) Mid-Year Meeting

Other Updates

- Update on the Kansas Fights Addiction Grant Review Board
- Update on the Psychology Interjurisdictional Compact (PSYPACT)
- Update on Social Work Multi-State Compact Draft Language

Advisory Committees / Other Meetings Facilitated Since Last Full Board Meeting on March 13, 2023

- March 27 – License Hearing
- March 28 – License Application Review Meeting Under the Kansas Administrative Procedures Act (KAPA)
- March 29 – BSRB Staff Meeting
- April 7 – License Hearing
- April 10 – Complaint Review Committee Meeting
- April 11 – Licensed Psychology Advisory Committee Meeting
- April 12 – Master's Level Psychology Advisory Committee Meeting
- April 14 – Marriage and Family Therapy Advisory Committee Meeting
- April 17 – Professional Counseling Advisory Committee Meeting
- April 24 – Social Work Advisory Committee Meeting
- April 25 – License Application Review Meeting Under the KAPA
- May 2 – BSRB Staff Meeting
- May 3 – Behavior Analyst Advisory Committee Meeting

Other Meetings Attended

- March 13 – Provided Proponent Testimony on HB 2375 to Senate Higher Education Committee
- March 16 – Six Individual Meetings with Senator Concerning HB 2340

- March 20 – Provided Proponent Testimony on HB 2340 to Senate Public Health and Welfare Committee
- March 20 – Three Individual Meetings with Senators Concerning HB 2340
- March 21 – Three Individual Meetings with Senators Concerning HB 2340
- March 21 – Provided Proponent Testimony on HB 2288 to Senate Public Health and Welfare Committee
- March 21 – Presentation to Students from Avila University
- March 22 – Attended Senate Public Health and Welfare Committee on Working of HB 2340 and HB 2288
- March 24 – American Association of State Counseling Boards (AASCB) Monthly Meeting
- March 27 – AASCB By-Law Committee Meeting
- March 28 – Small Agency Monthly Meeting
- March 28 - Presentation to Students from Kansas University
- March 31 – Meetings with Representatives from the Legislative Division of Post Audit
- April 3 – Meetings with Representatives from the Legislative Division of Post Audit
- April 5 – Meeting with Office of Information Technology Services (OITS) to Coordinate Desktop-As-A-Service Transition for Staff Members
- April 19-23 – Mid-Year Meeting for the Association of Social Work Boards
- April 24 – Met with Representatives from OITS for the Installation of New IT Equipment
- April 25 – Small Agency Monthly Meeting
- April 25 – Attended Ceremonial Bill Signing Ceremony for HB 2288 at Capitol
- April 26-30 – Mid-Year Meeting for the Association of State and Provincial Psychology Boards
- May 4 – Non-Cabinet Agency (NCA) Leadership Meeting

Kansas Fights Addiction Grant Review Board Update May 2023

The Kansas Fights Addiction Grant Review Board (KFAB) has met twice since your last update.

March 10

The KFAB Board met to review progress on the RFP. The RFP was made available as of March 6. Seeing significant interest and questions coming in. Board determined all questions and inquiries be routed directly to the Sunflower Foundation for consistency in messaging.

At the Board's request a panel of individuals with lived, Substance use specific experience presented, highlighting their journey into recovery and where they see need and gaps in service.

April 14

The KFAB Board met to review progress on RFP. Roughly 112 organizations have signaled their intent to respond by the 4/28 deadline. Board discussed reached consensus on an RFP review process.

Prevention RFP to be released in the near future with \$2 Million available. That RFP will close in late June.

State needs assessment RFP is being developed for release.

Kansas Behavioral Sciences Regulatory Board
700 SW Harrison St, Suite 420
Topeka, KS 66603

Dear Board,

I am currently a Senior at Northwestern State University of Louisiana. I was born and raised in Wichita, KS and reside here currently. When I graduate this summer with my BSW I will enroll in a graduate program and look to receive my MSW.

I have done research on the matter of the ASWB Licensing Exams within my course and briefly outside of my required curriculum. The results overwhelmingly represent that persons of color, specifically the African American community, have had troubles passing this exam. This may be due to the amount of bias that is shown through test taking and the amount that is to be ignored to pass the exam.

Do I stay true to my core understanding of the world, or do I lie to myself to pass an exam? Some thoughts should not be considered when taking an exam to be licensed in a field that focuses on fairness and consistency.

As a 31-year-old African American male who fits the criteria, I will unequivocally disagree with the format and intention of the exam. To have a problem without a solution is almost worse than having a problem at all. I suggest altering the exam to better engage the people who are suffering the most from the format or removing the test indefinitely. There are people failing your test and they are predominately the same color and come from the same culture and no one has asked why.

There is a line in the sand, and it is being considered intentional.

Thank you for your time.

Sincerely,

Brison J. White.

Behavioral Sciences Regulatory Board
History of Permanent Licenses July 2015 to Current

	July 2015	July 2016	July 2017	July 2018	Jan 2019	July 2019	Jan 2020	Mar 2020	July 2021	Sept 2021	Nov 2021	Jan 2022	Mar 2022	May 2022	July 2022	Sept 2022	Nov 2022	Jan 2023	Mar 2023	May 2023
LP	897	967	926	984	928	949	996	1,006	988	1,016	1,035	1,046	1,040	1,054	952	962	987	999	1,010	1,015
LASW	22	21	21	19	18	17	15	13	9	8	9	8	7	7	5	5	5	4	4	4
LBSW	1,756	1,754	1,764	1,725	1,668	1,638	1,601	1,577	1,466	1,427	1,413	1,393	1,389	1,377	1,346	1,327	1,313	1,295	1,280	1,266
LMSW	3,519	3,684	3,774	3,862	3,854	3,927	3,881	3,861	3,970	4,016	4,022	4,006	4,003	3,980	4,012	4,028	4,021	4,023	4,016	4,034
LSCSW	1,966	2,009	2,033	2,088	2,115	2,172	2,260	2,274	2,474	2,509	2,553	2,566	2,593	2,634	2,680	2,720	2,752	2,769	2,804	2,838
LPC	648	733	760	813	829	847	880	882	937	953	961	956	963	957	981	1,002	1,006	1,012	1,014	1,021
LCPC	500	546	561	619	661	704	747	747	843	896	929	947	978	945	1,034	1,047	1,077	1,088	1,104	1,127
LMLP	288	304	303	302	305	295	289	291	294	296	298	304	309	309	308	310	311	315	323	328
LCP	291	298	294	297	287	288	294	293	282	284	284	286	286	287	289	281	278	276	277	277
LMFT	354	350	340	347	335	324	330	327	335	324	319	329	326	330	330	318	312	319	320	313
LCMFT	444	499	535	566	587	611	618	620	681	703	719	726	736	745	754	763	773	776	783	789
LAC	930	919	729	620	612	618	572	569	578	520	520	521	524	522	522	523	526	530	535	532
LMAC	-	-	262	343	352	363	376	375	427	432	433	432	434	436	431	418	414	421	415	417
LCAC	537	528	541	527	546	566	546	541	570	536	537	542	547	551	556	561	566	568	574	576
LaBA	-	-	15	18	13	14	14	14	12	11	13	13	15	16	17	15	19	21	18	20
LBA	-	-	129	175	176	199	224	229	263	270	288	292	304	325	333	347	354	363	370	388
Total																				
Permanent Licenses	12,152	12,612	12,987	13,305	13,286	13,532	13,643	13,619	14,129	14,201	14,333	14,367	14,454	14,475	14,550	14,627	14,714	14,779	14,847	14,945

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 July 2015 to Current**

	July 2015	July 2016	July 2017	July 2018	Jan 2019	July 2019	Jan 2020	Mar 2020	July 2021	Sept 2021	Nov 2021	Jan 2022	Mar 2022	May 2022	July 2022	Sept 2022	Nov 2022	Jan 2023	Mar 2023	May 2023
Total LPs	897	967	926	984	928	949	996	1,006	988	1,016	1,035	1,046	1,040	1,054	952	962	987	999	1,010	1,015
Total SWs	7,263	7,468	7,592	7,694	7,655	7,754	7,757	7,725	7,919	7,960	7,997	7,973	7,992	7,998	8,043	8,080	8,091	8,091	8,104	8,142
Total PCs	1,148	1,279	1,321	1,432	1,490	1,551	1,627	1,629	1,780	1,849	1,890	1,903	1,941	1,902	2,015	2,049	2,083	2,100	2,118	2,148
Total LMLPs/LCPs	579	602	597	599	592	583	583	584	576	580	582	590	595	596	597	591	589	591	600	605
Total MFTs	798	849	875	913	922	935	948	947	1,016	1,027	1,038	1,055	1,062	1,075	1,084	1,081	1,085	1,095	1,103	1,102
Total ACs	1,467	1,447	1,532	1,490	1,510	1,547	1,494	1,485	1,575	1,488	1,490	1,495	1,505	1,509	1,509	1,502	1,506	1,519	1,524	1,525
Total BAs	-	-	144	193	189	213	238	243	275	281	301	305	319	341	350	362	373	384	388	408
Total Permanent Licenses	12,152	12,612	12,987	13,305	13,286	13,532	13,643	13,619	14,129	14,201	14,333	14,367	14,454	14,475	14,550	14,627	14,714	14,779	14,847	14,945

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.

RAV Statistics for FY 2023

July 2022	
Received	11
Closed	9
Total # of Cases	102

January 2023	
Received	22
Closed	12
Total # of Cases	102

August 2022	
Received	26
Closed	30
Total # of Cases	98

February 2023	
Received	11
Closed	13
Total # of Cases	100

September 2022	
Received	10
Closed	8
Total # of Cases	100

March 2023	
Received	25
Closed	9
Total # of Cases	116

October 2022	
Received	25
Closed	14
Total # of Cases	111

April 2023	
Received	6
Closed	6
Total # of Cases	116

November 2022	
Received	7
Closed	7
Total # of Cases	111

May 2023	
Received	
Closed	
Total # of Cases	

December 2022	
Received	18
Closed	37
Total # of Cases	92

June 2022	
Received	
Closed	
Total # of Cases	

Cases Open by FY					
FY 2017	0	FY 2018	3	FY 2019	0
FY 2020	1	FY 2021	4	FY 2022	12
FY 2023	95				

RAV Statistics for FY 2023

April 2023

Cases OPEN by License FY 2023

Profession	# Open	Percentage	Permanent Licenses	RAV/Licensees
LP	17	14.66%	1,015	0.0167
LMLP	2	1.72%	328	0.0061
LCP	2	1.72%	277	0.0072
LMFT	2	1.72%	313	0.0064
LCMFT	14	12.07%	789	0.0177
LPC	19	16.38%	1,021	0.0186
LCPC	10	8.62%	1,127	0.0089
LBSW/LASW	1	0.86%	1,270	0.0008
LMSW	21	18.10%	4,034	0.0052
LSCSW	19	16.38%	2,838	0.0067
LAC	4	3.45%	532	0.0075
LMAC	2	1.72%	417	0.0048
LCAC	0	0.00%	576	N/A
LBA/LaBa	0	0.00%	408	N/A
No License	3	2.59%	N/A	N/A
Total	116	100.00%	14,945	0.0078

Cases Received for FY 2023 by License

Profession	# Received	Percentage	Permanent Licenses	RAV/Licensees
LP	20	12.42%	1,015	0.0197
LMLP	9	5.59%	328	0.0274
LCP	10	6.21%	277	0.0361
LMFT	4	2.48%	313	0.0128
LCMFT	16	9.94%	789	0.0203
LPC	18	11.18%	1,021	0.0176
LCPC	7	4.35%	1,127	0.0062
LBSW/LASW	1	0.62%	1,270	0.0008
LMSW	28	17.39%	4,034	0.0069
LSCSW	24	14.91%	2,838	0.0085
LAC	6	3.73%	532	0.0113
LMAC	2	1.24%	417	0.0048
LCAC	1	0.62%	576	0.0017
LBA/LaBa	0	0.00%	408	N/A
No License	15	9.32%	N/A	N/A
Total	161	100.00%	14,945	0.0108

Addiction Counseling Unprofessional Conduct Regulations

K.A.R. 102-7-11. Unprofessional conduct. Each of the following acts shall be considered unprofessional conduct for ~~a licensed addiction counselor, a licensed clinical addiction counselor~~an individual authorized to practice addiction counseling by the board, or an applicant ~~for an addiction counselor license or a clinical addiction counselor license~~to practice addiction counseling:

(a) Except when the information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that the licensee or applicant or any other person regulated by the board or applying for licensure or registration has met any of these conditions:

- (1) Has had a professional license, certificate, permit, registration, certification, or professional membership granted by any jurisdiction, professional association, or professional organization that has been limited, conditioned, qualified, restricted, suspended, revoked, refused, voluntarily surrendered, or allowed to expire in lieu of or during investigatory or disciplinary proceedings;
- (2) has been subject to any other disciplinary action by any credentialing board, professional association, or professional organization;
- (3) has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance;
- (4) has been substantiated of abuse against a child, an adult, or a resident of a care facility; ~~or~~
- (5) has practiced the licensee's profession in violation of the laws or regulations that regulate the profession; or
- (6) has been convicted of a crime.

(b) knowingly allowing another person to use one's license;

(c) impersonating another person holding a license or registration issued by this or any other board;

(d) having been convicted of a crime resulting from or relating to one's professional practice of addiction counseling;

(e) furthering the licensure application of another person who is known or reasonably believed to be unqualified with respect to character, education, or other relevant eligibility requirements;

(f) knowingly aiding or abetting any individual who is not credentialed by the board to represent that individual as a person who was or is credentialed by the board;

(g) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the

ability to act in the client's best interests;

(h) failing or refusing to cooperate in a timely manner with any request from the board for a response, information, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the board. Each person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner;

(i) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards;

(j) engaging in any behavior that is abusive or demeaning to a client, student, or supervisee;

(k) imposing one's personal values, spiritual beliefs, or lifestyle on a client, student, or supervisee;

(l) discriminating against any client, student, directee, or supervisee on the basis of color, race, gender, age, religion, national origin, ~~or~~ disability, gender expression, or sexual orientation;

(m) failing to inform each client of that client's rights as those rights relate to the addiction counseling relationship;

(n) failing to provide each client with a description of the services, fees, and payment expectations, or failing to reasonably comply with that description;

(o) failing to provide each client with a description of the possible effects of the proposed treatment if the treatment is experimental or if there are clear and known risks to the client;

(p) failing to inform each client, student, or supervisee of any financial interests that might accrue to the licensee or applicant if the licensee or applicant refers a client, student, or supervisee to any other service or if the licensee or applicant uses any tests, books, or apparatus;

(q) failing to inform each client that the client can receive services from a public agency if one is employed by that public agency and also offers services privately;

(r) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of the following actions:

(1) Electronically recording sessions with that client;

(2) permitting a third-party observation of their activities; or

(3) releasing information concerning a client to a third-~~person~~party, unless required or permitted by law;

(s) failing to exercise due diligence in protecting the information regarding the client from disclosure ~~by other persons~~ in one's work or practice setting, especially in telehealth practice;

(t) engaging in professional activities, including but not limited to, billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;

(u) using alcohol or any illegal drug or misusing any substance that could cause impairment while performing the duties or services of an addiction counselor;

(v) engaging in a harmful dual relationship or exercising undue influence towards one's client, supervisee, or student;

(w) making sexual advances toward or engaging in physical intimacies or sexual activities with either of the following:

(1) Any person who is a client, supervisee, or student; or

(2) any person who has a significant relationship with the client and that relationship is known to the licensee;

(x) making sexual advances toward or engaging in physical intimacies or sexual activities with any person who meets either of the following conditions:

(1) Has been a client within the past 24 months; or

(2) has had a significant relationship with a current client or a person who has been a client within the past 24 months and that relationship is known to the licensee;

(y) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for referring the client or in connection with performing professional services;

(z) permitting any person to share in the fees for professional services, other than a partner, an employee, an associate in a professional firm, or a consultant authorized to practice addiction counseling or clinical addiction counseling;

(aa) soliciting or assuming professional responsibility for clients of another agency or colleague without attempting to coordinate the continued provision of client services by that agency or colleague;

(bb) making claims of professional superiority that one cannot substantiate;

(cc) guaranteeing that satisfaction or a cure will result from performing or providing any professional service;

(dd) claiming or using any secret or special method of treatment or techniques that one refuses to disclose to the board;

(ee) continuing or ordering tests, procedures, or treatments or using treatment facilities or services not warranted by the client's condition, best interests, or preferences;

(ff) taking credit for work not personally performed, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;

(gg) if engaged in research, failing to meet these requirements:

(1) Considering carefully the possible consequences for human beings participating in the research;

(2) protecting each participant from unwarranted physical and mental harm;

(3) ascertaining that each participant's consent is voluntary and informed; and

(4) preserving the privacy and protecting the anonymity of each subject of the research within the terms of informed consent;

(hh) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading;

(ii) failing to notify the client promptly if one anticipates terminating or interrupting service to the client;

(jj) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care;

(kk) abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer;

(ll) failing to terminate addiction counseling services if it is apparent that the relationship no longer serves the client's needs or best interests;

(mm) when supervising, failing to provide accurate and current information, timely evaluations, and constructive consultation;

(nn) when applicable, failing to inform a client that addiction counseling services are provided or delivered under supervision;

(oo) failing to inform a client that addiction counseling services are delivered under supervision as a student or an individual seeking clinical licensure;

(pp) failing to report unprofessional conduct of a licensed addiction counselor, licensed clinical addiction counselor, or any individual licensed by the board;

(qq) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing another person from filing a report or record that is required by state or federal law, or inducing another person to take any of these actions;

(rr) offering to perform or performing any service, procedure, or therapy that, by the accepted standards of addiction counseling practice in the community, would constitute experimentation on human subjects without first obtaining the full, informed, and voluntary written consent of the client or the client's legal representative or representatives;

(ss) practicing addiction counseling after one's license expires;

(tt) using without a license, or continuing to use after a license has expired, any title or abbreviation defined by regulation; ~~and~~

(uu) violating any provision of the addictions counselor licensure act or any implementing regulation; ~~and-~~

(vv) failing to follow appropriate recordkeeping standards as described below:

-(1) each individual authorized to provide addiction counseling must maintain a record for each client that accurately reflects the licensee's contact with the client and the results of the addiction counseling or clinical addiction counseling services provided. Each licensee shall have ultimate responsibility for the content of the licensee's records and the records of those persons under the licensee's supervision. These records may be maintained in a variety of formats, if reasonable steps are taken to maintain the confidentiality, accessibility, and durability of the records. Each record shall be completed in a timely manner and, at a minimum, shall include the following information for each client in sufficient detail to permit planning for continuity of care:

(A) Adequate identifying data;

(B) the date or dates of services that the licensee or the licensee's supervisee provided;

(C) the type or types of services that the licensee or the licensee's supervisee provided;

(D) the initial assessment, conclusions, and recommendations;

(E) the treatment plan; and

(F) the clinical or progress notes from each session.

(2) If a practitioner is the owner or custodian of client records, the practitioner shall retain a complete record for the following time periods, unless otherwise provided by law:

(A) At least six years after the date of termination of one or more contacts with an adult; and

(B) for a client who is a minor on the date of termination of the contact or contacts, at least until the later of the following two dates:

(i) Two years past the date on which the client reaches the age of majority; or

(ii) six years after the date of termination of the contact or contacts with the minor.

(3) If a practitioner is the owner or custodian of the client records, it is the practitioner's responsibility to identify an alternate custodian of their records, in the event they are incapacitated or pass away unexpectedly and there is no other custodian of their records.

(Authorized by K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; implementing L. 2011, ch. 114, §15; effective, T-102-7-1-11, July 1, 2011; effective, T-102-10-27-11, Oct. 27, 2011; effective Jan. 20, 2012.)

Behavior Analyst Unprofessional Conduct Regulations

102-8-11. Unprofessional conduct. Each of the following acts shall be considered unprofessional conduct for a licensed assistant behavior analyst, a licensed behavior analyst, or an applicant for an assistant behavior analyst license or a behavior analyst license:

- (a) Except when the information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that the licensee or applicant or any other person regulated by the board or applying for licensure has met any of the following conditions:
 - (1) Has had a professional license, certificate, permit, registration, certification, or professional membership granted by any jurisdiction, professional association, or professional organization that has been limited, conditioned, qualified, restricted, suspended, revoked, refused, voluntarily surrendered, or allowed to expire in lieu of or during investigatory or disciplinary proceedings;
 - (2) has been subject to any other disciplinary action by any credentialing board, professional association, or professional organization;
 - (3) has been demoted, terminated, suspended, reassigned, or asked to resign from employment or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance; or
 - (4) has violated any provision of the act or any implementing regulation;

- (b) knowingly allowing another person to use one's license;

- (c) impersonating another person holding a license or registration issued by the board or any other agency;

- (d) having been convicted of a crime resulting from or relating to one's professional practice of applied behavior analysis;

- (e) knowingly aiding or abetting any individual who is not credentialed by the board to represent that individual as a person who was or is licensed by the board;

- (f) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;

- (g) failing or refusing to cooperate within 30 days with any request from the board for a response, information, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed by the board. Each person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner;

(h) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards;

(i) engaging in any behavior that is abusive or demeaning to a client, student, or supervisee;

(j) discriminating against any client, student, directee, or supervisee on the basis of age, gender, race, culture, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status;

(k) failing to advise and explain to each client, in understandable language, the respective rights, responsibilities, and duties involved in the licensee's professional relationship with the client;

(l) failing to provide each client, in understandable language, with a description of the services, fees, and payment expectations or failing to reasonably comply with that description;

(m) failing to provide each client, in understandable language, with a description of the possible effects of the proposed treatment if the treatment is experimental or if there are clear and known risks to the client;

(n) failing to inform each client, student, or supervisee of any financial interests that might accrue to licensee or applicant if the licensee or applicant refers a client, student, or supervisee to any other service or if the licensee or applicant uses any tests, books, or apparatus;

(o) failing to inform each client that the client can receive services from a public agency if one is employed by that public agency and also offers services privately;

(p) failing to provide copies of reports or records to a licensed healthcare provider authorized by the client following the licensee's receipt of a formal written request, unless the release of that information is restricted or exempted by law or by this article of the board's regulations, or the disclosure of the information would be injurious to the welfare of the client;

(q) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of the following actions:

(1) Electronically recording sessions with the client;

(2) permitting a third-party observation of the licensee's provision of applied behavior analysis services to the client; or

(3) releasing information concerning a client to a third person, unless required or permitted by law;

(r) failing to exercise due diligence in protecting the information regarding the client from disclosure by other persons in one's work or practice setting;

(s) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;

(t) revealing information, a confidence, or a secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records, unless at least one of the following conditions is met:

(1) Disclosure is required or permitted by law;

(2) failure to disclose the information presents a serious danger to the health or safety of an individual or the public;

(3) the licensee is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of applied behavior analysis, in which case disclosure shall be limited to that action; or

(4) payment for services is needed;

(u) using alcohol or any illegal drug or misusing any substance that could cause impairment while performing the duties or services of a licensee;

(v) engaging in a harmful dual relationship or exercising undue influence;

(w) making sexual advances toward or engaging in physical intimacies or sexual activities with any of the following:

(1) Any person who is a client, supervisee, or student; or

(2) any person who has a significant relationship with the client and that relationship is known to the licensee;

(x) making sexual advances toward or engaging in physical intimacies or sexual activities with any person who meets either of the following conditions:

(1) Has been a client within the past 24 months; or

(2) has had a significant relationship with a current client or a person who has been a client within the past 24 months and that relationship is known to the licensee;

(y) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for referring the client or in connection with performing professional services;

(z) permitting any person to share in the fees for professional services, other than a partner, an employee, an associate in a professional firm, or a consultant authorized to practice applied behavior analysis;

(aa) actively soliciting any clients of another agency or colleague without attempting to coordinate the continued provision of client services by that agency or colleague; or assuming professional responsibility for any clients of another agency or colleague without attempting to coordinate services for continuity of care. ~~the continued provision of client services by that~~

~~agency or colleague;~~

(bb) making claims of professional superiority that one cannot substantiate;

(cc) guaranteeing that satisfaction or a cure will result from performing or providing any professional service;

(dd) claiming or using any secret or special method of treatment or techniques that one refuses to disclose to the board;

(ee) continuing or ordering tests, procedures, or treatments or using treatment facilities or services not warranted by the client's condition, best interests, or preferences;

(ff) taking credit for work not personally performed, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;

(gg) if engaged in research, failing to meet the following requirements:

(1) Considering carefully the possible consequences for human beings participating in the research;

(2) protecting each participant from unwarranted physical and mental harm;

(3) ascertaining that each participant's consent is voluntary and informed; and

(4) preserving the privacy and protecting the anonymity of each subject of the research within the terms of informed consent;

(hh) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading;

(ii) failing to notify the client promptly if one anticipates terminating or interrupting service to the client;

(jj) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care;

(kk) abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer;

(ll) failing to terminate applied behavior analysis services if it is apparent that the relationship no longer serves the client's needs or best interests;

(mm) when supervising, failing to provide accurate and current information, timely evaluations, and constructive consultation;

(nn) when applicable, failing to inform a client that applied behavior analysis services are provided or delivered under supervision;

(oo) failing to report unprofessional conduct of a licensed assistant behavior analyst, a licensed behavior analyst, or any other individual licensed by the board;

(pp) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing another person from filing a report or record that is required by state or federal law, or inducing another person to take any of these actions;

(qq) offering to perform or performing any service, procedure, treatment, or therapy that, by the accepted standards of applied behavior analysis practice in the community, would constitute experimentation on human subjects without first obtaining the full, informed, and voluntary written consent of the client or the client's legal representative or representatives;

(rr) practicing applied behavior analysis after one's license expires; and

(ss) using without a license, or continuing to use after a license has expired, any title or abbreviation defined by regulation.

(ss) directly soliciting testimonials from current clients or stakeholders for use in advertisements to obtain new clients.

(tt) failing to provide each client with a description of the proposed treatment procedures anticipated outcomes and possible risks to the client.

(uu) deriving or soliciting any form of substantial personal monetary profit or substantial personal gain as a result of their professional relationship with clients or relevant parties.

(vv) when entering a relationship with a third party, failure to clarify the nature of the relationship with each party and assess any potential conflicts.

(ww) failure to actively engage in professional development activities to maintain and further professional competence.

(xx) taking on more supervisees and trainees than allows for effective supervision.

(yy) when supervising and training, failing to incorporate and address topics related to diversity.

(zz) when supervising and training, failing to ensure that supervisees and trainees are competent to perform delegated tasks.

(aaa) failure to follow appropriate standard for recordkeeping, as described below:

(1)-Each licensed assistant behavior analyst and each licensed behavior analyst shall maintain a record for each client that accurately reflects the licensee's contact with the client and the client's progress.

Each licensee shall have ultimate responsibility for the content of the licensee's records and the records of those persons under the licensee's supervision. These records may be maintained in a variety of formats, if reasonable steps are taken to maintain the confidentiality, accessibility, and durability of the records. Each record shall be completed in a timely manner and, at a minimum, shall include the following information for each client in sufficient detail to permit planning for continuity of care:

(A) Adequate identifying data;

(B) the date or dates of services that the licensee or the licensee's supervisee provided;

(C) the type or types of services that the licensee or the licensee's supervisee provided;

(D) the initial assessment, conclusions, and recommendations;

(E) the treatment plan; and

(F) the clinical or progress notes from each session.

(2) If a licensee is the owner or custodian of client records, the licensee shall retain a complete record for the following time periods, unless otherwise provided by law:

(A) For an adult, at least six years after the date of termination of one or more contacts; and

(B) for a client who is a minor on the date of termination of the contact or contacts, at least until the later of the following two dates:

(i) Two years past the date on which the client reaches the age of 18; or

(ii) six years after the date of termination of the contact or contacts with the minor.

(Authorized by K.S.A. 2015 Supp. 65-7505; implementing K.S.A. 2015 Supp. 65-7504 and 65-7505; effective, T-102-6-29-16, June 29, 2016; effective Nov. 14, 2016.)

Licensed Psychology Unprofessional Conduct Regulations

K.A.R. 102-1-10a. Unprofessional conduct. Each of the following shall be considered unprofessional conduct:

(a) Practicing psychology in an incompetent manner, which shall include the following acts:

- (1) Misrepresenting professional competency by offering to perform services that are inconsistent with the licensee's education, training, or experience;
- (2) performing professional services that are inconsistent with the licensee's education, training, or experience; and
- (3) without just cause, failing to provide psychological services that the licensee is required to provide under the terms of a contract;

(b) practicing with impaired judgment or objectivity, which shall include the following acts:

- (1) Using alcohol or other substances to the extent that it impairs the psychologist's ability to competently engage in the practice of psychology; and
- (2) failing to recognize, seek intervention, and make arrangements for the care of clients if one's own personal problems, emotional distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;

(c) engaging in harmful dual relationships, which shall include the following acts:

- (1) Making sexual advances toward or engaging in physical intimacies or sexual activities with either of the following:
 - (A) Any person who is a client, supervisee, or student; or
 - (B) any person that the licensee knows who has a significant relationship with the client, supervisee, or student;
- (2) failing to inform the client or patient of any financial interests that might accrue to the licensed psychologist for referral to any other service or for the sale, promotion, or use of any tests, books, electronic media, or apparatus; and
- (3) exercising undue influence over any client;

(d) making sexual advances toward or engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been a client;

(e) failing to obtain informed consent, which shall include the following acts:

- (1) Failing to obtain and document, in a timely manner, informed consent from the client or legally authorized representative for clinical psychological services before the provision of any of these services except in an emergency situation. This informed consent shall include a description of the possible effects of treatment or procedures when there are known risks to the client or patient;
- (2) failing to provide clients or patients with a description of what the client or patient may expect in the way of tests, consultation, reports, fees, billing, and collection; ~~and~~
- (3) failing to inform clients or patients when a proposed treatment or procedure is experimental; and

(4) failing to inform the client of the limit of a professional relationship and the requirements imposed by other parties.

(f) ignoring client welfare, which shall include the following acts:

(1) Failing to provide copies of reports or records to a licensed healthcare provider authorized by the client following the licensee's receipt of a formal written request, unless the release of that information is restricted or exempted by law or by these regulations, or the disclosure of the information would be injurious to the welfare of the client;

(2) failing to inform the client or patient that the client or patient is entitled to the same services from a public agency if the licensed psychologist is employed by that public agency and also offers services privately;

(3) engaging in behavior that is abusive or demeaning to a client, student, or supervisee;

(4) soliciting or agreeing to provide services to prospective clients or patients who are already receiving mental health services elsewhere without openly discussing issues of disruption of continuity of care with the prospective client or patient, or with other legally authorized persons who represent the client or patient, and when appropriate, consulting with the other service provider about the likely effect of a change of providers on the client's general welfare;

(5) failing to take each of the following steps before termination for whatever reason, unless precluded by the patient's or client's relocation or noncompliance with the treatment regimen:

(A) Discuss the patient's or client's views and needs;

(B) provide appropriate pretermination counseling;

(C) suggest alternative service providers, as appropriate; and

(D) take other reasonable steps to facilitate the transfer of responsibility to another provider if the patient or client needs one immediately;

(6) failing to arrange for another psychologist or other appropriately trained mental health professional to be available to handle clinical emergencies if the psychologist anticipates being unavailable for a significant amount of time;

(7) failing to be available for the timely handling of clinical emergencies after having agreed to provide coverage for another psychologist;

(8) failing to terminate a professional relationship if it becomes reasonably clear that the patient or client no longer needs the service, is not benefiting from continued service, or is being harmed by continued service;

(9) failing to delegate to employees, supervisees, and research assistants only those responsibilities that these persons can reasonably be expected to perform competently on the basis of their education, training, or experience, either independently or with the level of supervision being provided;

(10) failing to provide training and supervision to employees or supervisees and to take reasonable steps to see that these persons perform services responsibly, competently, and ethically; and

(11) continuing to use or order tests, procedures, or treatment, or to use treatment facilities or services not warranted by the client's or patient's condition;

(g) failing to protect confidentiality or privacy, which ~~shall~~ may include, but is not limited to, the following acts:

(1) Failing to inform each client, supervisee, or student of the limits of client confidentiality, the purposes for which the information may be obtained, and the manner in which it may be used;

(2) revealing any information regarding a client or failing to protect information contained in a client's records, unless at least one of these conditions is met:

(A) Disclosure is required or permitted by law;

(B) failure to disclose the information presents a clear and present danger to the health and safety of an individual or the public;

(C) the psychologist is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of psychology, in which case disclosure shall be limited to that action; or

(D) the patient has signed a written release that authorizes the psychologist to release information to a specific person or persons identified in the release; ~~and/or~~

(3) failing to obtain written, informed consent from each client or the client's legal representative or representatives or from any other participant before performing either of the following actions:

(A) Electronically recording sessions with the client, or other participants, including audio and video recordings; or

(B) permitting third-party observation of the activities of the client or participant;

(h) misrepresenting the services offered or provided, which shall include the following acts:

(1) Failing to inform a client if services are provided or delivered under supervision;

(2) making claims of professional superiority that cannot be substantiated;

(3) guaranteeing that satisfaction or a cure will result from the performance of professional services;

(4) knowingly engaging in fraudulent or misleading advertising; and

(5) taking credit for work not personally performed;

(i) engaging in improprieties with respect to fees and billing statements, which shall include the following acts:

(1) Exploiting clients or payers with respect to fees;

(2) misrepresenting one's fees;

(3) failing to inform a patient or client who fails to pay for services as agreed that collection procedures may be implemented, including the possibility that a collection agency may be used or legal measures may be taken; and

(4) filing claims for services that were not rendered;

(j) improperly using assessment procedures, which shall include the following acts:

(1) Basing assessment, intervention, or recommendations on test results and instruments that are inappropriate to the current purpose or to the patient characteristics;

(2) failing to identify situations in which particular assessment techniques or norms may not be applicable or failing to make adjustments in administration or interpretation because of relevant factors, including gender, age, race, and other pertinent factors;

(3) failing to indicate significant limitations to the accuracy of the assessment findings;

(4) failing to inform individuals or groups at the outset of an assessment that the psychologist is precluded by law or by organizational role from providing information about results and conclusions of the assessment;

(5) endorsing, filing, or submitting psychological assessments, recommendations, reports, or diagnostic statements on the basis of information and techniques that are insufficient to substantiate those findings;

(6) releasing raw test results or raw data either to persons who are not qualified by virtue of education, training, or supervision to use that information or in a manner that is inappropriate to the needs of the patient or client; and

(7) allowing, endorsing, or supporting persons who are not qualified by virtue of education, training, or supervision to administer or interpret psychological assessment techniques;

(k) violating applicable law, which shall include the following acts:

(1) Impersonating another person holding a license issued by this or any other board;

(2) claiming or using any method of treatment or diagnostic technique that the licensed psychologist refuses to divulge to the board;

(3) refusing to cooperate in a timely manner with the board's investigation of complaints lodged against an applicant or a psychologist licensed by the board. Any psychologist taking longer than 30 days to provide requested information shall have the burden of demonstrating that the psychologist has acted in a timely manner; and

(4) being convicted of a crime resulting from or relating to the licensee's professional practice of psychology;

(l) aiding an illegal practice, which shall include the following acts:

(1) Knowingly allowing another person to use one's license;

(2) knowingly aiding or abetting anyone who is not ~~credentialed~~ authorized to practice by the board to represent that individual as a person credentialed by the board;

(3) furthering the licensure or registration application of another person who is known or reasonably believed to be unqualified in respect to character, education, or other relevant eligibility requirements;

(4) making a materially false statement or failing to disclose a material fact in an application for licensure or renewal of licensure; and

(5) failing to notify the board, within a reasonable period of time, that any of the following conditions apply to the psychologist or that the psychologist has knowledge, not obtained in the context of confidentiality, that any of the following conditions apply to another professional regulated by the board:

(A) A licensee has had a license, certificate, permit, registration, or other certificate, registration, or license in psychology or in the field of behavioral sciences, granted by any state or jurisdiction, that has been limited, restricted, suspended, or revoked;

(B) a licensee has been subject to disciplinary action by a licensing or certifying authority or professional association;

(C) a licensee has been terminated or suspended from employment for some form of misfeasance, malfeasance, or nonfeasance;

(D) a licensee has been convicted of a felony; or

(E) a licensee has practiced in violation of the laws or regulations regulating the profession;

A psychologist taking longer than 30 days to notify the board shall have the burden of demonstrating that the psychologist acted within a reasonable period of time;

(m) ~~failing to maintain and retain records as outlined in K.A.R. 102-1-20~~ failing to exercise professional conduct regarding recordkeeping by committing any of the following acts:

(1) failing to maintain a record for each client or patient that accurately reflects the licensee's contact with the client or patient and the results of the psychological service provided. Each

licensee shall have ultimate responsibility for the content of the licensee's records and the records of those persons under the licensee's supervision. The record may be maintained in a variety of media, if reasonable steps are taken to maintain confidentiality, accessibility, and durability. Each record shall be completed in a timely manner and shall include the following information for each client or patient who is a recipient of clinical psychological services:

(A) Adequate identifying data;

(B) the date or dates of services the licensee or the licensee's supervisee provided;

(C) the type or types of services the licensee or the licensee's supervisee provided;

(D) initial assessment, conclusions, and recommendations;

(E) a plan for service delivery or case disposition;

(F) clinical notes of each session; and

(G) sufficient detail to permit planning for continuity that would enable another psychologist to take over the delivery of services.

(2) If a licensee is the owner or custodian of client or patient records, failing to retain a complete record for the following time periods, unless otherwise provided by law:

(A) At least five years after the date of termination of one or more contacts with an adult; and

(B) for a client or patient who is a minor on the date of termination of the contact or contacts, at least until the later of the following two dates:

(i) Two years past the age of majority; or

(ii) five years after the date of termination of the contact or contacts with the minor; and

(3) If a licensee is the owner or custodian of client or patient records, failing to identify a repository for client records, should the psychologist become incapacitated or unable to access their records.

(n) improperly engaging in research with human subjects, which shall include the following acts:

(1) Failing to consider carefully the possible consequences for human beings participating in the research;

(2) failing to protect each participant from unwarranted physical and mental harm;

(3) failing to ascertain that the consent of the participant or the participant's representative, and assent of a minor participant, is voluntary and informed; and

(4) failing to preserve the privacy and protect the anonymity of the subjects within the terms of informed consent;

(o) engaging in improprieties with respect to forensic practice, which shall include the following acts:

(1) When conducting a forensic examination, failing to inform the examinee of the purpose of the examination and the difference between a forensic examination and a therapeutic relationship, and informing them of the scope of the assessment procedures;

(2) in the course of giving expert testimony in a legal proceeding, performing a psychological assessment in a biased, nonobjective, or unfair manner or without adequate substantiation of the findings;

(3) failing to conduct forensic examinations in conformance with established scientific and professional standards; and

(4) if a prior professional relationship with a party to legal proceeding precludes objectivity, failing to report this prior relationship and to clarify in both written report and actual testimony the possible impact of this prior relationship on the resulting conclusions and recommendations;

and

(p) engaging in improprieties with respect to supervision, which shall include the following acts:

(1) Failing to provide supervision in compliance with subsection (d) of K.A.R. 102-1-5a;

(2) failing to provide supervision to a person working towards licensure as a clinical psychotherapist in compliance with KAR 102-4-7a; and

(3) failing to provide regular, periodic, written supervisory feedback to the supervisee.

(Authorized by and implementing K.S.A. 2000 74-7507 and K.S.A. 74-5324; effective Jan. 4, 2002; amended Jan. 9, 2004.)

Marriage and Family Therapy Unprofessional Conduct Regulations

K.A.R. 102-5-12. Unprofessional conduct. (a) Any license may be suspended, limited, conditioned, qualified, restricted, revoked, not issued, or not renewed upon a finding by the board that unprofessional conduct has occurred.

(b) Any of the following acts by either a marriage and family therapy licensee or a marriage and family therapy licensure applicant shall constitute unprofessional conduct:

(1) Obtaining or attempting to obtain a license or registration for oneself or another by engaging in fraud, bribery, deceit, misrepresentation, or by concealing a material fact;

(2) except when the information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that the licensee or applicant or any other person regulated by the board or applying for licensure or registration has met any of these conditions:

(A) Has had a professional license, certificate, permit, registration, certification, or professional membership granted by any jurisdiction, professional association, or professional organization that has been limited, conditioned, qualified, restricted, suspended, revoked, refused, voluntarily surrendered, or allowed to expire in lieu of or during investigatory or disciplinary proceedings;

(B) has been subject to any other disciplinary action by any credentialing board, professional association, or professional organization;

(C) has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance;

(D) has been convicted of a crime; or

(E) has practiced the licensee's or registrant's profession in violation of the laws or regulations that regulate the profession;

(3) knowingly allowing another person to use one's license or registration;

(4) impersonating another person holding a license or registration issued by this or any other board;

(5) having been convicted of a crime resulting from or relating to one's professional practice of marriage and family therapy;

(6) furthering the licensure or registration application of another person who is known or reasonably believed to be unqualified with respect to character, education, or other relevant eligibility requirements;

(7) knowingly aiding or abetting any individual who is not credentialed by the board to represent that individual as a person who was or is credentialed by the board;

(8) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;

(9) failing or refusing to cooperate in a timely manner with any request from the board for a response, information, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the board. Any person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner;

(10) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards;

(11) treating any client, student, or supervisee in a cruel manner;

(12) discriminating against any client, student, or supervisee on the basis of color, race, age, gender, gender identity, religion, ethnicity, national origin, ~~or~~ disability, health status, sexual orientation, relationship status, socioeconomic status, or status in any other marginalized group;

(13) failing to advise and explain to each client the respective rights, responsibilities, and duties involved in the marriage and family therapy relationship;

(14) failing to provide each client with a description of what the client can expect in the way of services, consultation, reports, fees, billing, therapeutic regimen, or schedule, or failing to reasonably comply with that description;

(15) failing to provide each client with a description of the possible effects of the proposed treatment when the treatment is experimental or when there are clear and known risks to the client;

(16) failing to inform each client, student, or supervisee of any financial interests that might accrue to the licensee or applicant if the licensee or applicant refers a client, student, or supervisee to any other service or if the licensee or applicant uses any tests, books, or apparatus;

(17) failing to inform each client that the client is entitled to the same services from a public agency if one is employed by that public agency and also offers services privately;

(18) failing to inform each client, student, or supervisee of the limits of client confidentiality, the purposes for which the information is obtained, and the manner in which the information may be used;

(19) revealing information, a confidence, or secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records, except when at least one of these conditions is met:

(A) Disclosure is required or permitted by law;

(B) failure to disclose the information presents a clear and present danger to the health or safety of an individual or the public;

(C) the licensee or applicant is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of marriage and family therapy, in which case disclosure is limited to that action; or

(D) the criteria provided by K.S.A. 65-6410, and amendments thereto, are met;

(20) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of these actions:

(A) Electronically recording sessions with that client;

(B) permitting a third-party observation of their activities; or

(C) releasing information concerning a client to a third person, except as required or permitted by law;

(21) failing to protect the confidences of, secrets of, or information concerning other persons when providing a client with access to that client's records;

(22) failing to exercise due diligence in protecting the information regarding and the confidences and secrets of the client from disclosure by other persons in one's work or practice setting;

(23) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;

(24) using alcohol or illegally using any controlled substance while performing the duties or services of a marriage and family therapist;

(25) making sexual advances toward or engaging in physical intimacies or sexual activities with one's client, student, or supervisee;

(26) making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who ~~has ever, within the past 24 months, has~~ been one's client;

(27) exercising undue influence over any client, student, or supervisee, including promoting sales of services or goods, in a manner that will exploit the client, student, or supervisee for the financial gain, personal gratification, or advantage of oneself or a third party;

(28) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for referring the client or in connection

with performing professional services;

(29) permitting any person to share in the fees for professional services, other than a partner, an employee, an associate in a professional firm, or a consultant authorized to practice marriage and family therapy;

(30) soliciting or assuming professional responsibility for clients of another agency or colleague without attempting to coordinate the continued provision of client services by that agency or colleague;

(31) making claims of professional superiority that one cannot substantiate;

(32) guaranteeing that satisfaction or a cure will result from performing or providing any professional service;

(33) claiming or using any secret or special method of treatment or techniques that one refuses to disclose to the board;

(34) continuing or ordering tests, procedures, or treatments or using treatment facilities or services not warranted by the client's condition, best interests, or preferences;

(35) taking credit for work not personally performed, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;

(36) if engaged in research, failing to fulfill these requirements:

(A) Consider carefully the possible consequences for human beings participating in the research;

(B) protect each participant from unwarranted physical and mental harm;

(C) ascertain that each participant's consent is voluntary and informed; and

(D) preserve the privacy and protect the anonymity of each subject of the research within the terms of informed consent;

(37) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading;

(38) failing to notify the client promptly when one anticipates terminating or interrupting service to the client;

(39) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care;

(40) abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer;

- (41) failing to terminate marriage and family therapy services when it is apparent that the relationship no longer serves the client's needs or best interests;
- (42) supervising in a negligent manner anyone for whom one has supervisory responsibility;
- (43) when applicable, failing to inform a client that marriage and family therapy services are provided or delivered under supervision;
- (44) engaging in a dual relationship with a client, student, or supervisee;
- (45) failing to inform the proper authorities as required by K.S.A. 38-2223, and amendments thereto, that one knows or has reason to believe that a client has been involved in harming or has harmed a child, whether by physical, mental, or emotional abuse or neglect or by sexual abuse;
- (46) failing to inform the proper authorities as required by K.S.A. 39-1402, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to a resident, as defined by K.S.A. 39-1401(a) and amendments thereto:
- (A) Has been or is being abused, neglected, or exploited;
 - (B) is in a condition that resulted from abuse, neglect, or exploitation; or
 - (C) needs protective services;
- (47) failing to inform the proper authorities as required by K.S.A. 39-1431, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to an adult, as defined in K.S.A. 39-1430 and amendments thereto:
- (A) Is being or has been abused, neglected, or exploited;
 - (B) is in a condition that is the result of abuse, neglect, or exploitation; or
 - (C) needs protective services;
- (48) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing another person from filing a report or record that is required by state or federal law, or inducing another person to take any of these actions;
- (49) offering to perform or performing any service, procedure, or therapy that, by the accepted standards of marriage and family therapy practice in the community, would constitute experimentation on human subjects without first obtaining the full, informed, and voluntary written consent of the client or the client's legal representative or representatives;
- (50) practicing marriage and family therapy in an incompetent manner;
- (51) practicing marriage and family therapy after one's license expires;
- (52) using without a license or continuing to use after a license has expired any title or abbreviation prescribed by law to be used solely by persons who currently hold that type or class

of license; or

(53) violating any provision of this act or any regulation adopted under the act;

(54) practicing inappropriate boundaries with clients with regards to the use of social media, including but not limited to, using a personal profile to connect or communicate with clients on any social media platform;

(55) disclosing confidential information through public social media; or

(56) failure to follow appropriate standards or recordkeeping, as described below:

-(A) Content of marriage and family therapy or clinical marriage and family therapy records. Each licensed marriage and family therapist or clinical marriage and family therapist shall maintain a record for each client or client system that accurately reflects the licensee's contact with the client or client system and the results of the marriage and family therapy or clinical marriage and family therapy services provided. Each licensee shall have ultimate responsibility for the content of the licensee's records and the records of those persons under the licensee's supervision. These records may be maintained in a variety of media, if reasonable steps are taken to maintain confidentiality, accessibility, and durability. Each record shall be completed in a timely manner and shall include the following information for each client or client system:

(1) Adequate identifying data;

(2) the date or dates of services that the licensee or the licensee's supervisee provided;

(3) the type or types of services that the licensee or the licensee's supervisee provided;

(4) the initial assessment, conclusions, and recommendations;

(5) a plan for service delivery or case disposition;

(6) the clinical notes from each session; and

(7) sufficient detail to permit planning for continuity that would enable another marriage and family therapist or clinical marriage and family therapist to take over the delivery of services.

(B) Retention of records. If a licensee is the owner or custodian of client or client system records, the licensee shall retain a complete record for the following time periods, unless otherwise provided by law:

(1) At least six years after the date of termination of one or more contacts with an adult; and

(2) for a client who is a minor on the date of termination of the contact or contacts, at least until the later of the following two dates:

(i) Two years past the date on which the client reaches the age of majority; or

(ii) six years after the date of termination of the contact or contacts with the minor.

(Authorized by K.S.A. 65-6408 and K.S.A. 2007 Supp. 74-7507; implementing K.S.A. 65-6408; effective March 29, 1993; amended Dec. 19, 1997; amended July 11, 2003; amended Jan. 9, 2004; amended Aug. 8, 2008.)

Master's Level Psychology Unprofessional Conduct Regulations

K.A.R. 102-4-12. Unprofessional conduct. (a) Any license may be suspended, limited, conditioned, qualified, restricted, revoked, not issued, or not renewed upon a finding that unprofessional conduct has occurred.

(b) Any of the following acts by a licensed master's level psychologist, a licensed clinical psychotherapist, or an applicant for licensure at the master's level of psychology shall constitute unprofessional conduct:

(1) Obtaining or attempting to obtain a license or registration for oneself or another by means of fraud, bribery, deceit, misrepresentation, or concealment of a material fact;

(2) except when such information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that any person regulated by the board or applying for a license or registration, including oneself, has met any of the following conditions:

(A) Had a professional license, certificate, permit, registration, certification, or professional membership granted by any jurisdiction, professional association, or professional organization that has been limited, conditioned, qualified, restricted, suspended, revoked, refused, voluntarily surrendered, or allowed to expire in lieu of or during investigatory or disciplinary proceedings;

(B) has been subject to any other disciplinary action by any credentialing board, professional association, or professional organization;

(C) has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance;

(D) has been convicted of a crime; or

(E) has practiced the licensee's or registrant's profession in violation of the laws or regulations regulating the profession;

(3) knowingly allowing another person to use one's license or registration;

(4) impersonating another person holding a license or registration issued by this or any other board;

(5) having been convicted of a crime resulting from or relating to the licensee's practice of master's level psychology;

(6) furthering the licensure or registration application of another person who is known or reasonably believed to be unqualified with respect to character, education, or other relevant eligibility requirements;

(7) knowingly aiding or abetting anyone who is not credentialed by the board to represent that individual as a person who is ~~credentialed~~ authorized to practice by the board;

(8) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;

(9) failing or refusing to cooperate in a timely manner with any request from the board for a response, information, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the board. Any person taking longer than 30 days to provide the

requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner;

(10) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards, including, but not limited to, telehealth practice;

(11) treating any client, student, or supervisee in a cruel manner;

(12) discriminating against any client, student, or supervisee on the basis of color, race, gender, religion, national origin, or disability;

(13) failing to advise and explain to each client the respective rights, responsibilities, and duties involved in the professional relationship;

(14) failing to provide each client with a description of what the client can expect in the way of services, consultation, reports, fees, billing, therapeutic regimen, ~~or~~ schedule, the availability of and limitations of telehealth services, as well as the availability of after-hours crisis resources, or failing to reasonably comply with the description;

(15) failing to provide each client with a description of the possible effects of the proposed treatment when the treatment is experimental or when there are clear and known risks to the client;

(16) failing to inform each client, supervisee, or student of any financial interests that might accrue to the master's level psychologist or clinical psychotherapist from referral to any other service or from the use of any tests, books, or apparatus;

(17) failing to inform each client that the client is entitled to the same services from a public agency if one is employed by that public agency and also offers services privately;

(18) failing to provide each client or the client's legal representative with access to the client's records following the receipt of a formal written request, unless the release of this information is restricted or exempted by law, or when the disclosure of this information is precluded for a sufficiently compelling reason;

(19) failing to inform each client, supervisee, or student of the limits of client confidentiality, the purposes for which the information is obtained, and the manner in which the information may be used;

(20) revealing information, a confidence, or secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records, except when at least one of these conditions is met:

(A) Disclosure is required or permitted by law;

(B) failure to disclose the information presents a clear and present danger to the health or safety of an individual or the public; or

(C) the master's level psychologist or clinical psychotherapist is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of psychology, in which case disclosure is limited to that action;

(21) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of the following actions:

(A) Electronically recording sessions with that client;

(B) permitting a third-party observation of their activities; or

(C) releasing information concerning a client to a third person, except as required or permitted by

law;

(22) failing to protect ~~the confidences of confidential information, secrets of, or information~~ concerning other persons when providing ~~a client with~~ access to that client's records;

(23) failing to exercise due diligence in protecting the information regarding and the confidences ~~and secrets~~ of the client from disclosure by other persons in one's work or practice setting;

(24) engaging in professional activities, including but not limited to, billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;

(25) using alcohol or illegally using any controlled substance while performing the duties or services of a master's level psychologist or clinical psychotherapist;

(26) making sexual advances toward or engaging in physical intimacies or sexual activities with one's client, supervisee, or student;

(27) making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been one's client, student, or supervisee;

(28) exercising undue influence over any client, supervisee, or student, including promoting sales of services or goods, in a manner that will exploit the client, student, or supervisee for the financial gain, personal gratification, or advantage of oneself or a third party;

(29) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for the referral of the client or in connection with the performance of psychological or other professional services;

(30) directly receiving or agreeing to receive a fee or any other consideration from a client or from any third party for or in connection with the performance of psychological services, other than from an authorized employer in an employment situation as specified in this act;

(31) soliciting or assuming professional responsibility for clients of another agency or colleague without attempting to coordinate continuity of client services with that agency or colleague;

(32) making claims of professional superiority that one cannot substantiate;

(33) guaranteeing that satisfaction or a cure will result from the performance of psychological services;

(34) claiming or using any secret or special method of treatment or techniques that one refuses to disclose to the board;

(35) continuing or ordering tests, procedures, or treatments or using treatment facilities or services not warranted by the condition, best interests, or preferences of the client;

(36) failing to maintain a record for each client that conforms to the following minimal requirements:

(A) Contains adequate identification of the client;

(B) indicates the client's initial reason for seeking the master's level psychologist's or clinical psychotherapist's services;

(C) contains pertinent and significant information concerning the client's condition;

(D) summarizes the intervention, treatment, tests, procedures, and services that were obtained, performed, ordered, or recommended and the findings and results of each;

(E) documents the client's progress during the course of intervention or treatment provided by the master's level psychologist or clinical psychotherapist;

(F) is legible;

- (G) contains only those terms and abbreviations that are comprehensible to similar professional practitioners;
- (H) indicates the date, ~~and~~ nature, and method of delivery of any professional service that was provided; and
- (I) describes the manner and process by which the professional relationship terminated;
- (37) taking credit for work not personally performed, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;
- (38) if engaged in research, failing to fulfill these requirements:
- (A) Consider carefully the possible consequences for human beings participating in the research;
- (B) protect each participant from unwarranted physical and mental harm;
- (C) ascertain that the consent of each participant is voluntary and informed; and
- (D) preserve the privacy and protect the anonymity of each subject of the research within the terms of informed consent;
- (39) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading;
- (40) failing to notify the client promptly when termination or interruption of service to the client is anticipated;
- (41) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care;
- (42) abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer;
- (43) failing to terminate the master's level psychology or clinical psychotherapy services when it is apparent that the relationship no longer serves the client's needs or best interests;
- (44) if the master's level psychologist or clinical psychotherapist is the owner or custodian of client records, failing to retain those records for at least two years after the date of termination of the professional relationship, unless otherwise provided by law;
- (45) supervising in an unprofessional or potentially harmful ~~negligent~~ manner anyone for whom one has supervisory responsibility;
- (46) failing to inform a client if master's level psychology or clinical psychotherapy services are provided or delivered under supervision;
- (47) engaging in a dual relationship with a client, student, or supervisee;
- (48) failing to inform the proper authorities as required by K.S.A. 38-2223, and amendments thereto, that one knows or has reason to believe that a client has been involved in harming or has harmed a child, whether by physical, mental, or emotional abuse or neglect or by sexual abuse;
- (49) failing to inform the proper authorities as required by K.S.A. 39-1402, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to a resident, as defined by K.S.A. 39-1401(a) and amendments thereto:
- (A) Has been or is being abused, neglected, or exploited;
- (B) is in a condition that is the result of abuse, neglect, or exploitation; or
- (C) is in need of protective services;
- (50) failing to inform the proper authorities as required by K.S.A. 39-1431, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to an adult, as defined in K.S.A. 39-1430 and amendments thereto:

- (A) Is being or has been abused, neglected, or exploited;
- (B) is in a condition that is the result of abuse, neglect, or exploitation; or
- (C) is in need of protective services;
- (51) ~~intentionally or negligently~~ failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing of a report or record required by state or federal law, or inducing another person to take any of those actions;
- (52) offering to perform or performing any service, procedure, or therapy that, by the accepted standards of professional practice in the community, would constitute experimentation on human subjects without first obtaining the full, informed, and voluntary written consent of the client or the client's legal representative or representatives;
- (53) practicing master's level psychology or clinical psychotherapy in an incompetent manner;
- (54) practicing as a master's level psychologist or clinical psychotherapist after one's license expires;
- (55) using without a license, or continuing to use after the expiration of a license, any title or abbreviation prescribed by law for use solely by persons currently holding that type or class of license;
- (56) offering to provide or providing services in an employment situation other than that which is permitted by K.S.A. 74-5362, and amendments thereto, as an independent, contract, or private provider of psychological services;
- (57) practicing without adequate direction from a person authorized in K.S.A. 74-5362 and amendments thereto; and
- (58) violating any provision of this act or any regulation adopted under the act. (Authorized by K.S.A. 2007 Supp. 74-7507; implementing K.S.A. 74-5362 and K.S.A. 2007 Supp. 74-5369; effective Dec. 19, 1997; amended Jan. 9, 2004; amended Aug. 8, 2008.)

Professional Counseling Unprofessional Conduct Regulations

K.A.R. 102-3-12a. Unprofessional conduct. (a) Any license may be suspended, limited, conditioned, qualified, restricted, revoked, not issued, or not renewed upon a finding of unprofessional conduct.

(b) Any of the following acts by a licensed professional counselor, a licensed clinical professional counselor, or an applicant for a professional counselor license or a clinical professional counselor license shall constitute unprofessional conduct:

(1) Obtaining or attempting to obtain a license or registration for oneself or another by means of fraud, bribery, deceit, misrepresentation, or concealment of a material fact;

(2) except when the information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that any of the following circumstances apply to any person regulated by the board or applying for a license or registration, including oneself:

(A) Had a professional license, certificate, permit, registration, certification, or professional membership granted by any jurisdiction, professional association, or professional organization that has been limited, conditioned, qualified, restricted, suspended, revoked, refused, voluntarily surrendered, or allowed to expire in lieu of or during investigatory or disciplinary proceedings;

(B) has been subject to any other disciplinary action by any credentialing board, professional association, or professional organization;

(C) has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance;

(D) has been convicted of a crime; or

(E) has practiced the licensee's or registrant's profession in violation of the laws or regulations regulating the profession;

(3) knowingly allowing another person to use one's license or registration;

(4) impersonating another person holding a license or registration issued by this or any other board;

(5) having been convicted of a crime resulting from or relating to the licensee's professional practice of professional counseling or clinical professional counseling;

(6) furthering the licensure or registration application of another person who is known or reasonably believed to be unqualified with respect to character, education, or other relevant eligibility requirements;

(7) knowingly aiding or abetting any individual who is not credentialed by the board to represent that individual as a person who is credentialed by the board;

(8) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;

(9) failing or refusing to cooperate in a timely manner with any request from the board for a response, information, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the board. Any person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner;

(10) offering to perform or performing professional counseling, assessments, consultations, or referrals clearly inconsistent or incommensurate with one's training, education or experience or with accepted professional standards;

(11) treating any client, student, directee, or supervisee in an cruel-unprofessional or unethical manner;

(12) discriminating against any client, student, directee, or supervisee on the basis of ~~color, race, gender, religion, national origin, or disability~~ age, culture, disability, ethnicity, race, religion/spirituality, gender, gender identity, sexual orientation, marital/partnership status, language preference, socioeconomic status, immigration status, or any basis proscribed by law;

(13) failing to advise and explain to each client the respective rights, responsibilities, and duties involved in the professional counseling relationship;

(14) failing to provide each client with a description of what the client can expect in the way of services, consultation, reports, fees, billing, and therapeutic regimen or schedule, or failing to reasonably comply with the description;

(15) failing to provide each client with a description of the possible effects of the proposed treatment when the treatment is experimental or when there are clear and known risks to the client;

(16) failing to inform each client, student, directee, or supervisee of any financial interests that might accrue to the professional counselor or clinical professional counselor from a referral to any other service or from using any tests, books, or apparatus;

(17) failing to inform each client that the client is entitled to the same services from a public agency if the professional counselor or clinical professional counselor is employed by that public agency and also offers services privately;

(18) failing to inform each client, student, directee, or supervisee of the limits of client confidentiality, the purposes for which the information is obtained, and the manner in which the information may be used;

(19) revealing information, a confidence, or a secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records, except when at least one of these conditions is met:

(A) Disclosure is required or permitted by law;

(B) failure to disclose the information presents a clear and present danger to the health or safety of an individual or the public; or

(C) the professional counselor or clinical professional counselor is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of professional counseling or clinical professional counseling, in which case disclosure is limited to that action;

(20) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of these actions:

(A) Electronically recording sessions with that client;

(B) permitting a third-party observation of their activities; or

(C) releasing information concerning a client to a third person, except as required or permitted by law;

(21) failing to protect confidences of, secrets of, or information concerning other persons when providing a client with access to that client's records;

(22) failing to exercise due diligence in protecting the information regarding and the confidences and secrets of the client from disclosure by other persons in one's work or practice setting;

(23) engaging in professional activities, including but not limited to, billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;

(24) ~~using alcohol or illegally using a controlled substance~~ being under the influence of any substance that impairs professional judgment while performing the duties or services of a professional counselor or clinical professional counselor;

(25) making sexual advances toward or engaging in physical intimacies or sexual activities with one's ~~client~~, active student, directee, or supervisee;

(26) making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who is one's active client or, within the past 24-60 months, has been one's client;

(27) exercising undue influence over any client, student, directee, or supervisee, including promoting sales of services or goods, in a manner that will exploit the client, student, directee, or

supervisee for the financial gain, personal gratification, or advantage of oneself or a third party;

(28) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for the referral of the client or in connection with performing professional counselor or clinical professional counselor services;

(29) permitting any person to share in the fees for professional services, other than a partner, employee, associate in a professional firm, or consultant authorized to practice as a professional counselor or clinical professional counselor;

(30) soliciting or assuming professional responsibility for clients of another agency or colleague without attempting to coordinate continuity of client services with that agency or colleague;

(31) making claims of professional superiority that one cannot substantiate;

(32) guaranteeing that satisfaction or a cure will result from the performance of professional services;

(33) claiming or using any ~~secret or special method of~~ untested or experimental treatment or techniques that one refuses to disclose to the board;

(34) ~~continuing requesting, providing,~~ or ordering ~~tests~~ assessments, procedures, or treatments or using treatment facilities or services not warranted by the condition, best interests, or preferences of the client;

(35) failing to maintain a record for each client that conforms to the following minimal requirements:

(A) Contains adequate identification of the client;

(B) indicates the client's initial reason for seeking the services of the professional counselor or clinical professional counselor;

(C) contains pertinent and significant information concerning the client's condition;

(D) summarizes the interventions, treatments, ~~tests~~ assessments, procedures, and services that were obtained, performed, ordered, requested, or recommended and the findings and results of each;

(E) documents the client's progress during the course of intervention or treatment provided by the professional counselor;

(F) is legible;

(G) contains only those terms and abbreviations that are comprehensible to similar professional practitioners;

(H) indicates the date and nature of any professional service that was provided; and

(I) describes the manner and process by which the professional counseling or clinical professional counseling relationship terminated;

(36) taking credit for work not personally performed, whether by giving inaccurate or misleading information or failing to disclose accurate or material information;

(37) if engaged in research, failing to fulfill these requirements:

(A) Consider carefully the possible consequences for human beings participating in the research;

(B) protect each participant from unwarranted physical and mental harm;

(C) ascertain that the consent of each participant is voluntary and informed; and

(D) preserve the privacy and protect the anonymity of each subject of the research within the terms of informed consent, while ensuring privacy and informed consent;

(38) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading;

(39) failing to notify the client promptly when termination or interruption of service to the client is anticipated;

(40) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care;

(41) abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer;

(42) failing to terminate the professional counseling or clinical professional counseling services when it is apparent that the relationship no longer serves the client's needs or best interests;

(43) if the professional counselor or clinical professional counselor is the owner or custodian of client records, failing to retain these records for at least five years after the date of termination of the professional relationship, unless otherwise provided by law. Timeframes for record retention for adults and minors should be consistent with state law;

(44) supervising or directing in a harmful or negligent manner anyone for whom one has supervisory or directory responsibility due to their position as a supervisee or student;

(45) failing to inform a client if professional counseling services are provided or delivered under supervision or direction;

(46) engaging in a dual relationship with a client, student, or supervisee;

(47) failing to inform the proper authorities as provided in K.S.A. 38-2223, and amendments thereto, that one knows or has reason to believe that a client has been involved in harming or has harmed a child, whether by physical, mental, or emotional abuse or neglect or by sexual abuse;

(48) failing to inform the proper authorities as required by K.S.A. 39-1402, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to a resident, as defined by K.S.A. 39-1401(a) and amendments thereto:

- (A) Has been or is being abused, neglected, or exploited;
- (B) is in a condition that is the result of abuse, neglect, or exploitation; or
- (C) is in need of protective services;

(49) failing to inform the proper authorities as required by K.S.A. 39-1431, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to an adult, as defined in K.S.A. 39-1430 and amendments thereto:

- (A) Is being or has been abused, neglected, or exploited;
- (B) is in a condition that is the result of abuse, neglect, or exploitation; or
- (C) is in need of protective services;

(50) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing of a report or record required by state or federal law, or inducing another person to take any of those actions;

(51) offering to perform or performing any service, procedure, assessment, or therapy that, by the accepted standards of professional counseling or clinical professional counseling practice in the community, would constitute experimentation on human subjects without first obtaining the full, informed, and voluntary written consent of the client or the client's legal representative or representatives;

(52) practicing professional counseling or clinical professional counseling in an incompetent manner;

(53) practicing professional counseling or clinical professional counseling after one's license expires;

(54) using without a license, or continuing to use after the expiration of a license, any title or abbreviation prescribed by law for use solely by persons currently holding that type or class of license;

~~(55) diagnosing or treating any client who a professional counselor practicing under direction or a clinical professional counselor has reason to believe is suffering from a mental illness or disease, as opposed to a mental disorder; or~~

~~(56) violating any provision of this act or any regulation adopted under it;:-~~

(56) practicing inappropriate boundaries with clients with regards to use of social media, including but not limited to, using a personal profile to connect or communicate with clients on any social media platform, or accessing a client's social media pages without previous consent;

(57) disclosing confidential information through public social media; and

(58) If engaged in distance-counseling, failing to fulfill these requirements:

(A) Informing the client -of risks and benefits of distance counseling, (B) Disclosing the possibility of technology failure and providing alternative methods of service,

(C) Detailing emergency procedures to follow when the counselor is unavailable, and

(D) Taking appropriate steps to encrypt or ensure the security of confidential client information or any activity which protects confidential client information from risk of privacy breach.

(Authorized by K.S.A. 2007 Supp. 65-5809 and 74-7507; implementing K.S.A. 2007 Supp. 65-5809; effective Dec. 19, 1997; amended July 19, 2002; amended Jan. 9, 2004; amended Aug. 8, 2008.)

Social Work Unprofessional Conduct Regulations

K.A.R. 102-2-7. Unprofessional conduct. Any of the following acts by a licensee or an applicant for a social work license shall constitute unprofessional conduct:

(a) Obtaining or attempting to obtain a license for oneself or another by means of fraud, bribery, deceit, misrepresentation, or concealment of a material fact;

(b) except when the information has been obtained in the context of a confidential relationship, failing to notify the board, within a reasonable period of time, that any of the following conditions apply to any person regulated by the board or applying for a license or registration, including oneself:

(1) Had a professional license, certificate, permit, registration, certification, or professional membership granted by any jurisdiction, professional association, or professional organization that has been limited, conditioned, qualified, restricted, suspended, revoked, refused, voluntarily surrendered, or allowed to expire in lieu of or during investigatory or disciplinary proceedings;

(2) has been subject to any other disciplinary action by any credentialing board, professional association, or professional organization;

(3) has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance;

(4) has been convicted of a felony; or

(5) has practiced the licensee's or registrant's profession in violation of the laws or regulations regulating the profession;

(c) knowingly allowing another individual to use one's license;

(d) impersonating another individual holding a license or registration issued by this or any other board;

(e) having been convicted of a crime resulting from or relating to the licensee's professional practice of social work;

(f) furthering the licensure or registration application of another person who is known to be unqualified with respect to character, education, or other relevant eligibility requirements;

(g) knowingly aiding or abetting anyone who is not credentialed by the board to represent that individual as a person who is credentialed by the board;

(h) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;

(i) failing or refusing to cooperate in a timely manner with any request from the board for a response, information that is not obtained in the context of a confidential relationship, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the board. Each person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person acted in a timely manner;

(j) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, and experience and with accepted professional standards for social work;

(k) treating any client, student, or supervisee in a cruel manner;

(l) discriminating against any client, student, or supervisee on the basis of ~~color, race, gender, religion, national origin, or disability~~race, ethnicity, national origin, color, sex, sexual orientation, gender identity and expression, age, marital status, political belief, religion, immigration status, and mental or physical disability;

(m) failing to advise and explain to each client the respective rights, responsibilities, and duties involved in the social work relationship;

(n) failing to provide each client with a description of what the client can expect in the way of services, consultation, reports, fees, billing, therapeutic regimen, or schedule, or failing to reasonably comply with these descriptions;

(o) failing to provide each client with a description of the possible effects of the proposed treatment when there are clear and known risks to the client;

(p) failing to inform each client or supervisee of any financial interests that might accrue to the licensee from referral to any other service or from the use of any tests, books, or apparatus;

(q) failing to inform each client that the client is entitled to the same services from a public agency if the licensee is employed by that public agency and also offers services privately;

(r) failing to inform each client, supervisee, or student of the limits of client confidentiality, the purposes for which information is obtained, and the manner in which the information may be used;

(s) revealing information, a confidence, or secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records, except when at least one of these conditions is met:

(1) Disclosure is required or permitted by law;

(2) failure to disclose the information presents a clear and present danger to the health or safety

of an individual or the public; or

(3) the licensee is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of social work, in which case disclosure is limited to that action;

(t) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of these actions:

(1) Electronically recording sessions with that client;

(2) permitting a third-party observation of their activities; or

(3) releasing information concerning a client to a third party, except as required or permitted by law;

(u) failing to protect the confidences of, secrets of, or information concerning other persons when providing a client with access to that client's records;

(v) failing to exercise due diligence in protecting information regarding and the confidences and secrets of the client from disclosure by other persons in one's work or practice setting;

(w) engaging in professional activities, including but not limited to, billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;

(x) using alcohol or illegally using any controlled substance while performing the duties or services of a licensee;

(y) making sexual advances toward, including but not limited to sexual harassment, or engaging in physical intimacies or sexual activities with one's client, supervisee, or student;

(z) making sexual advances toward, including but not limited to sexual harassment, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been one's client. If such conduct occurs with a former client after 24 months, it is the responsibility of the practitioner to demonstrate that the former client was not being exploited, coerced, or manipulated intentionally or unintentionally;

(aa) exercising undue influence over any client, supervisee, or student, including promoting sales of services or goods, in a manner that will exploit the client, supervisee, or student for the financial gain, personal gratification, or advantage of oneself or a third party;

(bb) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for the referral of the client or patient or in connection with the performance of professional services;

(cc) permitting any person to share in the fees for professional services, other than a partner, employee, an associate in a professional firm, or a consultant authorized to practice social work;

(dd) soliciting or assuming professional responsibility for clients of another agency or colleague without informing and attempting to coordinate continuity of client services with that agency or colleague;

(ee) making claims of professional superiority that one cannot substantiate;

(ff) guaranteeing that satisfaction or a cure will result from the performance of professional services;

(gg) claiming or using any secret or special method of treatment or techniques that one refuses to divulge to the board;

(hh) continuing or ordering tests, procedures, or treatments or using treatment facilities or services not warranted by the condition, best interests, or preferences of the client;

(ii) if the social worker is the owner of the records, failing to maintain for each client a record that conforms to the following minimal standards:

(1) Contains adequate identification of the client;

(2) indicates the client's initial reason for seeking the licensee's services;

(3) contains pertinent and significant information concerning the client's condition;

(4) summarizes the intervention, treatment, tests, procedures, and services that were obtained, performed, ordered, or recommended and the findings and results of each;

(5) documents the client's progress during the course of intervention or treatment provided by the licensee;

(6) is legible;

(7) contains only those terms and abbreviations that are comprehensible to similar professional practitioners;

(8) indicates the date and nature of any professional service that was provided; and

(9) describes the manner and process by which the professional relationship terminated;

(jj) taking credit for work not performed personally, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;

(kk) if engaged in research, failing to fulfill these requirements:

(1) Consider carefully the possible consequences for human beings participating in the research;

(2) protect each participant from unwarranted physical and mental harm;

(3) ascertain that the consent of each participant is voluntary and informed; and

(4) preserve the privacy and protect the anonymity of each subject of the research within the terms of informed consent;

(ll) making or filing a report that one knows to be distorted, erroneous, incomplete, or misleading;

(mm) failing to notify the client promptly when termination or interruption of service to the

client is anticipated;

(nn) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care;

(oo) abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer;

(pp) failing to terminate the social work services when it is apparent that the relationship no longer serves the client's needs or best interests;

(qq) if the licensee is the owner or custodian of client records, failing to retain those records for at least two years after the date of termination of the professional relationship, unless otherwise provided by law;

(rr) failing to exercise adequate supervision over anyone with whom the licensee has a supervisory or directory relationship;

(ss) failing to inform a client if social work services are provided or delivered under supervision or direction;

(tt) engaging in a dual relationship with a client, supervisee, or student;

(uu) failing to inform the proper authorities in accordance with K.S.A. 38-2223, and amendments thereto, that one knows or has reason to believe that a client has been involved in harming or has harmed a child, whether by physical, mental, or emotional abuse or neglect or by sexual abuse;

(vv) failing to inform the proper authorities in accordance with K.S.A. 39-1402, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to a resident, as defined by K.S.A. 39-1401 and amendments thereto:

- (1) Has been or is being abused, neglected, or exploited;
- (2) is in a condition that is the result of abuse, neglect, or exploitation; or
- (3) is in need of protective services;

(ww) failing to inform the proper authorities in accordance with K.S.A. 39-1431, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to an adult, as defined in K.S.A. 39-1430 and amendments thereto:

- (1) Is being or has been abused, neglected, or exploited;
- (2) is in a condition that is the result of abuse, neglect, or exploitation; or
- (3) is in need of protective services;

(xx) practicing social work in an incompetent manner;

(yy) practicing social work after one's license expires;

(zz) using without a license, or continuing to use after the expiration of a license, any title or abbreviation prescribed by the board for use only by persons currently holding that type or class of license;

(aaa) violating any provision of K.S.A. 65-6301 et seq., and amendments thereto, or any regulation adopted under that act;

(bbb) except as permitted by K.S.A. 65-6319 and amendments thereto, providing or offering to provide direction or supervision over individuals performing diagnoses and treatment of mental disorders;

(ccc) except as permitted by K.S.A. 65-6306 and K.S.A. 65-6319 and amendments thereto, engaging in the diagnosis and treatment of mental disorders;~~or~~

(ddd) engaging in independent private practice if not authorized by law;~~or~~

(eee) practicing inappropriate boundaries with clients with regards to use of social media, including but not limited to, using a personal profile to connect or communicate with clients on any social media platform;

(fff) disclosing confidential information through social media; or

(ggg) If engaged in distance-counseling, failing to fulfill these requirements:

(1) Informing the client of risks and benefits of distance counseling,

(2) Disclosing the possibility of technology failure and providing alternative methods of service,

(3) Detailing emergency procedures to follow when the counselor is unavailable, and

(4) Taking appropriate steps to encrypt or ensure the security of confidential client information or any activity which protects confidential client information from risk of privacy breach.

(Authorized by and implementing K.S.A. 2007 Supp. 65-6311 and K.S.A. 2007 Supp. 74-7507; effective May 1, 1982; amended, T-85-36, Dec. 19, 1984; amended May 1, 1985; amended, T-86-39, Dec. 11, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Feb. 25, 1991; amended Aug. 4, 2000; amended Jan. 9, 2004; amended Dec. 19, 2008.)

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 131** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee of the Whole amendments, as follows:

On page 3, by striking all in lines 14 through 43;

By striking all on page 4;

On page 5, by striking all in lines 1 through 26; following line 26, by inserting:

"New Sec. 2. (a) Within 15 business days after receipt of an application for any license, registration, permit or certificate issued by the behavioral sciences regulatory board, the board shall notify the applicant whether the board believes that the application is complete. If the application is determined to be incomplete, the board shall notify the applicant of the information needed in order to complete the application. Once the application is determined to be complete, the board shall complete the review of the application and issue a decision thereon within 30 business days.

(b) (1) The behavioral sciences regulatory board shall adopt rules and regulations to establish an expedited application process for any license, registration, permit or certificate issued by the board. Upon request on the application to expedite the processing of such application and payment of the fee, the board shall complete the review of the application and issue a decision thereon within 15 business days.

(2) (A) The board shall set the fee for an expedited application process by adopting rules and regulations. Such fee shall be in addition to any other fee established for the application

but shall not exceed \$100. The board shall not charge such fee for an expedited application process to any applicant who is a military servicemember or military spouse.

(B) As used in this paragraph:

(i) "Military servicemember" means a current member of the army, navy, marine corps, air force, coast guard, space force, air or army national guard of any state or any branch of the military reserves of the United States or a former member who separated from service by honorable discharge or general discharge under honorable conditions.

(ii) "Military spouse" means the spouse of an individual who is a current member of the army, navy, marine corps, air force, coast guard, space force, air or army national guard of any state or any branch of the military reserves of the United States.";

On page 6, following line 30, by inserting:

"Sec. 4. K.S.A. 65-5802 is hereby amended to read as follows: 65-5802. As used in the professional counselors licensure act:

(a) "Assessment" means selecting, administering, scoring and interpreting instruments designed to describe an individual's aptitudes, abilities, achievements, interests and personal characteristics.

(b) "Board" means the behavioral sciences regulatory board created by K.S.A. 74-7501, and amendments thereto.

(c) "Consultation" means the application of principles, methods and techniques of the practice of counseling to assist in solving current or potential problems of individuals or groups in relation to a third party.

(d) "Extenuating circumstances" means any condition or situation caused by events beyond an individual's control that is sufficiently extreme in nature to result in the:

(1) Individual's inability to comply with requirements; or

(2) inadvisability of requiring the individual to comply with requirements.

(e) "Licensed clinical professional counselor" means a person who engages in the independent practice of professional counseling including the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations and who is licensed under this act.

(f) "Licensed professional counselor" means a person who is licensed under this act and who engages in the practice of professional counseling only under the direction of a licensed clinical professional counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders.

~~(b)~~(g) "Practice of professional counseling" means assisting an individual or group for a fee, monetary or otherwise, through counseling, assessment, consultation and referral and includes the diagnosis and treatment of mental disorders as authorized under the professional counselors licensure act.

~~(e)~~(h) "Professional counseling" means to assist an individual or group to develop understanding of personal strengths and weaknesses, to restructure concepts and feelings, to define goals and to plan actions as these are related to personal, social, educational and career development and adjustment.

~~(d)~~ "Assessment" means selecting, administering, scoring and interpreting instruments designed to describe an individual's aptitudes, abilities, achievements, interests and personal characteristics.

~~(e) "Consultation" means the application of principles, methods and techniques of the practice of counseling to assist in solving current or potential problems of individuals or groups in relation to a third party.~~

~~(f)(i) "Referral" means the evaluation of information to identify problems and to determine the advisability of referral to other practitioners.~~

~~(g) "Licensed professional counselor" means a person who is licensed under this act and who engages in the practice of professional counseling except that on and after January 1, 2002, such person shall engage in the practice of professional counseling only under the direction of a licensed clinical professional counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders.~~

~~(h) "Licensed clinical professional counselor" means a person who engages in the independent practice of professional counseling including the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations and who is licensed under this act.~~

Sec. 5. K.S.A. 2022 Supp. 65-5804a is hereby amended to read as follows: 65-5804a.

(a) Applications for licensure as a professional counselor shall be made to the board on a form and in the manner prescribed by the board. Each application shall be accompanied by the fee fixed set under K.S.A. 65-5808, and amendments thereto.

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

(1) Is at least 21 years of age;

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

- (A) Counseling theory and practice;
- (B) the helping relationship;
- (C) group dynamics, processing and counseling;
- (D) human growth and development;
- (E) lifestyle and career development;
- (F) appraisal of individuals;
- (G) social and cultural foundations;
- (H) research and evaluation;
- (I) professional orientation; and
- (J) supervised practicum and internship;

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

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

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

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

(B) has completed 15 credit hours, as part of or in addition to the requirements under

subsection (b), supporting diagnosis or treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual through identifiable study of the following content areas: Psychopathology, diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches and professional ethics;

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

(D) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 3,000 hours of supervised professional experience, including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with individuals, couples, families or groups and not less than 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, except that the board may waive $\frac{1}{2}$ of the hours required by this subparagraph for an individual who has a doctoral degree in professional counseling or a related field approved by the board and who completes the required $\frac{1}{2}$ of the hours in not less than one year of supervised professional experience;

(E) for persons who earned a degree under subsection (b) prior to July 1, 2003, in lieu

of the education requirements under subparagraphs (B) and (C), has completed the education requirements for licensure as a professional counselor in effect on the day immediately preceding the effective date of this act;

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

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

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

(2) A person who was licensed or registered as a professional counselor in Kansas at any time prior to the effective date of this act, who has been actively engaged in the practice of professional counseling as a registered or licensed professional counselor within five years prior to the effective date of this act and whose last license or registration in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees pursuant to K.S.A. 65-5808, and amendments thereto, and completion of applicable continuing education requirements, shall be licensed as a licensed clinical professional counselor by providing demonstration of competence to diagnose and treat mental disorders through at least two of the following areas acceptable to the board:

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

(B) either: (i) Three years of clinical practice in a community mental health center, its contracted affiliate or a state mental hospital; or (ii) three years of clinical practice in other

settings with demonstrated experience in diagnosing or treating mental disorders; or

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

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

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

of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed professional counselor may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

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

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

- (1) Paying an application fee of not more than \$150; and
- (2) meeting the application requirements as stated in K.S.A. 65-5804a(b)(1), (2) and (4), and amendments thereto.

(f) (1) A temporary professional counselor license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee set by the board for issuance of a temporary license.

(2) Absent extenuating circumstances approved by the board, a temporary professional counselor license issued by the board shall expire upon the date the board issues or denies a license to practice professional counseling or ~~12~~ 24 months after the date of issuance of the temporary license. No temporary license will be renewed or issued again on any subsequent application for the same license level. The preceding provisions in no way limit the number of times an applicant may take the examination.

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

(h) No person may practice professional counseling under a temporary professional counselor license except under the supervision of a person licensed by the behavioral sciences regulatory board at the independent level.

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

(j) (1) An individual may apply to the board for a community-based professional counselor license to practice professional counseling in the scope of employment by a community mental health center, as defined in K.S.A. 39-2002, and amendments thereto, a federally qualified health center, as defined in K.S.A. 65-7402, and amendments thereto, a

psychiatric residential treatment facility as defined in K.S.A. 39-2002, and amendments thereto, or a private treatment facility as defined in K.S.A. 59-29b46, and amendments thereto.

(2) A community-based professional counselor license may be issued by the board after the board reviews and approves the application and the applicant has paid the fee set by the board for issuance of a community-based professional counselor license.

(3) (A) Absent extenuating circumstances approved by the board, a community-based professional counselor license issued by the board shall expire:

(i) Upon the date the board issues or denies a license to practice professional counseling; or

(ii) 24 months after the date of issuance of the community-based professional counselor license.

(B) No community-based professional counselor license shall be renewed or issued again on any subsequent application for the same license level. This paragraph shall not be construed to limit the number of times an applicant may take the examination.

(4) A person practicing professional counseling with a community-based professional counselor license may use the title "licensed professional counselor" or the initials "LPC" independently.

(5) No person may practice professional counseling under a community-based professional counselor license except under the supervision of a person licensed by the board to practice at the independent level.

(6) The board shall not issue a community-based professional counselor license or temporary professional counselor license to an individual who has previously been issued a community-based professional counselor license or temporary professional counselor license.

Sec. 6. K.S.A. 65-5806 is hereby amended to read as follows: 65-5806. (a) An applicant who meets the requirements for licensure pursuant to ~~this~~ the professional counselors licensure act, has paid the license fee provided for by K.S.A. 65-5808, and amendments thereto, and has otherwise complied with the provisions of this act shall be licensed by the board.

(b) Licenses issued pursuant to this act shall expire 24 months from the date of issuance unless revoked prior to that time. A license may be renewed upon application and payment of the fee provided for by K.S.A. 65-5808, and amendments thereto. The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed during the previous 24 months the continuing education required by rules and regulations of the board. Prior to July 1, 2025, as part of such continuing education, a licensee shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics. On and after July 1, 2025, as part of such continuing education, a licensee shall complete not less than three continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.

(c) (1) A licensee who is unable to complete the required continuing education hours for renewal may request additional time to complete any remaining continuing education hours. Such request shall be made to the board not later than 30 calendar days prior to the expiration of the license and shall include:

(A) The licensee's reason for requesting additional time, showing extenuating circumstances for why the hours could not be completed during the license period; and

(B) a plan outlining the manner in which the licensee intends to complete the remaining continuing education hours.

(2) The board may grant a licensee up to three additional months beyond the license expiration date to complete the required continuing education hours.

(3) A licensee who receives additional time to complete continuing education hours under this subsection shall:

(A) Renew the license prior to the license expiration date and report to the board the number of continuing education hours completed on such date;

(B) notify the board upon completing the remaining continuing education hours; and

(C) be subject to an audit by the board of the total number of continuing education hours completed for the applicable license period.

(4) Continuing education hours completed during additional time granted under this subsection shall be credited only toward the requirements for the license period for which additional time is granted.

(5) A licensee shall not be approved for additional time to complete continuing education requirements in consecutive license periods.

(d) A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation in a manner prescribed by the board, ~~which~~ and such application shall be accompanied by the fee provided for by K.S.A. 65-5808, and amendments thereto.

(e) (1) A person whose license has expired may make written application to the board requesting reinstatement of the license in a manner prescribed by the board, and such application shall be accompanied by:

(A) The renewal fee established under K.S.A. 65-5808, and amendments thereto, and, for any person whose license has been expired for one year or less, an additional fee equal to the

renewal fee; and

(B) evidence satisfactory to the board that the person has completed during the previous 24 months the continuing education requirements for one license period.

(2) A person requesting to reinstate a license that has been expired for longer than one year who has not completed the necessary continuing education hours for reinstatement may submit an application for a six-month reinstatement temporary license in a manner prescribed by the board, and such application shall be accompanied by the fee as provided by K.S.A. 65-5808, and amendments thereto. A licensee practicing under a six-month reinstatement temporary license shall complete the continuing education requirements required for a permanent license prior to the expiration of the temporary license and notify the board upon such completion. A six-month reinstatement temporary license shall not be extended or renewed.

~~(d)~~(f) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 7. K.S.A. 2022 Supp. 65-5807 is hereby amended to read as follows: 65-5807. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice professional counseling in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice professional counseling in the other jurisdiction are substantially equivalent to the requirements of this state;

or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice professional counseling with a similar scope of practice for at least ~~48~~ ~~of the last~~ ~~54~~ 12 months immediately preceding the

~~application with at least the minimum professional experience as established by rules and regulations of the board;~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) at least a master's degree in counseling or a related field from a regionally accredited university or college.

(b) Applicants for licensure as a clinical professional counselor shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either subsection (a)(1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-5808, and amendments thereto, if required by the board. Upon notification from the board that all eligibility requirements have been satisfied, the applicant shall submit the license fee as provided by K.S.A. 65-5808, and amendments thereto.

Sec. 8. K.S.A. 2022 Supp. 65-5808 is hereby amended to read as follows: 65-5808. (a) The board may ~~fix~~ collect the following fees, and any such fees shall be established by rules and

regulations adopted by the board:

- (1) For application for licensure as a professional counselor, not more than \$100;
 - (2) for an original license as a professional counselor, not more than \$175;
 - (3) for a temporary license as a professional counselor, not more than \$175;
 - (4) for a six-month reinstatement temporary license as a professional counselor, not more than \$50;
 - (5) for renewal for licensure as a professional counselor, not more than \$150;
 - ~~(5)~~(6) for application for licensure as a clinical professional counselor, not more than \$175;
 - ~~(6)~~(7) for licensure as a clinical professional counselor, not more than \$175;
 - ~~(7)~~(8) for renewal for licensure as a clinical professional counselor, not more than \$175;
 - (9) for a six-month reinstatement temporary license as a clinical professional counselor, not more than \$50;
 - ~~(8)~~(10) for a community-based professional counselor license, not more than \$175;
 - (11) for late renewal penalty, an amount equal to the fee for renewal of a license;
 - ~~(9)~~(12) for reinstatement of a license, not more than \$175;
 - ~~(10)~~(13) for replacement of a license, not more than \$20;
 - ~~(11)~~(14) for a wallet card license, not more than \$5; and
 - ~~(12)~~(15) for application as a board-approved clinical supervisor, not more than \$50.
- (b) Fees paid to the board are not refundable.

Sec. 9. K.S.A. 65-6302 is hereby amended to read as follows: 65-6302. As used in ~~this~~ the social workers licensure act, unless the context clearly requires otherwise, ~~the following~~

~~words and phrases shall have the meaning ascribed to them in this section:~~

(a) "Board" means the behavioral sciences regulatory board created by K.S.A. 74-7501, and amendments thereto.

(b) "Extenuating circumstances" means any condition or situation caused by events beyond a person's control that is sufficiently extreme in nature to result in the:

(1) Person's inability to comply with requirements; or

(2) inadvisability of requiring the person to comply with requirements.

(c) "Psychotherapy" means the use of psychological and social methods within a professional relationship to assist the person or persons to achieve a better psychosocial adaptation to acquire greater human realization of psychosocial potential and adaptation to modify internal and external conditions that affect individuals, groups or communities in respect to behavior, emotions and thinking and in respect to their intra-personal and inter-personal processes. Forms of "psychotherapy" include, but are not limited to, individual psychotherapy, conjoint marital therapy, family therapy and group psychotherapy.

(d) "Social work practice" means the professional activity of helping individuals, groups or communities enhance or restore their capacity for physical, social and economic functioning and the professional application of social work values, principles and techniques in areas such as psychotherapy, social service administration, social planning, social work consultation and social work research to one or more of the following ends: Helping people obtain tangible services; counseling with individuals, families and groups; helping communities or groups provide or improve social and health services; and participating in relevant social action. The practice of social work requires knowledge of human development and behavior; of social, economic and cultural institutions and forces; and of the interaction of all these factors.

Social work practice includes the teaching of practicum courses in social work and includes the diagnosis and treatment of mental disorders as authorized under K.S.A. 65-6306 and 65-6319, and amendments thereto.

~~(e) "Psychotherapy" means the use of psychological and social methods within a professional relationship, to assist the person or persons to achieve a better psychosocial adaptation to acquire greater human realization of psychosocial potential and adaptation; to modify internal and external conditions which affect individuals, groups or communities in respect to behavior, emotions and thinking, in respect to their intra-personal and inter-personal processes. Forms of psychotherapy include but are not restricted to individual psychotherapy, conjoint marital therapy, family therapy and group psychotherapy.~~

Sec. 10. K.S.A. 2022 Supp. 65-6306 is hereby amended to read as follows: 65-6306.

(a) The board shall issue a license as a baccalaureate social worker to an applicant who has:

- (1) A baccalaureate degree from an accredited college or university, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;
- (2) passed an examination approved by the board for this purpose; ~~and~~
- (3) satisfied the board that the applicant is a person who merits the public trust; and
- (4) paid an application fee established by the board under K.S.A. 65-6314, and amendments thereto, and, upon notification from the board that all eligibility requirements have been satisfied, the license fee established by the board pursuant to K.S.A. 65-5808, and amendments thereto.

(b) (1) An applicant for a baccalaureate social work license who received a baccalaureate degree from a social work program in candidacy status from an accrediting body

recognized by the board may request a temporary candidacy baccalaureate social work license upon:

(A) Demonstrating receipt of a baccalaureate degree from a college or university, including completion of a social work program in candidacy from an accrediting body recognized by the board;

(B) passing an examination approved by the board for the purpose of such temporary candidacy licensure;

(C) submitting a completed, signed temporary candidacy baccalaureate social work license application on a form and in a manner provided by the board;

(D) satisfying the board that the applicant is a person who merits the public trust; and

(E) paying the temporary candidacy baccalaureate social worker fee as established under K.S.A. 65-6314, and amendments thereto, upon notification from the board that all eligibility requirements have been satisfied.

(2) A temporary candidacy baccalaureate social work license shall expire on the last day of the 24th month after the temporary candidacy baccalaureate social work license's effective date. Such license is nonrenewable, but, upon request by the license holder using a form approved by the board and paying the appropriate fee, the license shall be extended upon a showing that the social work program remains in candidacy status with the accrediting body recognized by the board. In all professional use of the social worker's name, an individual with a temporary candidacy baccalaureate social work license shall represent themselves as a temporary candidacy baccalaureate social worker. An individual with such license may not use the credentials "LBSW." The word "licensed" may be used only when followed by the words "by temporary candidacy license." An individual issued a temporary candidacy baccalaureate

social work license shall practice under supervision and shall not be required to complete continuing education. If the accrediting body recognized by the board grants accreditation to the program in candidacy status, the holder of the temporary candidacy baccalaureate social work license shall receive a permanent license upon payment of the appropriate fee. If the accrediting body recognized by the board does not grant accreditation to the program in candidacy status, the board shall immediately revoke the temporary license and notify the licensee of the revocation of such license.

(c) The board shall issue a license as a master social worker to an applicant who has:

(1) ~~Except as provided in subsection (f),~~ A master's degree from an accredited college or university, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;

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

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

(4) paid an application fee established by the board under K.S.A. 65-6314, and amendments thereto, and, upon notification from the board that all eligibility requirements have been satisfied, paid the license fee established under K.S.A. 65-5808, and amendments thereto.

(d) (1) An applicant for a master social work license who received a master's degree from a social work program in candidacy status from an accrediting body recognized by the board may request a temporary candidacy master social work license upon:

(A) Demonstrating receipt of a master's degree from a college or university, including completion of a social work program in candidacy from an accrediting body recognized by the board;

(B) passing an examination approved by the board for the purpose of such temporary

candidacy licensure:

(C) submitting a completed, signed temporary candidacy master social work license application on a form and in a manner provided by the board;

(D) satisfying the board that the applicant is a person who merits the public trust; and

(E) paying the temporary candidacy master social worker fee as established under K.S.A. 65-6314, and amendments thereto, upon notification from the board that all eligibility requirements have been satisfied.

(2) A temporary candidacy master social work license shall expire on the last day of the 24th month after the temporary candidacy master social work license's effective date. Such license is nonrenewable, but, upon request by the license holder using a form approved by the board and paying the appropriate fee, the license shall be extended upon a showing that the social work program remains in candidacy status with the accrediting body recognized by the board. In all professional use of the social worker's name, an individual with a temporary candidacy master social work license shall represent themselves as a temporary candidacy master social worker. An individual with such license shall not use the credentials "LMSW." The word "licensed" may be used only when followed by the words "by temporary candidacy license." An individual issued a temporary candidacy master social work license shall practice under supervision and shall not be required to complete continuing education. If the accrediting body recognized by the board grants accreditation to the program in candidacy status, the holder of the temporary candidacy master social work license shall receive a permanent license upon payment of the appropriate fee. If the accrediting body recognized by the board does not grant accreditation to the program in candidacy status, the board shall immediately revoke the temporary license and notify the licensee of the revocation of such license.

~~(e)~~(e) The board shall issue a license in one of the social work specialties to an applicant who has:

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

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

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

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

(5) upon notification from the board that all eligibility requirements have been satisfied, paid the license fee established under K.S.A. 65-6314, and amendments thereto.

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

(A) Has met the requirements of subsection ~~(e)~~(e);

(B) has completed ~~15~~3 credit hours as part of or in addition to the requirements under subsection ~~(e)~~(e) supporting diagnosis or treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, through identifiable study of ~~the following content areas: psychopathology, diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches and professional ethics;~~

(C) has completed a graduate level supervised clinical practicum of supervised professional experience, including, but not limited to, psychotherapy and assessment, integrating diagnosis or diagnostic impressions and treatment of mental disorders with use of the American

psychiatric association's diagnostic and statistical manual or additional postgraduate supervised experience as determined by the board;

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

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

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

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

(H) has paid the application fee.

(2) A licensed specialist clinical social worker may engage in the social work practice and is authorized to diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. When a client has symptoms of a mental disorder, a licensed specialist clinical social worker shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed specialist clinical social worker may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

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

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

~~(e)~~(g) The board shall adopt rules and regulations establishing the criteria that a social

work program of a college or university shall satisfy to be recognized and approved by the board under this section. The board may send a questionnaire developed by the board to any college or university conducting a social work program for which the board does not have sufficient information to determine whether the program should be recognized and approved by the board and whether the program meets the rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the program to be considered for recognition and approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about a social work program of a college or university. In entering such contracts the authority to recognize and approve a social work program of a college or university shall remain solely with the board.

~~(h)~~ (1) Notwithstanding any pending candidacy for accreditation of the masters of social work program at Fort Hays state university, the board shall:

(A) Accept a master's degree from such program as from an accredited college or university for the purpose of issuing a license as a master social worker to an applicant under subsection (b); and

(B) not impose any additional or alternative requirements to accreditation upon an applicant with such degree based on such program's pending candidacy for accreditation.

(2) The provisions of this subsection shall apply retroactively and shall expire on July 1, 2023.

(i) (1) An individual may apply to the board for a community-based social work license to practice social work in the scope of employment by a community mental health center, as defined in K.S.A. 39-2002, and amendments thereto, a federally qualified health

center, as defined in K.S.A. 65-7402, and amendments thereto, a psychiatric residential treatment facility as defined in K.S.A. 39-2002, and amendments thereto, or a private treatment facility as defined in K.S.A. 59-29b46, and amendments thereto.

(2) A community-based social work license may be issued by the board after the board reviews and approves the application and the applicant has paid the fee set by the board for issuance of a community-based social work license.

(3) (A) Absent extenuating circumstances approved by the board, a community-based social work license issued by the board shall expire:

(i) Upon the date the board issues or denies a license to practice social work; or

(ii) 24 months after the date of issuance of the community-based social work license.

(B) No community-based social work license shall be renewed or issued again on any subsequent application for the same license level. This paragraph shall not be construed to limit the number of times an applicant may take the examination.

(4) A person practicing social work with a community-based social work license may use the title "licensed baccalaureate social worker" or "licensed master social worker" or the initials "LBSW" or "LMSW" independently.

(5) No person may practice social work under a community-based social work license except under the supervision of a person licensed by the board to practice at the independent level.

(6) The board shall not issue a community-based social work license or temporary social work license to an individual who has previously been issued a community-based social work license or temporary social work license.

Sec. 11. K.S.A. 2022 Supp. 65-6309 is hereby amended to read as follows: 65-6309.

(a) An applicant shall be exempted from the requirement for any examination provided for herein, if the applicant has taken and passed an examination similar to that for which exemption is sought, as determined by the board.

(b) Upon application, the board shall issue a temporary license ~~licenses~~ bachelor's social work license or a temporary master's social work license to persons who have submitted documentation and met all qualifications for licensure under provisions of this act, except passage of the required examination, and who have paid the required fee.

(c) Absent extenuating circumstances approved by the board, a temporary bachelor's social work license or a temporary master's social work license issued by the board shall expire upon the date the board issues or denies a license to practice social work or ~~12~~ 24 months after the date of issuance of the temporary license. No temporary bachelor's social work license or temporary master's social work license will be renewed or issued again on any subsequent applications for the same license level. The preceding provisions in no way limit the number of times an applicant may take the examination.

(d) No person ~~may~~ shall work under a temporary bachelor's social work license or a temporary master's social work license except under the supervision of a licensed social worker.

(e) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.

(f) Any individual employed by a hospital and working in the area of hospital social services to patients of such hospital on July 1, 1974, is exempt from the provisions of this act.

(g) A person practicing social work with a temporary license may not use the title "licensed baccalaureate social worker" or "licensed master social worker" or use the initials "LBSW" or "LMSW," independently. The word "licensed" may be used only when followed by the words "by temporary license."

Sec. 12. K.S.A. 65-6313 is hereby amended to read as follows: 65-6313. (a) All licenses issued shall be effective upon the date issued and shall expire at the end of 24 months from the date of issuance.

(b) (1) Except as otherwise provided in K.S.A. 65-6311, and amendments thereto, a license may be renewed by the payment of the renewal fee set forth in K.S.A. 65-6314, and amendments thereto, and the execution and submission of a signed statement, on a form to be provided by the board, attesting that the applicant's license has been neither revoked nor currently suspended and that applicant has met the requirements for continuing education established by the board including not less than three continuing education hours of professional ethics.

(2) Prior to July 1, 2025, an applicant for renewal of a license as a master social worker or a specialist clinical social worker, as part of such continuing education, shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders. On and after July 1, 2025, such applicant shall complete not less than three continuing education hours relating to diagnosis and treatment of mental disorders.

(3) An applicant for first time licensure renewal as a baccalaureate social worker, master social worker or specialist clinical social worker, as part of such continuing education, shall complete not less than six hours of social worker safety awareness training. If the applicant for first time licensure renewal has already taken such training, as part of a previous level of

social work licensure renewal, then the applicant is not required to complete an additional six hours of social worker safety training.

(c) The application for renewal shall be made on or before the date of the expiration of the license or on or before the date of the termination of the period of suspension.

~~(d) If the application for renewal, including payment of the required renewal fee, is not made on or before the date of the expiration of the license, the license is void, and no license shall be reinstated except upon payment of the required renewal fee established under K.S.A. 65-6314, and amendments thereto, plus a penalty equal to the renewal fee, and proof satisfactory to the board of the completion of 40 hours of continuing education within two years prior to application for reinstatement. Upon receipt of such payment and proof, the board shall reinstate the license. A license shall be reinstated under this subsection, upon receipt of such payment and proof, at any time after the expiration of such license.~~ (1) A licensee who is unable to complete the required continuing education hours for renewal may request additional time to complete any remaining continuing education hours. Such request shall be made to the board not later than 30 calendar days prior to the expiration of the license and shall include:

(A) The licensee's reason for requesting additional time, showing extenuating circumstances for why the hours could not be completed during the license period; and

(B) a plan outlining the manner in which the licensee intends to complete the remaining continuing education hours.

(2) The board may grant a licensee up to three additional months beyond the license expiration date to complete the required continuing education hours.

(3) A licensee who receives additional time to complete continuing education hours under this subsection shall:

(A) Renew the license prior to the license expiration date and report to the board the number of continuing education hours completed on such date;

(B) notify the board upon completing the remaining continuing education hours; and

(C) be subject to an audit by the board of the total number of continuing education hours completed for the applicable license period.

(4) Continuing education hours completed during additional time granted under this subsection shall be credited only toward the requirements for the license period for which additional time is granted.

(5) A licensee shall not be approved for additional time to complete continuing education requirements in consecutive license periods.

(e) (1) A person whose license has expired may make written application to the board requesting reinstatement of the license in a manner prescribed by the board, and such application shall be accompanied by:

(A) The renewal fee established under K.S.A. 65-6314, and amendments thereto, and, for any person whose license has been expired for one year or less, an additional fee equal to the renewal fee; and

(B) evidence satisfactory to the board that the person has completed during the previous 24 months the continuing education requirements for one license period.

(2) A person requesting to reinstate a license that has been expired for longer than one year who has not completed the necessary continuing education hours for reinstatement may submit an application for a six-month reinstatement temporary license in a manner prescribed by the board, and such application shall be accompanied by the fee established under K.S.A. 65-6314, and amendments thereto. A licensee practicing under a six-month reinstatement temporary

license shall complete the continuing education requirements required for a permanent license prior to the expiration of the temporary license and notify the board upon such completion. A six-month reinstatement temporary license shall not be extended or renewed.

~~(e)~~(f) In case of a lost or destroyed license, and upon satisfactory proof of the loss or destruction thereof, the board may issue a duplicate license and shall charge a fee as set forth in K.S.A. 65-6314, and amendments thereto, for such duplicate license.

~~(f)~~(g) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 13. K.S.A. 65-6314 is hereby amended to read as follows: 65-6314. (a) The following fees may be established by the board in accordance with the following limitations, and any such fees shall be established by rules and regulations adopted by the board:

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

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

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

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

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

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

(7) Temporary license fee for a baccalaureate social worker, master social worker or a

social work specialty shall be not more than \$50.

(8) Temporary candidacy license fee for a baccalaureate social worker, master social worker or a social work specialty shall be not more than \$75.

(9) Six-month reinstatement temporary license fee for a baccalaureate social worker, master social worker or a social work specialty shall be not more than \$50.

(10) Community-based license fee for a baccalaureate social worker, master social worker or social work specialty shall be not more than \$175.

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

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

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

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

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

Sec. 14. K.S.A. 2022 Supp. 65-6322 is hereby amended to read as follows: 65-6322.

(a) The board may issue a license to an individual who is currently registered, certified or licensed to practice social work in another jurisdiction, if the board determines that:

(1) The standards for registration, certification or licensure to practice social work at the baccalaureate level in another jurisdiction are substantially the equivalent of the requirements in the social workers licensure act and rules and regulations of the board for licensure as a baccalaureate social worker; or

(2) the applicant demonstrates compliance on forms set by the board; with the

following standards as adopted by the board:

(A) Registration, certification or licensure to practice social work at the baccalaureate level with a similar scope of practice for at least ~~48 of the last 54~~ 12 months immediately preceding the application, ~~with at least the minimum professional experience as established by rules and regulations of the board;~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of a baccalaureate degree in social work from a regionally accredited university.

(b) The board may issue a license to an individual who is currently registered, certified or licensed to practice social work in another jurisdiction, if the board determines that:

(1) The standards for registration, certification or licensure to practice social work at the master's level in another jurisdiction are substantially the equivalent of the requirements in the social workers licensure act and rules and regulations of the board for licensure as a master social worker; or

(2) the applicant demonstrates compliance on forms set by the board; with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice social work at the master level with a similar scope of practice for at least ~~48 of the last 54~~ 12 months immediately preceding the application ~~with at least the minimum professional experience as established by rules and regulations of the board;~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of a master's degree in social work from a regionally accredited university.

(c) Applicants for licensure as a specialist clinical social worker shall demonstrate:

(1) That the applicant meets the requirements of subsection (b);

(2) that the applicant is currently licensed to practice social work at the clinical level in another state; and

(3) competence to diagnose and treat mental disorders by meeting at least two of the following areas acceptable to the board:

(A) Passing a national clinical examination approved by the board;

(B) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(C) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery, stating that the applicant is competent to diagnose and treat mental disorders.

(d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6411, and amendments thereto, if required by the board. Upon notification from the board that all eligibility requirements have been satisfied, the applicant shall submit the license fee as provided in K.S.A. 65-6411, and amendments thereto.

Sec. 15. K.S.A. 65-6402 is hereby amended to read as follows: 65-6402. As used in the marriage and family therapists licensure act:

(a) "Board" means the behavioral sciences regulatory board created under K.S.A. 74-7501 and amendments thereto.

~~(b) "Marriage and family therapy" means the assessment and treatment of cognitive,~~

~~affective or behavioral problems within the context of marital and family systems and includes the diagnosis and treatment of mental disorders as authorized under the marriage and family therapists licensure act.~~

~~(e) "Licensed marriage and family therapist" means a person who engages in the practice of marriage and family therapy and who is licensed under this act except that on and after January 1, 2002, such person shall engage in the practice of marriage and family therapy only under the direction of a licensed clinical marriage and family therapist, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders. "Extenuating circumstances" means any condition or situation caused by events beyond an individual's control that is sufficiently extreme in nature to result in the:~~

- ~~(1) Individual's inability to comply with requirements; or~~
- ~~(2) inadvisability of requiring the individual to comply with requirements.~~

~~(d)(c) "Licensed clinical marriage and family therapist" means a person who engages in the independent practice of marriage and family therapy including the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations and is licensed under this act.~~

~~(d) "Licensed marriage and family therapist" means a person who engages in the practice of marriage and family therapy, is licensed under this act and engages in the practice of marriage and family therapy only under the direction of a licensed clinical marriage and family therapist, a licensed psychologist, a person licensed to practice medicine and surgery or a person~~

licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders.

(e) "Marriage and family therapy" means the assessment and treatment of cognitive, affective or behavioral problems within the context of marital and family systems and includes the diagnosis and treatment of mental disorders as authorized under the marriage and family therapists licensure act.

Sec. 16. K.S.A. 2022 Supp. 65-6404 is hereby amended to read as follows: 65-6404.

(a) An applicant for licensure as a marriage and family therapist shall furnish evidence that the applicant has:

(1) Attained 21 years of age;

(2) (A) completed a master's or doctoral degree from a marriage and family therapy program, in an educational institution with standards approved by the board; (B) has completed a master's or doctoral degree from an educational institution in a related field for which the course work is considered by the board to be equivalent to that provided in subparagraph (A) and consists of a minimum of nine semester hours in human development, nine semester hours in theories of marriage and family functioning, nine semester hours of marital and family assessment and therapy, three semester hours in professional studies and three semester hours in research and has completed an academically supervised practicum in the master's degree program with at least 300 hours of direct client contact or a combined 300 hours of direct client contact and additional postgraduate supervised experience; or (C) completed a master's or doctoral degree from an educational institution in a related field with additional work from an educational program in marriage and family therapy approved by the board and such degree program and additional work includes the course work requirements provided in subparagraph

(B);

- (3) passed an examination approved by the board;
- (4) satisfied the board that the applicant is a person who merits the public trust; and
- (5) paid the application fee established by the board under K.S.A. 65-6411, and

amendments thereto.

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

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

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

(C) has completed a graduate level supervised clinical practicum of supervised professional experience including psychotherapy and assessment with individuals, couples, families or groups, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, with not less than ~~350~~ 300 hours of direct client contact or additional postgraduate supervised experience as determined by the board;

(D) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than

3,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with individuals, couples, families or groups and not less than 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, except that the board may waive $\frac{1}{2}$ of the hours required by this subparagraph for an individual who has a doctor's degree in marriage and family therapy or a related field acceptable to the board and who completes the required $\frac{1}{2}$ of the hours in not less than one year of supervised professional experience;

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

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

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

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

(2) A person who was licensed or registered as a marriage and family therapist in

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

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

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

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

(3) A licensed clinical marriage and family therapist may engage in the independent practice of marriage and family therapy and is authorized to diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. When a client has symptoms of a mental disorder, a licensed clinical marriage and family therapist shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such

request shall be made a part of the client's record. A licensed clinical marriage and family therapist may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

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

(c) (1) An individual may apply to the board for a community-based marriage and family therapist license to practice marriage and family therapy in the scope of employment by a community mental health center, as defined in K.S.A. 39-2002, and amendments thereto, a federally qualified health center, as defined in K.S.A. 65-7402, and amendments thereto, a psychiatric residential treatment facility as defined in K.S.A. 39-2002, and amendments thereto, or a private treatment facility as defined in K.S.A. 59-29b46, and amendments thereto.

(2) A community-based marriage and family therapist license may be issued by the

board after the board reviews and approves the application and the applicant has paid the fee set by the board for issuance of a community-based marriage and family therapist license.

(3) (A) Absent extenuating circumstances approved by the board, a community-based marriage and family therapist license issued by the board shall expire:

(i) Upon the date the board issues or denies a license to practice marriage and family therapy; or

(ii) 24 months after the date of issuance of the community-based marriage and family therapist license.

(B) No community-based marriage and family therapist license shall be renewed or issued again on any subsequent application for the same license level. This paragraph shall not be construed to limit the number of times an applicant may take the examination.

(4) A person practicing marriage and family therapy with a community-based marriage and family therapist license may use the title "licensed marriage and family therapist" or the initials "LMFT" independently.

(5) No person may practice marriage and family therapy under a community-based marriage and family therapist license except under the supervision of a person licensed by the board to practice at the independent level.

(6) The board shall not issue a community-based marriage and family therapist license or temporary marriage and family therapist license to an individual who has previously been issued a community-based marriage and family therapist license or temporary marriage and family therapist license.

Sec. 17. K.S.A. 2022 Supp. 65-6405 is hereby amended to read as follows: 65-6405.

(a) A person who is waiting to take the examination required by the board may apply to the

board for a temporary marriage and family therapy license to practice as a licensed marriage and family therapist by:

(1) ~~Paying an application~~ a temporary license fee as established by the board under K.S.A. 65-6411, and amendments thereto; and

(2) meeting the application requirements as stated in K.S.A. 65-6404(a)(1), (a)(2) ~~and~~, (a)(4) ~~and~~ (a)(5), and amendments thereto.

(b) A person who is waiting to take the license examination required by the board, and who has not completed a practicum including 300 hours of direct client contact but has been approved by the board to complete other postgraduate experience totaling 300 hours, may apply to the board for a temporary marriage and family therapy license to practice as a licensed marriage and family therapist by:

(1) Paying a temporary license fee established by the board under K.S.A. 65-6411, and amendments thereto; and

(2) meeting the application requirements as stated in K.S.A. 65-6404(a)(1), (a)(2), (a)(4) and (a)(5), and amendments thereto, and, except for the requirement to complete a practicum or other postgraduate experience, the requirements of K.S.A. 65-6404(a)(2), and amendments thereto.

(c) (1) A temporary marriage and family therapy license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee as established by the board under K.S.A. 65-6411, and amendments thereto.

(2) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies the person a license to practice marriage and family therapy or ~~12~~ 24 months after the date of issuance of the temporary

license.

(3) No temporary license shall be renewed or issued again on any subsequent application for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.

(c) A person practicing marriage and family therapy with a temporary marriage and family therapy license may not use the title "licensed marriage and family therapist" or the initials "LMFT" independently. The word "licensed" may be used only when followed by the words "by temporary license."

(d) No person may practice marriage and family therapy under a temporary marriage and family therapy license except under the supervision of a person licensed by the behavioral sciences regulatory board at the independent level.

(e) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.

Sec. 18. K.S.A. 2022 Supp. 65-6406 is hereby amended to read as follows: 65-6406.

(a) The board may issue a license to an individual who is currently registered, certified or licensed to practice marriage and family therapy in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice marriage and family therapy in the other jurisdiction are substantially the equivalent of the requirements of the marriage and family therapists licensure act and rules and regulations of the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice marriage and family therapy with a similar scope of practice for at least ~~48 of the last 54~~ 12 months immediately preceding the application ~~with at least the minimum professional experience as established by rules and regulations of the board;~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a master's degree in marriage and family therapy or a related field as approved by the board from a regionally accredited university.

(b) Applicants for licensure as a clinical marriage and family therapist shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either subsection (a)(1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6411, and amendments thereto, if required by the board. Upon

notification from the board that all eligibility requirements have been satisfied, the applicant shall pay the license fee as provided in K.S.A. 65-6411, and amendments thereto.

Sec. 19. K.S.A. 65-6407 is hereby amended to read as follows: 65-6407. (a) An applicant who meets the requirements for licensure pursuant to this act, has paid the license fee provided for by K.S.A. 65-6411, and amendments thereto, and has otherwise complied with the provisions of this act shall be licensed by the board.

(b) Licenses issued pursuant to this act shall expire 24 months from the date of issuance unless revoked prior to that time. A license may be renewed upon application and payment of the fee provided for by K.S.A. 65-6411, and amendments thereto. The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed during the previous 24 months the continuing education required by rules and regulations of the board. Prior to July 1, 2025, as part of such continuing education, the applicant shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics. On and after July 1, 2025, as part of such continuing education, a licensee shall complete not less than three continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.

(c) (1) A licensee who is unable to complete the required continuing education hours for renewal may request additional time to complete any remaining continuing education hours. Such request shall be made to the board not later than 30 calendar days prior to the expiration of the license and shall include:

(A) The licensee's reason for requesting additional time, showing extenuating circumstances for why the hours could not be completed during the license period; and

(B) a plan outlining the manner in which the licensee intends to complete the remaining continuing education hours.

(2) The board may grant a licensee up to three additional months beyond the license expiration date to complete the required continuing education hours.

(3) A licensee who receives additional time to complete continuing education hours under this subsection shall:

(A) Renew the license prior to the license expiration date and report to the board the number of continuing education hours completed on such date;

(B) notify the board upon completing the remaining continuing education hours; and

(C) be subject to an audit by the board of the total number of continuing education hours completed for the applicable license period.

(4) Continuing education hours completed during additional time granted under this subsection shall be credited only toward the requirements for the license period for which additional time is granted.

(5) A licensee shall not be approved for additional time to complete continuing education requirements in consecutive license periods.

(d) A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation in a manner prescribed by the board, which application shall be accompanied by the fee provided for by K.S.A. 65-6411, and amendments thereto.

(e) (1) A person whose license has expired may make written application to the board requesting reinstatement of the license in a manner prescribed by the board, and such application shall be accompanied by:

(A) The renewal fee established under K.S.A. 65-6411, and amendments thereto, and, for any person whose license has been expired for one year or less, an additional fee equal to the renewal fee; and

(B) evidence satisfactory to the board that the person has completed during the previous 24 months the continuing education requirements for one license period.

(2) A person requesting to reinstate a license that has been expired for longer than one year who has not completed the necessary continuing education hours for reinstatement may submit an application for a six-month reinstatement temporary license in a manner prescribed by the board, and such application shall be accompanied by the fee established under K.S.A. 65-6411, and amendments thereto. A licensee practicing under a six-month reinstatement temporary license shall complete the continuing education requirements required for a permanent license prior to the expiration of the temporary license and notify the board upon such completion. A six-month reinstatement temporary license shall not be extended or renewed.

~~(d)~~(f) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 20. K.S.A. 2022 Supp. 65-6411 is hereby amended to read as follows: 65-6411.

(a) The board may ~~fix~~ collect the following fees, and any such fees shall be established by rules and regulations adopted by the board:

- (1) For application for licensure as a marriage and family therapist, not to exceed \$150;
- (2) for temporary licensure as a marriage and family therapist, not to exceed \$175;
- (3) for original licensure as a marriage and family therapist, not to exceed \$175;
- (4) for renewal for licensure as a marriage and family therapist, not to exceed \$175;
- (5) for a six-month reinstatement temporary license as a marriage and family therapist,

not to exceed \$50;

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

~~(6)~~(7) for original licensure as a clinical marriage and family therapist, not to exceed \$175;

~~(7)~~(8) for renewal for licensure as a clinical marriage and family therapist, not to exceed \$175;

(9) for a six-month reinstatement temporary license as a clinical marriage and family therapist, not more than \$50;

~~(8)~~(10) for community-based licensure as a marriage and family therapist, not to exceed \$175;

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

~~(9)~~(12) for replacement of a license, not to exceed \$20;

~~(10)~~(13) for renewal penalty, an amount equal to the renewal of license;

~~(11)~~(14) for a wallet card license, not to exceed \$5; and

~~(12)~~(15) for application for approval as a board-approved clinical supervisor, not to exceed \$50.

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

Sec. 21. K.S.A. 65-6608 is hereby amended to read as follows: 65-6608. As used in the addiction counselor licensure act:

(a) ~~"Board" means the behavioral sciences regulatory board created under K.S.A. 74-7501, and amendments thereto.~~

~~(b)~~ "Addiction counseling" means the utilization of special skills to assist persons with

addictions, and to assist such persons' families and friends to achieve resolution of addiction through the exploration of the disease and its ramifications, the examination of attitudes and feelings, the consideration of alternative solutions and decision making, as these relate specifically to addiction. Evaluation and assessment, treatment including treatment plan development, crisis intervention, referral, record keeping and clinical consultation specifically related to addiction are within the scope of addiction counseling. Additionally, at the clinical level of licensure, addiction counseling includes independent practice and the diagnosis and treatment of substance use disorders.

(b) "Board" means the behavioral sciences regulatory board created under K.S.A. 74-7501, and amendments thereto.

(c) "Extenuating circumstances" means any condition or situation caused by events beyond an individual's control that is sufficiently extreme in nature to result in the:

(1) Individual's inability to comply with requirements; or

(2) inadvisability of requiring the individual to comply with requirements.

(d) "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person shall engage in the practice of addiction counseling in a state-licensed or certified alcohol and other drug treatment program or in completing a Kansas domestic violence offender assessment for participants in a certified batterer intervention program pursuant to K.S.A. 75-7d01 through 75-7d13, and amendments thereto, unless otherwise exempt from licensure under K.S.A. 59-29b46(n), and amendments thereto.

~~(d) "Licensed master's addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under~~

~~this act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of substance abuse disorders or mental disorders.~~

(e) "Licensed clinical addiction counselor" means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed under this act.

(f) "Licensed master's addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under the addiction counselor licensure act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of substance abuse disorders or mental disorders.

Sec. 22. K.S.A. 2022 Supp. 65-6610 is hereby amended to read as follows: 65-6610.

(a) An applicant for licensure as an addiction counselor shall furnish evidence that the applicant:

(1) Has attained 21 years of age;

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

(B) has completed at least a baccalaureate degree from a college or university

approved by the board. As part of, or in addition to, the baccalaureate degree coursework, such applicant shall also complete a minimum number of semester hours of coursework on substance use disorders as approved by the board;

(C) is currently licensed in Kansas as a licensed baccalaureate social worker and has completed a minimum number of semester hours of coursework on substance use disorders as approved by the board; or

(D) is currently licensed in Kansas by the board as a master social worker, specialist clinical social worker, professional counselor, clinical professional counselor, marriage and family therapist, clinical marriage and family therapist, master's level psychologist, clinical psychotherapist or psychologist. Such licensees shall be eligible to take the examination as required by paragraph (3);

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

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

(5) has paid the application fee established by the board under K.S.A. 65-6618, and amendments thereto, and, upon notification from the board that all eligibility requirements have been satisfied, paid the license fee established under K.S.A. 65-6618, and amendments thereto.

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

(1) (A) Has attained 21 years of age;

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

(ii) has completed at least a master's degree from a college or university approved by

the board. As part of or in addition to the master's degree coursework, such applicant shall also complete a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; or

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

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

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

(E) has paid the application fee ~~fixed set~~ under K.S.A. 65-6618, and amendments thereto, and, upon notification from the board that all eligibility requirements have been satisfied, paid the license fee as provided by K.S.A. 65-6618, and amendments thereto; or

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

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

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

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

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

(1) Has attained 21 years of age;

(2) (A) (i) has completed at least a master's degree from an addiction counseling

program that is part of a college or university approved by the board; and

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 3,000 hours of supervised professional experience, including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, except that the board may waive $\frac{1}{2}$ of the hours required by this clause for an individual who has a doctoral degree in addiction counseling or a related field approved by the board and who completes the required $\frac{1}{2}$ of the hours in not less than one year of supervised professional experience; or

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

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 3,000 hours of supervised professional experience, including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 100 hours of face-to-face clinical supervision, as defined by

the board in rules and regulations, including not less than 50 hours of individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, except that the board may waive $\frac{1}{2}$ of the hours required by this clause for an individual who has a doctoral degree in addiction counseling or a related field approved by the board and who completes the required $\frac{1}{2}$ of the hours in not less than one year of supervised professional experience; or

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

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 3,000 hours of supervised professional experience, including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, except that the board may waive $\frac{1}{2}$ of the hours required by this clause for an individual who has a doctoral degree in addiction counseling or a related field approved by the board and who completes the required $\frac{1}{2}$ of the hours in not less than one year of supervised professional experience; or

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

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

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

(5) has paid the application fee ~~fixed set~~ under K.S.A. 65-6618, and amendments thereto, and, upon notification from the board that all eligibility requirements have been satisfied, paid the license fee established under K.S.A. 65-6618, and amendments thereto.

Sec. 23. K.S.A. 2022 Supp. 65-6611 is hereby amended to read as follows: 65-6611.

(a) A person who is waiting to take the examination for licensure as an addiction counselor may apply to the board for a temporary addiction counselor license to practice as a licensed addiction counselor by:

(1) Paying a fee for a temporary license ~~fixed set~~ under K.S.A. 65-6618, and amendments thereto; and

(2) meeting the application requirements as stated in K.S.A. 65-6610(a)(1), (a)(2), (a)(4) and (a)(5), and amendments thereto.

(b) A person who is waiting to take the examination for licensure as a master's addiction counselor may apply to the board for a temporary master's addiction counselor license to practice as a licensed master's addiction counselor by:

(1) Paying a fee for a temporary license ~~fixed set~~ under K.S.A. 65-6618, and

amendments thereto; and

(2) meeting the application requirements as stated in K.S.A. 65-6610(b)(1)(A), (b)(1)(B), (b)(1)(D) and (b)(1)(E), and amendments thereto.

(c) (1) A temporary addiction counselor license or temporary master's addiction counselor license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee ~~set by the board for issuance of new licenses.~~

(2) Absent extenuating circumstances approved by the board, a temporary addiction counselor license or a temporary master's addiction counselor license issued by the board shall expire upon the date the board issues or denies the person a license to practice addiction counseling or ~~12~~ 24 months after the date of issuance of the temporary addiction counselor license or temporary master's addiction counselor license.

(3) No temporary addiction counselor license or temporary master's addiction counselor license will be renewed or issued again on any subsequent application for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.

(d) A person practicing addiction counseling with a temporary addiction counselor license or a temporary master's addiction counselor license may not use the title "licensed addiction counselor" or "licensed master's addiction counselor" or use the initials "LAC" or "LMAC" independently. The word "licensed" may be used only when followed by the words "by temporary license."

(e) No person may practice addiction counseling under a temporary addiction counselor license or a temporary master's addiction counselor license except in a licensed or

certified alcohol and other drug abuse program, under the direction of a person licensed by the behavioral sciences regulatory board at the clinical level or a person licensed to practice medicine and surgery.

(f) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such license.

(g) A person may apply to the board for a student temporary addiction counselor license to practice as a student temporary addiction counselor, on a form and in the manner prescribed by the board, by:

(1) Providing documentation of completing at least 60 credit hours from an institution of higher education with an emphasis in addiction counseling or a related field, as defined by the board in rules and regulations;

(2) providing a signed attestation indicating the applicant's intention to pursue licensure as a licensed addiction counselor with a plan to complete the education requirements toward a licensed addiction counseling license within 48 months;

(3) providing an education plan, signed by an official of the institution of higher education, including steps to obtain coursework necessary to receive an addiction counselor license;

(4) providing a signed attestation from a prospective employer who intends to offer employment when the applicant receives the student temporary addiction counselor license;

(5) submitting a supervision plan signed by a person who is employed by the

prospective employer and who would be providing supervision to the applicant under K.S.A. 65-6611(i), and amendments thereto. Such supervision plan shall include not less than four hours of supervision per month and not fewer than two supervision meetings per month. A maximum of two hours per month may be in group supervision;

(6) satisfying the board that the applicant is a person who merits the public trust;

(7) attaining 20 years of age; and

(8) paying a fee for a student temporary addiction counselor license established under K.S.A. 65-6618, and amendments thereto.

(h) A student temporary addiction counselor license issued by the board shall expire upon the date the board issues the person a permanent license to practice addiction counseling or 24 months after the date of issuance of the student temporary addiction counselor license. A student temporary addiction counselor license may be renewed for one additional 24-month period by demonstrating:

(1) Evidence of the person's compliance with the education plan, including completion of coursework and remaining in good standing with the institution of higher education;

(2) changes or updates to the education plan signed by a representative of the institution of higher education;

(3) evidence of supervision logs signed by the supervisor and student for the periods of supervision; and

(4) paying a fee for renewal of a student temporary addiction counselor license established under K.S.A. 65-6618, and amendments thereto.

(i) No person may practice addiction counseling under a student temporary addiction counselor license except in a licensed or certified alcohol and other drug abuse program, a

certified community behavioral health clinic or a community mental health center, supervised by a person licensed by the behavioral sciences regulatory board as an addiction counselor, master's addiction counselor or clinical addiction counselor or other individual licensed by the behavioral sciences regulatory board holding a license as a master's social worker, specialist clinical social worker, professional counselor, clinical professional counselor, marriage and family therapist, clinical marriage and family therapist, master's level psychologist, clinical psychotherapist or psychologist.

Sec. 24. K.S.A. 2022 Supp. 65-6613 is hereby amended to read as follows: 65-6613.

(a) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice addiction counseling in the other jurisdiction are substantially the equivalent of the requirements of the addiction counselor licensure act and rules and regulations of the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice as an addiction counselor with a similar scope of practice for at least ~~48 of the last 54~~ 12 months immediately preceding the application ~~with at least the minimum professional experience as established by rules and regulations of the board;~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a baccalaureate degree from a college or university approved by the board.

(b) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling at the master's level in another jurisdiction if the board determines that:

(1) (A) The standards for registration, certification or licensure to practice addiction counseling at the master's level in the other jurisdiction are substantially the equivalent of the requirements of the addiction counselor licensure act and rules and regulations of the board; and

(B) completion of at least a master's degree from a college or university approved by the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice addiction counseling at the master's level with a similar scope of practice for at least ~~48 of the last 54~~ 12 months immediately preceding the application ~~with at least the minimum professional experience as established by rules and regulations of the board;~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a master's degree from a college or university approved by the board.

(c) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling at the clinical level in another jurisdiction if the board determines that:

(1) (A) The standards for registration, certification or licensure to practice addiction counseling at the clinical level in the other jurisdiction are substantially the equivalent of the

requirements of the addiction counselor licensure act and rules and regulations of the board; and

(B) the applicant demonstrates completion of at least a master's degree from a college or university approved by the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice addiction counseling at the clinical level with a similar scope of practice for at least ~~48~~ of the last 54 ~~12~~ months immediately preceding the application ~~with at least the minimum professional experience as established by rules and regulations of the board;~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency;

(C) completion of at least a master's degree from a college or university approved by the board; and

(D) at least two of the following areas acceptable to the board:

(i) Either coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(ii) three years of clinical practice with demonstrated experience supporting diagnosing or treating substance use disorders; or

(iii) attestation from a professional licensed to diagnose and treat mental disorders, or substance use disorders, or both, in independent practice or licensed to practice medicine and surgery, stating that the applicant is competent to diagnose and treat substance use disorders.

(d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6618, and amendments thereto, if required by the board. Upon

notification from the board that all eligibility requirements have been satisfied, the applicant shall submit the license fee as provided in K.S.A. 65-6618, and amendments thereto.

Sec. 25. K.S.A. 65-6614 is hereby amended to read as follows: 65-6614. (a) An applicant who meets the requirements for licensure pursuant to this act, has paid the license fee provided for by K.S.A. 65-6618, and amendments thereto, and has otherwise complied with the provisions of this act shall be licensed by the board.

(b) Licenses issued pursuant to this act shall expire 24 months from the date of issuance unless revoked prior to that time. A license may be renewed upon application and payment of the fee provided for by K.S.A. 65-6618, and amendments thereto. The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed during the previous 24 months the continuing education required by rules and regulations of the board, including not less than three hours in ethics. ~~In addition~~ Prior to July 1, 2025, as part of such continuing education, the master's addiction counselor applicant and the clinical addiction counselor applicant shall complete not less than six continuing education hours relating to diagnosis and treatment of substance use disorders. On and after July 1, 2025, as part of such continuing education, a master's addiction counselor applicant or clinical addiction counselor applicant shall complete not less than three continuing education hours relating to diagnosis and treatment of substance use disorders.

(c) (1) A licensee who is unable to complete the required continuing education hours for renewal may request additional time to complete any remaining continuing education hours. Such request shall be made to the board not later than 30 calendar days prior to the expiration of the license and shall include:

(A) The licensee's reason for requesting additional time, showing extenuating

circumstances for why the hours could not be completed during the license period; and

(B) a plan outlining the manner in which the licensee intends to complete the remaining continuing education hours.

(2) The board may grant a licensee up to three additional months beyond the license expiration date to complete the required continuing education hours.

(3) A licensee who receives additional time to complete continuing education hours under this subsection shall:

(A) Renew the license prior to the license expiration date and report to the board the number of continuing education hours completed on such date;

(B) notify the board upon completing the remaining continuing education hours; and

(C) be subject to an audit by the board of the total number of continuing education hours completed for the applicable license period.

(4) Continuing education hours completed during additional time granted under this subsection shall be credited only toward the requirements for the license period for which additional time is granted.

(5) A licensee shall not be approved for additional time to complete continuing education requirements in consecutive license periods.

(d) A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation in a manner prescribed by the board, which application shall be accompanied by the fee provided for by K.S.A. 65-6618, and amendments thereto.

(e) (1) A person whose license has expired may make written application to the board requesting reinstatement of the license in a manner prescribed by the board, and such application

shall be accompanied by:

(A) The renewal fee established under K.S.A. 65-6618, and amendments thereto, and, for any person whose license has been expired for one year or less, an additional fee equal to the renewal fee; and

(B) evidence satisfactory to the board that the person has completed during the previous 24 months the continuing education requirements for one license period.

(2) A person requesting to reinstate a license that has been expired for longer than one year who has not completed the necessary continuing education hours for reinstatement may submit an application for a six-month reinstatement temporary license in a manner prescribed by the board, and such application shall be accompanied by the fee established under K.S.A. 65-6618, and amendments thereto. A licensee practicing under a six-month reinstatement temporary license shall complete the continuing education requirements required for a permanent license prior to the expiration of the temporary license and notify the board upon such completion. A six-month reinstatement temporary license shall not be extended or renewed.

~~(d)~~(f) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 26. K.S.A. 65-6618 is hereby amended to read as follows: 65-6618. (a) The board may ~~fix~~ collect the following fees, and any such fees shall be established by rules and regulations adopted by the board:

- (1) For application for licensure as an addiction counselor, not to exceed \$150;
- (2) for original licensure as an addiction counselor, not to exceed \$150;
- (3) for renewal for licensure as an addiction counselor, not to exceed \$150;
- (4) for a temporary license as an addiction counselor, not to exceed \$100;

(5) for a six-month reinstatement temporary license as an addiction counselor, not to exceed \$50;

(6) for a student temporary addiction counselor license, not to exceed \$100;

(7) for renewal for a student temporary addiction counselor license, not to exceed \$100;

(8) for application for licensure as a master's addiction counselor, not to exceed \$150;

~~(6)~~(9) for original licensure as a master's addiction counselor, not to exceed \$150;

~~(7)~~(10) for renewal for licensure as a master's addiction counselor, not to exceed \$150;

(11) for a temporary license as a master's addiction counselor, not to exceed \$100;

(12) for a six-month reinstatement temporary license as a master's addiction counselor, not to exceed \$50;

~~(8)~~(13) for application for licensure as a clinical addiction counselor, not to exceed \$150;

~~(9)~~(14) for original licensure as a clinical addiction counselor, not to exceed \$150;

~~(10)~~(15) for renewal for licensure as a clinical addiction counselor, not to exceed \$150;

(16) for a six-month reinstatement temporary license as a clinical addiction counselor, not to exceed \$50;

~~(11)~~(17) for a temporary permit to practice clinical addiction counseling, not to exceed \$200;

~~(12)~~(18) for extension of a temporary permit to practice clinical addiction counseling, not to exceed \$200;

~~(13)~~(19) for reinstatement of a license, not to exceed \$150;

~~(14)~~(20) for replacement of a license, not to exceed \$20;

~~(15)~~(21) for late renewal penalty, an amount equal to the fee for renewal; and

~~(16)~~(22) for a wallet license, not more than \$5.

(b) The board shall require that fees paid for any examination under the addiction counselor licensure act be paid directly to the examination services by the person taking the examination.

(c) Fees paid to the board are not refundable.

Sec. 27. K.S.A. 65-7504 is hereby amended to read as follows: 65-7504. (a) The board may ~~deny, suspend, revoke or refuse renewal of any license issued under this act if the board finds that the applicant or license holder has~~ refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for licensure has:

(1) Used any controlled substance or alcoholic beverage to an extent that such use impairs such person's ability to perform the work of any profession licensed or regulated by this act.

(2) ~~The person has~~ Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any professional licensed or regulated under this act, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not a sentence is imposed.

(3) Used any fraud, deception or misrepresentation in securing any license issued under this act.

(4) Obtained or attempted to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation.

(5) Committed any act of incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed by the board.

(6) Committed any violation of or assisted or enabled any person to violate any provision of this act or any rule and regulation promulgated thereunder.

(7) Impersonated any person holding a certificate of registration or authority, permit or license or allowed any other person to use such person's certificate of registration or authority, permit, license or diploma from any school.

(8) Been disciplined in any action by another state, territory, federal agency or country which would constitute grounds for a license issued under this act being suspended or revoked.

(9) Been finally adjudged insane or incapacitated by a court of competent jurisdiction.

(10) Assisted or enabled any person to practice or offer to practice any profession licensed or regulated by the board when such person is not eligible to practice such profession as required by law.

(11) Issued any certificate of registration or authority, permit or license based upon a material mistake of fact.

(12) Failed to display a valid certificate or license if so required by this act or any rules and regulations promulgated thereunder.

(13) Violated any professional trust or confidence.

(14) Used any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

(15) ~~Been found guilty of to have engaged in unprofessional conduct or professional~~
~~incompetency as defined by the board by~~ applicable rules and regulations adopted by the board.

(16) Violated any lawful order or directive of the board previously entered by the board.

~~(b) Any action taken under this section which affects any license or imposes any administrative penalty shall be taken only after notice and an opportunity for a hearing conducted in accordance with the provisions of~~ Administrative proceedings and disciplinary actions regarding licensure under the applied behavior analysis licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the applied behavior analysis licensure act shall be in accordance with the Kansas judicial review act.

Sec. 28. K.S.A. 65-7505 is hereby amended to read as follows: 65-7505. The board shall ~~promulgate~~ adopt rules and regulations necessary to implement and administer this act. Such rules and regulations shall include, but not be limited to:

(a) The form and content of license applications required and the procedures for filing an application for an initial or renewal license or reinstatement in this state;

(b) the establishment of fees for licenses; ~~and the renewal~~ and reinstatement thereof; to cover all or any part of the cost of administering the provisions of this act;

(c) the educational and training requirements for licensed behavior analysts and licensed assistant behavior analysts;

(d) the roles, responsibilities and duties of licensed behavior analysts and licensed assistant behavior analysts;

(e) the characteristics of supervision and supervised clinical practicum experience for

the licensed behavior analysts and the licensed assistant behavior analysts;

(f) the supervision of licensed behavior analysts and licensed assistant behavior analysts;

(g) the requirements for continuing education for licensed behavior analysts and licensed assistant behavior analysts;

(h) standards of professional competency;

(i) standards of professional conduct; and

(j) such other rules and regulations as the board deems necessary to carry out the provisions of this act.

Sec. 29. K.S.A. 74-5302 is hereby amended to read as follows: 74-5302. ~~For the purpose of this act the following definitions shall apply~~As used in the licensure of psychologists act of the state of Kansas:

(a) "Board" means the behavioral sciences regulatory board created by K.S.A. 74-7501, and amendments thereto.

(b) "Extenuating circumstances" means any condition or situation caused by events beyond an individual's control that is sufficiently extreme in nature to result in the:

(1) Individual's inability to comply with requirements; or

(2) inadvisability of requiring the individual to comply with requirements.

(c) "License" means a license as a psychologist issued by the board.

(d) "Licensed psychologist" means a person licensed by the board under the provisions of the licensure of psychologists act of the state of Kansas.

(e) "Merits the public trust" means that an applicant or licensee possesses the high standard of good moral character and fitness that is required to practice psychology as

demonstrated by the following personal qualities:

- (1) Good judgment;
- (2) integrity;
- (3) honesty;
- (4) fairness;
- (5) credibility;
- (6) reliability;
- (7) respect for others;
- (8) respect for the laws of this state and the nation;
- (9) self-discipline;
- (10) self-evaluation;
- (11) initiative; and
- (12) commitment to the psychology profession and its values and ethics.

(f) "Practice of psychology" means the application of established principles of learning, motivation, perception, thinking and emotional relationships to problems of behavior adjustment, group relations and behavior modification, by persons trained in psychology. The application of such principles includes, but is not restricted to, counseling and the use of psychological remedial measures with persons, in groups or individually, having adjustment or emotional problems in the areas of work, family, school and personal relationships; measuring and testing personality, intelligence, aptitudes, public opinion, attitudes and skills; the teaching of such subject matter; and the conducting of research on problems relating to human behavior, except that in all cases involving the care of the sick and ill as defined by the laws of this state, the primary responsibility devolves upon those licensed under the Kansas healing arts act. The

practice of psychology includes the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. If a licensed psychologist cannot make an independent diagnosis of a mental disorder, such psychologist shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed psychologist may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

~~(b)(g)~~ "Represents oneself to be a psychologist" means that a person engages in the practice of psychology for a fee, monetary or otherwise, or holds oneself out to the public by any title or description of services incorporating the word "psychologic," "psychological," "psychologist" or "psychology" and under such title or description offers to render or renders services to individuals, corporations or the public for a fee, monetary or otherwise.

~~(e) "Board" means the behavioral sciences regulatory board created by K.S.A. 74-7501 and amendments thereto.~~

~~(d) "License" means a license as a psychologist issued by the board.~~

~~(e) "Licensed psychologist" means a person licensed by the board under the provisions of this act.~~

Sec. 30. K.S.A. 2022 Supp. 74-5310 is hereby amended to read as follows: 74-5310.

(a) The board shall issue a license as a psychologist to any person who pays a nonrefundable application fee prescribed by the board, if required by the board, not in excess of \$225 and, if required by the board, a nonrefundable original license fee not in excess of \$150, who satisfies

the board as to such person's training and experience after a thorough review of such person's credentials and who passes a satisfactory examination in psychology. Any person paying the fee ~~must~~ shall also submit evidence verified by oath and satisfactory to the board that such person:

- (1) Is at least 21 years of age;
- (2) ~~is of good moral character~~ a person who merits the public trust;

(3) has received the doctor's degree based on a program of studies in content primarily psychological from an educational institution having a graduate program with standards consistent with those of the state universities of Kansas, or the substantial equivalent of such program in both subject matter and extent of training; and

(4) has had at least two years of supervised experience, a significant portion of which shall have been spent in rendering psychological services satisfying the board's approved standards for the psychological service concerned.

(b) The board shall adopt rules and regulations establishing the criteria which an educational institution shall satisfy in meeting the requirements established under subsection (a)(3). The board may send a questionnaire developed by the board to any educational institution for which the board does not have sufficient information to determine whether the educational institution meets the requirements of subsection (a)(3) and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the educational institution to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about educational institutions. In entering such contracts the authority to approve educational institutions shall remain solely with the board.

(c) (1) An individual may apply to the board for a community-based psychologist

license to practice psychology in the scope of employment by a community mental health center, as defined in K.S.A. 39-2002, and amendments thereto, a federally qualified health center, as defined in K.S.A. 65-7402, and amendments thereto, a psychiatric residential treatment facility as defined in K.S.A. 39-2002, and amendments thereto, or a private treatment facility as defined in K.S.A. 59-29b46, and amendments thereto.

(2) A community-based psychologist license may be issued by the board after the board reviews and approves the application and the applicant has paid the fee set by the board for issuance of a community-based psychologist license.

(3) (A) Absent extenuating circumstances approved by the board, a community-based psychologist license issued by the board shall expire:

(i) Upon the date the board issues or denies a license to practice psychology; or

(ii) 24 months after the date of issuance of the community-based psychologist license.

(B) No community-based psychologist license shall be renewed or issued again on any subsequent application for the same license level. This paragraph shall not be construed to limit the number of times an applicant may take the examination.

(4) A person practicing psychology with a community-based psychologist license may use the title "licensed psychologist" or the initials "LP" independently.

(5) No person may practice psychology under a community-based psychologist license except under the supervision of a person licensed by the board to practice at the independent level.

(6) The board shall adopt rules and regulations to set the fee, if required by the board, for the issuance of a community-based psychologist license in an amount not to exceed \$225.

(7) The board shall not issue a community-based psychologist license or temporary

psychologist license to an individual who has previously been issued a community-based psychologist license or temporary psychologist license.

Sec. 31. K.S.A. 2022 Supp. 74-5315 is hereby amended to read as follows: 74-5315.

(a) The board may grant a license to any person who, at the time of application, is registered, certified or licensed as a psychologist at the doctoral level in another jurisdiction if the board determines that:

(1) The requirements of such jurisdiction for such certification or licensure are substantially the equivalent of the requirements of this state; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure as a psychologist at the doctoral level with a similar scope of practice for at least ~~48 of the last 54~~ 12 months immediately preceding the application ~~with at least the minimum professional experience as established by rules and regulations of the board;~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) a doctoral degree in psychology from a regionally accredited university or college.

(b) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 74-5310, and amendments thereto, if required by the board. Upon notification from the board that all eligibility requirements have been satisfied, the applicant shall pay the license fee as provided in K.S.A. 74-5310, and amendments thereto.

Sec. 32. K.S.A. 2022 Supp. 74-5316 is hereby amended to read as follows: 74-5316.

(a) Upon application, the board may issue temporary licenses to persons who have met all

qualifications for licensure under the provisions of the licensure of psychologists act of the state of Kansas, except passage of the required examination, pursuant to K.S.A. 74-5310, and amendments thereto, who have paid the required application and temporary license fees and who have submitted documentation as required by the board, under the following:

(1) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the earlier of the date the board issues or denies a license to practice psychology or two years after the date of issuance of the temporary license. No temporary license shall be renewed or issued again on any subsequent application for licensure under the provisions of the licensure of psychologists act of the state of Kansas. This paragraph shall not limit the number of times that an applicant may take the required examination;

~~(2) the board shall adopt rules and regulations prescribing continuing education requirements for temporary licensees, including, but not limited to, a requirement that temporary licensees shall complete a minimum of 25 contact hours of continuing education during the two-year period of temporary licensure, which shall include a minimum of three hours in psychology ethics;~~

(3) no person ~~may~~ shall work under a temporary license except under the supervision of a licensed psychologist as prescribed in rules and regulations adopted by the board; and

~~(4)~~(3) the fee for such temporary license may be ~~fixed~~ set by the board and shall not exceed \$200, and any such fee shall be established by rules and regulations adopted by the board.

(b) Upon application, the board may issue temporary licenses not to exceed two years to persons who have completed all requirements for a doctoral degree approved by the board but have not received such degree conferral or who have met all qualifications for licensure under

provisions of such act, except completion of the postdoctoral supervised work experience pursuant to K.S.A. 74-5310(a)(4), and amendments thereto, who have paid the required application and temporary license fees and who have submitted documentation as required by the board, under the following:

(1) The temporary license shall expire at the end of the two-year period after issuance or if such temporary licensee is denied a license to practice psychology;

(2) the temporary license may be renewed for one additional two-year period;

(3) no temporary license shall be issued again on any subsequent application for licensure under the provisions of the licensure of psychologists act of the state of Kansas. This paragraph shall not limit the number of times that an applicant may take the required examination;

(4) temporary licensees shall be working toward the completion of the postdoctoral supervised work experience prescribed in K.S.A. 74-5310(a)(4), and amendments thereto;

~~(5) the board shall adopt rules and regulations prescribing continuing education requirements for temporary licensees, including, but not limited to, a requirement that temporary licensees shall complete a minimum of 25 contact hours of continuing education during the two-year period of temporary licensure, which shall include a minimum of three hours in psychology ethics;~~

~~(6)~~ no temporary licensee may shall work under a temporary license except under the supervision of a licensed psychologist as prescribed in rules and regulations adopted by the board; and

~~(7)~~(6) the fee for a renewal of the temporary license may be ~~fixed~~ set by the board and shall not exceed \$200 per issuance, and any such fee shall be established by rules and

regulations adopted by the board.

(c) A person practicing psychology with a temporary license ~~may~~ shall not use the title "licensed psychologist" or the initials "LP," independently. The word "licensed" may be used only when preceded by the word "temporary."

(d) This section shall be a part of and supplemental to the provisions of article 53 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto.

(e) As used in this section, "temporary licensee" means any person practicing psychology with a temporary license pursuant to subsection (a) or (b).

Sec. 33. K.S.A. 74-5318 is hereby amended to read as follows: 74-5318. (a) An application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed, during the previous 24 months, the continuing education required by rules and regulations of the board. Prior to July 1, 2025, as part of such continuing education, a licensed psychologist shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics. On and after July 1, 2025, as part of such continuing education, a licensee shall complete not less than three continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.

(b) (1) A licensee who is unable to complete the required continuing education hours for renewal may request additional time to complete any remaining continuing education hours. Such request shall be made to the board not later than 30 calendar days prior to the expiration of the license and shall include:

(A) The licensee's reason for requesting additional time, showing extenuating circumstances for why the hours could not be completed during the license period; and

(B) a plan outlining the manner in which the licensee intends to complete the remaining continuing education hours.

(2) The board may grant a licensee up to three additional months beyond the license expiration date to complete the required continuing education hours.

(3) A licensee who receives additional time to complete continuing education hours under this subsection shall:

(A) Renew the license prior to the license expiration date and report to the board the number of continuing education hours completed on such date;

(B) notify the board upon completing the remaining continuing education hours; and

(C) be subject to an audit by the board of the total number of continuing education hours completed for the applicable license period.

(4) Continuing education hours completed during additional time granted under this subsection shall be credited only toward the requirements for the license period for which additional time is granted.

(5) A licensee shall not be approved for additional time to complete continuing education requirements in consecutive license periods.

(c) A licensee shall submit the application to the board with a renewal fee ~~fixed~~ set by rules and regulations of the board not to exceed \$200. Upon receipt of such application and fee, the board shall issue a renewal license for the period commencing on the date on which the license is issued and expiring on June 30 of the next even-numbered year. Initial licenses shall be for the current biennium of registration.

~~(e)~~(d) Applications for renewal of a license shall be made biennially on or before ~~July~~ June 30 and, if not so made, an additional fee equal to the renewal fee shall be added to the

regular renewal fee.

~~(d)~~(e) Any psychologist who has failed to renew a license and continues to represent oneself as a psychologist after ~~July 1~~ June 30 shall be in violation of the licensure of psychologists act of the state of Kansas. ~~The board may suspend or revoke such psychologist's license under the provisions of K.S.A. 74-5324, and amendments thereto.~~

(f) A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation. Such application shall be in a manner prescribed by the board and accompanied by a reinstatement fee not to exceed \$200 prescribed by the board in rules and regulations.

(g) (1) A person whose license has expired may make written application to the board requesting reinstatement of the license in a manner prescribed by the board, and such application shall be accompanied by:

(A) The required renewal fee and, for any person whose license has been expired for one year or less, an additional fee equal to the renewal fee; and

(B) evidence satisfactory to the board that the person has completed during the previous 24 months the continuing education requirements for one license period.

(2) A person requesting to reinstate a license that has been expired for longer than one year who has not completed the necessary continuing education hours for reinstatement may submit an application for a six-month reinstatement temporary license in a manner prescribed by the board, and such application shall be accompanied by a fee not to exceed \$50 prescribed by the board in rules and regulations. A licensee practicing under a six-month reinstatement temporary license shall complete the continuing education requirements required for a

permanent license prior to the expiration of the temporary license and notify the board upon such completion. A six-month reinstatement temporary license shall not be extended or renewed.

(e)(h) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 34. K.S.A. 74-5361 is hereby amended to read as follows: 74-5361. As used in ~~this~~ the licensure of master's level psychologists act:

(a) ~~"Practice of psychology" shall have the meaning ascribed thereto in K.S.A. 74-5302 and amendments thereto.~~

(b) ~~"Board" means the behavioral sciences regulatory board created by K.S.A. 74-7501, and amendments thereto.~~

(b) "Extenuating circumstances" means any condition or situation caused by events beyond an individual's control that is sufficiently extreme in nature to result in the:

(1) Individual's inability to comply with requirements; or

(2) inadvisability of requiring the individual to comply with requirements.

(c) "Licensed clinical psychotherapist" means a person licensed by the board under the licensure of master's level psychologists act who engages in the independent practice of master's level psychology, including the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations.

(d) "Licensed master's level psychologist" means a person licensed by the board under the provisions of ~~this~~ the licensure of master's level psychologists act.

~~(d) "Licensed clinical psychotherapist" means a person licensed by the board under this act who engages in the independent practice of master's level psychology including the~~

~~diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations.~~

(e) "Master's level psychology" means the practice of psychology pursuant to the restrictions set out in K.S.A. 74-5362, and amendments thereto, and includes the diagnosis and treatment of mental disorders as authorized under K.S.A. 74-5361 et seq., and amendments thereto.

(f) "Practice of psychology" means the same as defined in K.S.A. 74-5302, and amendments thereto.

Sec. 35. K.S.A. 2022 Supp. 74-5363 is hereby amended to read as follows: 74-5363.

(a) Any person who desires to be licensed under this act shall apply to the board in writing, on forms prepared and furnished by the board. Each application shall contain appropriate documentation of the particular qualifications required by the board and shall be accompanied by the required fee.

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

- (1) Is at least 21 years of age;
- (2) has satisfied the board that the applicant is a person who merits public trust;
- (3) has received at least 60 graduate hours including a master's degree in psychology

based on a program of studies in psychology from an educational institution having a graduate

program in psychology consistent with state universities of Kansas; or until July 1, 2003, has received at least a master's degree in psychology and during such master's or post-master's coursework completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learning theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories, developmental psychology, research methods, social psychology; or has passed comprehensive examinations or equivalent final examinations in a doctoral program in psychology and during such graduate program completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learning theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories, developmental psychology, research methods, social psychology;

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

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

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

(A) Is licensed by the board as a licensed master's level psychologist or meets all

requirements for licensure as a master's level psychologist;

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

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

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

(E) for persons earning a degree under subsection (b) prior to July 1, 2003, in lieu of the education requirements under subparagraphs (B) and (C), has completed the education

requirements for licensure as a licensed master's level psychologist in effect on the day immediately preceding the effective date of this act;

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

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

(H) has paid the application fee; if required by the board and, upon notification from the board that all eligibility requirements have been satisfied, paid the license fee.

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

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

(B) either: (i) Three years of clinical practice in a community mental health center, its

contracted affiliate or a state mental hospital; or (ii) three years of clinical practice in other settings with demonstrated experience in diagnosing or treating mental disorders; or

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

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

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

in obtaining information about educational institutions. In entering such contracts the authority to approve educational institutions shall remain solely with the board.

(e) (1) An individual may apply to the board for a community-based master's level psychologist license to practice master's level psychology in the scope of employment by a community mental health center, as defined in K.S.A. 39-2002, and amendments thereto, a federally qualified health center as defined in KSA 65-7402, and amendments thereto, a psychiatric residential treatment facility as defined in KSA 39-2002, and amendments thereto, or a private treatment facility as defined in K.S.A. 59-29b46, and amendments thereto.

(2) A community-based master's level psychologist license may be issued by the board after the board reviews and approves the application and the applicant has paid the fee set by the board for issuance of a community-based master's level psychologist license.

(3) (A) Absent extenuating circumstances approved by the board, a community-based master's level psychologist license issued by the board shall expire:

(i) Upon the date the board issues or denies a license to practice master's level psychology; or

(ii) 24 months after the date of issuance of the community-based master's level psychologist license.

(B) No community-based master's level psychologist license shall be renewed or issued again on any subsequent application for the same license level. This paragraph shall not be construed to limit the number of times an applicant may take the examination.

(4) A person practicing master's level psychology with a community-based master's level psychologist license may use the title "licensed master's level psychologist" or the initials "LMLP" independently.

(5) No person may practice master's level psychology under a community-based master's level psychologist license except under the supervision of a person licensed to practice psychology or master's level psychology in Kansas.

(6) The board shall adopt rules and regulations to set the fee, if required by the board, for the issuance of a community-based master's level psychologist license in an amount not to exceed \$100.

(7) The board shall not issue a community-based master's level psychologist license or temporary master's level psychologist license to an individual who has previously been issued a community-based master's level psychologist license or temporary master's level psychologist license.

Sec. 36. K.S.A. 74-5365 is hereby amended to read as follows: 74-5365. (a) The following fees may be ~~fixed~~ set by the board for licensure under the licensure of master's level psychologists act: For application, issuance of a new license and renewal of a license, an amount not to exceed \$200; for replacement of a license, an amount not to exceed \$20; and for a wallet card license, an amount not to exceed \$5. Any such fees required by the board shall be established by rules and regulations adopted by the board.

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

(c) The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed, during the previous 24 months, the continuing education required by rules and regulations of the board. Prior to July 1, 2025, as part of such continuing education, a licensed master's level psychologist and a licensed clinical psychotherapist shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics. On

and after July 1, 2025, as part of such continuing education, a licensee shall complete not less than three continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.

(d)(1) A licensee who is unable to complete the required continuing education hours for renewal may request additional time to complete any remaining continuing education hours. Such request shall be made to the board not later than 30 calendar days prior to the expiration of the license and shall include:

(A) The licensee's reason for requesting additional time, showing extenuating circumstances for why the hours could not be completed during the license period; and

(B) a plan outlining the manner in which the licensee intends to complete the remaining continuing education hours.

(2) The board may grant a licensee up to three additional months beyond the license expiration date to complete the required continuing education hours.

(3) A licensee who receives additional time to complete continuing education hours under this subsection shall:

(A) Renew the license prior to the license expiration date and report to the board the number of continuing education hours completed on such date;

(B) notify the board upon completing the remaining continuing education hours; and

(C) be subject to an audit by the board of the total number of continuing education hours completed for the applicable license period.

(4) Continuing education hours completed during additional time granted under this subsection shall be credited only toward the requirements for the license period for which additional time is granted.

(5) A licensee shall not be approved for additional time to complete continuing education requirements in consecutive license periods.

(e) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 37. K.S.A. 74-5366 is hereby amended to read as follows: 74-5366. (a) All licenses shall be effective upon the date issued and shall expire at the end of 24 months from the date of issuance.

(b) A license may be renewed by the payment of the renewal fee and the execution and submission of a signed statement, on a form provided by the board, attesting that the applicant's license has been neither revoked nor currently suspended and that the applicant has met the requirements for continuing education set forth in this act.

~~(c) If the application for renewal, including payment of the required renewal fee, is not made on or before the date of the expiration of the license, the license is void, and no license shall be reinstated except upon payment of the required renewal fee, plus a penalty equal to the renewal fee, and proof satisfactory to the board of compliance with the continuing education requirements. Upon receipt of such payment and proof, the board shall reinstate the license.~~

(d) A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation. Such application shall be in a manner prescribed by the board and accompanied by a reinstatement fee.

(d) (1) A person whose license has expired may make written application to the board requesting reinstatement of the license in a manner prescribed by the board, and such application shall be accompanied by:

(A) A reinstatement fee, and, for any person whose license has been expired for one year or less, a penalty established by the board in rules and regulations; and

(B) evidence satisfactory to the board that the person has completed during the previous 24 months the continuing education requirements for one license period.

(2) A person requesting to reinstate a license that has been expired for longer than one year who has not completed the necessary continuing education hours for reinstatement may submit an application for a six-month reinstatement temporary license in a manner prescribed by the board, and such application shall be accompanied by a fee of \$25. A licensee practicing under a six-month reinstatement temporary license shall complete the continuing education requirements required for a permanent license prior to the expiration of the temporary license and notify the board upon such completion. A six-month reinstatement temporary license shall not be extended or renewed.

(e) A duplicate license shall be issued by the board upon receipt of a \$20 fee.

~~(e)~~(f) A person registered as a masters level psychologist on December 30, 1996, shall be deemed to be a licensed masters level psychologist under this act. Such person shall not be required to file an original application for licensure under this act, but shall apply to the board for a license in lieu of registration upon payment of the fee set by the board for renewal of license. Any application for registration filed but which has not been granted prior to January 1, 1997, shall be processed as an application for licensure pursuant to this act. For exchange of a license in lieu of registration pursuant to this subsection, a fee not to exceed \$100.

~~(f)~~(g) The board shall collect a fee not to exceed \$100 for exchange of a license in lieu of a registration pursuant to subsection~~(e)~~(f).

Sec. 38. K.S.A. 74-5367 is hereby amended to read as follows: 74-5367. (a) The board

may issue a temporary master's level psychology license to practice as a licensed master's level psychologist to any person who pays a nonrefundable fee prescribed by the board under this section, ~~which shall not be refunded,~~ and who meets all the requirements for licensure under K.S.A. 74-5361 et seq., and amendments thereto, as a licensed master's level psychologist except the requirement of postgraduate supervised work experience or passing the licensing examination, or both.

(b) Absent extenuating circumstances approved by the board, a temporary master's level psychology license issued by the board shall expire upon the date the board issues or denies a license to practice master's level psychology or 24 months after the date of issuance of the temporary master's level psychology license. No temporary master's level psychology license issued by the board ~~will shall~~ be renewed or issued again on any subsequent applications for the same license level. ~~The preceding provision in no way limits~~ This subsection shall not limit the number of times an applicant may take the examination.

(c) The board may fix a fee for the application of the temporary master's level psychology license. The application fee shall not exceed \$100. Any such fee shall be established by rules and regulations adopted by the board.

(d) A person practicing master's level psychology with a temporary master's level psychology license ~~may shall~~ not use the title "licensed master's level psychologist" or the initials "LMLP" independently. The word "licensed" may be used only when followed by the words "by temporary license" such as licensed master's level psychologist by temporary license, or master's level psychologist licensed by temporary license.

(e) No person ~~may shall~~ work under a temporary master's level psychology license except under the supervision of a person licensed to practice psychology or master's level

psychology in Kansas.

(f) The application for a temporary master's level psychology license may be denied or a temporary master's level psychology license ~~which that~~ has been issued may be suspended or revoked on the same grounds as provided for suspension or revocation of a license under K.S.A. 74-5369, and amendments thereto.

(g) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.

Sec. 39. K.S.A. 2022 Supp. 74-5375 is hereby amended to read as follows: 74-5375.

(a) The behavioral sciences regulatory board may issue a license to an individual who is currently registered, certified or licensed to practice psychology at the master's level in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice psychology at the master's level in the other jurisdiction are substantially equivalent to the requirements of this state; or

(2) the applicant demonstrates, on forms provided by the board, compliance with the following standards adopted by the board:

(A) Registration, certification or licensure to practice psychology at the master's level with a similar scope of practice for at least ~~48 of the last 54~~ 12 months immediately preceding the application ~~with at least the minimum professional experience as established by rules and regulations of the board;~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) at least a master's degree in psychology from a regionally accredited university or college.

(b) Applicants for licensure as a clinical psychotherapist shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either subsection (a)(1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery, stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 74-5365, and amendments thereto, if required by the board. Upon notification from the board that all eligibility requirements have been satisfied, the applicant shall pay the license fee as provided in K.S.A. 74-5365, and amendments thereto.

Sec. 40. K.S.A. 74-7501 is hereby amended to read as follows: 74-7501. (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~~ master's level psychologist or a licensed clinical psychotherapist; one member of the board shall be a licensed addiction counselor, a licensed master's 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~~ 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~~ set 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~~ unclassified 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.";

Also on page 6, in line 31, by striking "is" and inserting ", 65-5802, 65-5806, 65-6302, 65-6313, 65-6314, 65-6402, 65-6407, 65-6608, 65-6614, 65-6618, 65-7504, 65-7505, 74-5302, 74-5318, 74-5339, 74-5361, 74-5365, 74-5366, 74-5367 and 74-7501 and K.S.A. 2022 Supp. 65-5804a, 65-5807, 65-5808, 65-6306, 65-6309, 65-6322, 65-6404, 65-6405, 65-6406, 65-6411, 65-6610, 65-6611, 65-6613, 74-5310, 74-5315, 74-5316, 74-5363 and 74-5375 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "the"; in line 2, by striking "thereof" and inserting "of the state board of healing arts"; in line 8, by striking all after "thereto"; by striking all in lines 9 and 10; in line 11, by striking all before the semicolon; in line 13, after the semicolon by inserting "relating to the behavioral sciences; relating to licensure and regulation of professional counselors, social workers, marriage and family therapists, addiction counselors, behavior analysts, psychologists and master's level psychologists; requiring the behavioral sciences regulatory board to process applications within a certain time and establish an expedited application process; providing reduced diagnosis and treatment continuing education requirements; establishing license categories for applicants from social work programs in candidacy for accreditation and for temporary reinstatement; extending the license period of temporary licenses; establishing a community-based license for professional counselors, social workers, master's level social workers; marriage and family therapists, psychologists and

master's level psychologists"; also in line 13, after "65-1635a" by inserting ", 65-5802, 65-5806, 65-6302, 65-6313, 65-6314, 65-6402, 65-6407, 65-6608, 65-6614, 65-6618, 65-7504, 65-7505, 74-5302, 74-5318, 74-5361, 74-5365, 74-5366, 74-5367 and 74-7501 and K.S.A. 2022 Supp. 65-5804a, 65-5807, 65-5808, 65-6306, 65-6309, 65-6322, 65-6404, 65-6405, 65-6406, 65-6411, 65-6610, 65-6611, 65-6613, 74-5310, 74-5315, 74-5316, 74-5363 and 74-5375"; in line 14, by striking "section" and inserting "sections; also repealing K.S.A. 74-5339";

And your committee on conference recommends the adoption of this report.

Conferees on part of House

Conferees on part of Senate

Clinical Supervisor from a Different Profession for LPC and LMFT

BSRB staff have received several inquiries about allowing someone from another profession to provide clinical supervision. The regulations allow for LPCs and LMFTs state that to receive clinical supervision from a BSRB clinically licensed person in a different profession, there must be extenuating circumstances.

Some of the concerns are listed below:

- The high cost for outsourcing supervision. It has been reported that the cost of supervision can exceed \$12,000 per employee each year.
- Companies report experiencing trouble retaining employees and the ability to offer in-house supervision helps retain employees.
- The ability for agencies to recruit, hire, and retain early career professionals. This includes those in-state and candidates from outside the state of Kansas. These licensees will be required to receive supervision to obtain a clinical license.

This section of regulation is from the professional counselor postgraduate supervised professional experience requirement to be licensed as a clinical professional counselor.

K.A.R. 102-3-7a...(c) The clinical supervisor of a person attaining the 3,000 hours of postgraduate supervised professional experience required for licensure as a clinical professional counselor, at the time of providing supervision, shall be a board-approved clinical supervisor and shall meet one of the following provisions:

(1) The clinical supervisor shall be a clinical professional counselor who is licensed in Kansas or is registered or licensed in another jurisdiction and who has practiced as a clinical professional counselor for two years beyond the supervisor's licensure date.

(2) If a licensed clinical professional counselor is not available, the clinical supervisor may be a person who is qualified by educational coursework and degree for licensure as a clinical professional counselor in Kansas and who has at least five years of postgraduate professional experience in clinical professional counseling.

(3) Under extenuating circumstances approved by the board, the clinical supervisor may be a person who is licensed at the graduate level to practice in one of the behavioral sciences and whose authorized scope of practice permits the independent practice of counseling, therapy, or psychotherapy.

K.A.R. 102-3-1a(i) defines “**Extenuating Circumstances**” as “*any condition or situation caused by events beyond a person's control that is sufficiently extreme in nature to result in either of the following:*

(1) *The person's inability to comply with the requirements of this regulation;* or

(2) *the inadvisability of requiring the person to comply with the requirements of this regulation.”*

Substitute for SENATE BILL No. 131

AN ACT concerning certain healthcare providers; relating to powers, duties and functions of the state board of healing arts; providing a sports waiver for certain out-of-state physicians to practice medicine on a limited basis in this state during certain sporting events; authorizing the state board of healing arts to adopt procedures to allow other licensed and regulated healthcare professionals to be issued a sports waiver; authorizing the state board of healing arts to adopt rules and regulations related thereto; relating to pharmacy; authorizing pharmacy technicians to administer certain vaccines; relating to the behavioral sciences; relating to licensure and regulation of professional counselors, social workers, marriage and family therapists, addiction counselors, behavior analysts, psychologists and master's level psychologists; requiring the behavioral sciences regulatory board to process applications within a certain time and establish an expedited application process; providing reduced diagnosis and treatment continuing education requirements; establishing license categories for applicants from social work programs in candidacy for accreditation and for temporary reinstatement; extending the license period of temporary licenses; establishing a community-based license for professional counselors, social workers, master's level social workers; marriage and family therapists, psychologists and master's level psychologists; amending K.S.A. 65-1635a, 65-5802, 65-5806, 65-6302, 65-6313, 65-6314, 65-6402, 65-6407, 65-6608, 65-6614, 65-6618, 65-7504, 65-7505, 74-5302, 74-5318, 74-5361, 74-5365, 74-5366, 74-5367 and 74-7501 and K.S.A. 2022 Supp. 65-5804a, 65-5807, 65-5808, 65-6306, 65-6309, 65-6322, 65-6404, 65-6405, 65-6406, 65-6411, 65-6610, 65-6611, 65-6613, 74-5310, 74-5315, 74-5316, 74-5363 and 74-5375 and repealing the existing sections; also repealing K.S.A. 74-5339.

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

New Section 1. (a) Notwithstanding any other provision of law to the contrary, an out-of-state physician holding a license issued by the applicable licensing agency of another state may practice medicine on a limited basis in this state during certain sporting events, if such physician receives a sports waiver issued by the state board of healing arts. The board shall issue such a waiver within 15 days after receipt of a complete application if the physician:

(1) Submits a complete application in the manner determined by the board;

(2) holds an unrestricted license to practice medicine and surgery in another state and is not the subject of any investigation or disciplinary action by any applicable licensing agency;

(3) has professional liability coverage for the duration of the sporting event that meets the minimum level of coverage required to practice in Kansas; and

(4) meets at least one of the following qualifications:

(A) The physician has entered into a written agreement with a sports team to provide medical care to team members and coaching staff traveling with the team for a specific sporting event to take place in this state;

(B) the physician has been invited by a national sport governing body to provide healthcare services to team members and coaching staff at a national sport training center in this state; or

(C) the physician has been invited by a national sport governing body to provide healthcare services at an event or competition in this state that is sanctioned by a national sport governing body.

(b) Any individual practicing under a sports waiver issued by the board shall be limited to:

(1) The scope of practice defined by Kansas law for such healthcare profession; and

(2) such healthcare services required under the written agreement either with a sports team for team members and coaching staff or healthcare services that are required by the national sport governing body.

(c) Any individual practicing pursuant to a sports waiver under the provisions of this section shall be subject to all rules and regulations relating to the practice of the licensed profession in this state and shall be considered a licensee for the purposes of the provisions of law

administered by the board.

(d) (1) A sports waiver issued under this section shall be valid for the time certified by the healthcare professional or national sports governing body for each respective sporting event, except that no waiver shall be valid for longer than 30 days.

(2) An individual shall not be issued more than five sports waivers in a calendar year, unless otherwise approved by the board for an extenuating, unforeseen circumstance.

(e) Nothing in this section shall be construed to permit any individual issued a sports waiver under the provisions of this section to:

(1) Provide healthcare services or consultation to any individual residing in this state, other than individuals described in subsection (a); or

(2) practice the individual's healthcare profession at a licensed healthcare facility in this state.

(f) Any individual issued a sports waiver or out-of-state sports team receiving services from such individual shall report to the board any potential violation of the healing arts act or other applicable practice act, including, but not limited to, professional incompetence or unprofessional conduct.

(g) Nothing in this section shall be construed to prohibit the board from denying an application for a sports waiver under this section if the board determines that the individual does not meet technical qualifications or granting the application may endanger the health and safety of the public.

(h) (1) The board may adopt rules and regulations necessary to implement the provisions of this section, including, but not limited to, procedures for reporting potential medical violations.

(2) Consistent with this section, the board may adopt procedures to allow other healthcare professionals licensed and regulated by the board to be issued a sports waiver to ensure patient safety.

(i) This section shall be a part of and supplemental to article 28 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 2. (a) Within 15 business days after receipt of an application for any license, registration, permit or certificate issued by the behavioral sciences regulatory board, the board shall notify the applicant whether the board believes that the application is complete. If the application is determined to be incomplete, the board shall notify the applicant of the information needed in order to complete the application. Once the application is determined to be complete, the board shall complete the review of the application and issue a decision thereon within 30 business days.

(b) (1) The behavioral sciences regulatory board shall adopt rules and regulations to establish an expedited application process for any license, registration, permit or certificate issued by the board. Upon request on the application to expedite the processing of such application and payment of the fee, the board shall complete the review of the application and issue a decision thereon within 15 business days.

(2) (A) The board shall set the fee for an expedited application process by adopting rules and regulations. Such fee shall be in addition to any other fee established for the application but shall not exceed \$100. The board shall not charge such fee for an expedited application process to any applicant who is a military servicemember or military spouse.

(B) As used in this paragraph:

(i) "Military servicemember" means a current member of the army, navy, marine corps, air force, coast guard, space force, air or army national guard of any state or any branch of the military reserves of the United States or a former member who separated from service by honorable discharge or general discharge under honorable conditions.

(ii) "Military spouse" means the spouse of an individual who is a

current member of the army, navy, marine corps, air force, coast guard, space force, air or army national guard of any state or any branch of the military reserves of the United States.

Sec. 3. K.S.A. 65-1635a is hereby amended to read as follows: 65-1635a. (a) A pharmacist, or a pharmacy student~~or~~, intern *or pharmacy technician* who is 18 years of age or older and working under the direct supervision and control of a pharmacist, may administer influenza vaccine to a person six years of age or older and may administer vaccine, other than influenza vaccine, to a person 12 years of age or older pursuant to a vaccination protocol if the pharmacist, pharmacy student~~or~~, intern *or pharmacy technician* has successfully completed a course of study and training, approved by the accreditation council for pharmacy or the board, in vaccination storage, protocols, injection technique, emergency procedures and recordkeeping and has taken a course in cardiopulmonary resuscitation (CPR) and has a current CPR certificate when administering vaccine. A pharmacist~~or~~, pharmacy student~~or~~, intern *or pharmacy technician* who successfully completes such a course of study and training shall maintain proof of completion and, upon request, provide a copy of such proof to the board.

(b) All vaccinees will be given a written immunization record for their personal files. The administering pharmacist or pharmacist supervising an administering pharmacy student~~or~~, intern *or pharmacy technician* shall promptly report a record of the immunization to the vaccinee's primary care provider by mail, electronic facsimile, ~~e-mail~~ *email* or other electronic means. If the vaccinee does not have a primary care provider, then the administering pharmacist or pharmacist supervising an administering pharmacy student~~or~~, intern *or pharmacy technician* shall promptly report a record of the immunization to the person licensed to practice medicine and surgery by the state board of healing arts who has entered into the vaccination protocol with the pharmacist. The immunization will also be reported to appropriate county or state immunization registries, except that if the person vaccinated or, if the person is a minor, the parent or guardian of the minor, objects to the report, the report shall not be made.

(c) A pharmacist, pharmacy student~~or~~, intern ~~may~~ *or pharmacy technician shall* not delegate to any person the authority granted under this act to administer a vaccine.

(d) As used in this section, "pharmacist" means a pharmacist as defined in K.S.A. 65-1626, and amendments thereto, who has:

(1) Successfully completed a course of study and training, approved by the accreditation council for pharmacy or the board, in vaccination storage, protocols, injection technique, emergency procedures and recordkeeping ~~and has~~;

(2) taken a course in cardiopulmonary resuscitation (CPR); ~~and has~~

(3) a current CPR certificate.

(e) This section shall be a part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 4. K.S.A. 65-5802 is hereby amended to read as follows: 65-5802. As used in the professional counselors licensure act:

(a) "*Assessment*" means selecting, administering, scoring and interpreting instruments designed to describe an individual's aptitudes, abilities, achievements, interests and personal characteristics.

(b) "Board" means the behavioral sciences regulatory board created by K.S.A. 74-7501, and amendments thereto.

(c) "*Consultation*" means the application of principles, methods and techniques of the practice of counseling to assist in solving current or potential problems of individuals or groups in relation to a third party.

(d) "*Extenuating circumstances*" means any condition or situation caused by events beyond an individual's control that is sufficiently

extreme in nature to result in the:

- (1) *Individual's inability to comply with requirements; or*
- (2) *inadvisability of requiring the individual to comply with requirements.*

(e) *"Licensed clinical professional counselor" means a person who engages in the independent practice of professional counseling including the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations and who is licensed under this act.*

(f) *"Licensed professional counselor" means a person who is licensed under this act and who engages in the practice of professional counseling only under the direction of a licensed clinical professional counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders.*

(b)(g) *"Practice of professional counseling" means assisting an individual or group for a fee, monetary or otherwise, through counseling, assessment, consultation and referral and includes the diagnosis and treatment of mental disorders as authorized under the professional counselors licensure act.*

(e)(h) *"Professional counseling" means to assist an individual or group to develop understanding of personal strengths and weaknesses, to restructure concepts and feelings, to define goals and to plan actions as these are related to personal, social, educational and career development and adjustment.*

~~(d) "Assessment" means selecting, administering, scoring and interpreting instruments designed to describe an individual's aptitudes, abilities, achievements, interests and personal characteristics.~~

~~(e) "Consultation" means the application of principles, methods and techniques of the practice of counseling to assist in solving current or potential problems of individuals or groups in relation to a third party.~~

(f)(i) *"Referral" means the evaluation of information to identify problems and to determine the advisability of referral to other practitioners.*

~~(g) "Licensed professional counselor" means a person who is licensed under this act and who engages in the practice of professional counseling except that on and after January 1, 2002, such person shall engage in the practice of professional counseling only under the direction of a licensed clinical professional counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders.~~

~~(h) "Licensed clinical professional counselor" means a person who engages in the independent practice of professional counseling including the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations and who is licensed under this act.~~

Sec. 5. K.S.A. 2022 Supp. 65-5804a is hereby amended to read as follows: 65-5804a. (a) Applications for licensure as a professional counselor shall be made to the board on a form and in the manner prescribed by the board. Each application shall be accompanied by the fee fixed set under K.S.A. 65-5808, and amendments thereto.

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

- (1) Is at least 21 years of age;
- (2) has completed 60 graduate semester hours including a graduate

degree in counseling or a related field from a college or university approved by the board and that includes 45 graduate semester hours of counseling coursework distributed among each of the following areas:

- (A) Counseling theory and practice;
 - (B) the helping relationship;
 - (C) group dynamics, processing and counseling;
 - (D) human growth and development;
 - (E) lifestyle and career development;
 - (F) appraisal of individuals;
 - (G) social and cultural foundations;
 - (H) research and evaluation;
 - (I) professional orientation; and
 - (J) supervised practicum and internship;
- (3) has passed an examination required by the board; and
- (4) has satisfied the board that the applicant is a person who merits the public trust.

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

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

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

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

(D) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 3,000 hours of supervised professional experience, including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with individuals, couples, families or groups and not less than 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, except that the board may waive $\frac{1}{2}$ of the hours required by this subparagraph for an individual who has a doctoral degree in professional counseling or a related field approved by the board and who completes the required $\frac{1}{2}$ of the hours in not less than one year of supervised professional experience;

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

(F) for persons who apply for and are eligible for a temporary permit to practice as a licensed professional counselor on the day immediately

preceding the effective date of this act, in lieu of the education and training requirements under subparagraphs (B), (C) and (D), has completed the education and training requirements for licensure as a professional counselor in effect on the day immediately preceding the effective date of this act;

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

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

(2) A person who was licensed or registered as a professional counselor in Kansas at any time prior to the effective date of this act, who has been actively engaged in the practice of professional counseling as a registered or licensed professional counselor within five years prior to the effective date of this act and whose last license or registration in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees pursuant to K.S.A. 65-5808, and amendments thereto, and completion of applicable continuing education requirements, shall be licensed as a licensed clinical professional counselor by providing demonstration of competence to diagnose and treat mental disorders through at least two of the following areas acceptable to the board:

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

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

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

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

(4) A licensed professional counselor may diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations only under the direction of a licensed clinical professional counselor, licensed psychologist, person licensed to practice medicine and surgery or person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders. When a client has symptoms of a mental disorder, a licensed professional counselor shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed professional counselor may continue to evaluate and treat the client until such time that the

medical consultation is obtained or waived.

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

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

(1) Paying an application fee of not more than \$150; and

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

(f) (1) A temporary *professional counselor* license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee set by the board for issuance of a temporary license.

(2) Absent extenuating circumstances approved by the board, a temporary *professional counselor* license issued by the board shall expire upon the date the board issues or denies a license to practice professional counseling or ~~12~~ 24 months after the date of issuance of the temporary license. No temporary license will be renewed or issued again on any subsequent application for the same license level. The preceding provisions in no way limit the number of times an applicant may take the examination.

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

(h) No person may practice professional counseling under a temporary *professional counselor* license except under the supervision of a person licensed by the behavioral sciences regulatory board at the independent level.

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

(j) (1) *An individual may apply to the board for a community-based professional counselor license to practice professional counseling in the scope of employment by a community mental health center, as defined in K.S.A. 39-2002, and amendments thereto, a federally qualified health center, as defined in K.S.A. 65-7402, and amendments thereto, a psychiatric residential treatment facility as defined in K.S.A. 39-2002, and amendments thereto, or a private treatment facility as defined in K.S.A. 59-29b46, and amendments thereto.*

(2) *A community-based professional counselor license may be issued by the board after the board reviews and approves the application and the*

applicant has paid the fee set by the board for issuance of a community-based professional counselor license.

(3) (A) Absent extenuating circumstances approved by the board, a community-based professional counselor license issued by the board shall expire:

(i) Upon the date the board issues or denies a license to practice professional counseling; or

(ii) 24 months after the date of issuance of the community-based professional counselor license.

(B) No community-based professional counselor license shall be renewed or issued again on any subsequent application for the same license level. This paragraph shall not be construed to limit the number of times an applicant may take the examination.

(4) A person practicing professional counseling with a community-based professional counselor license may use the title "licensed professional counselor" or the initials "LPC" independently.

(5) No person may practice professional counseling under a community-based professional counselor license except under the supervision of a person licensed by the board to practice at the independent level.

(6) The board shall not issue a community-based professional counselor license or temporary professional counselor license to an individual who has previously been issued a community-based professional counselor license or temporary professional counselor license.

Sec. 6. K.S.A. 65-5806 is hereby amended to read as follows: 65-5806. (a) An applicant who meets the requirements for licensure pursuant to ~~this~~ *the professional counselors licensure act*, has paid the license fee provided for by K.S.A. 65-5808, and amendments thereto, and has otherwise complied with the provisions of this act shall be licensed by the board.

(b) Licenses issued pursuant to this act shall expire 24 months from the date of issuance unless revoked prior to that time. A license may be renewed upon application and payment of the fee provided for by K.S.A. 65-5808, and amendments thereto. The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed during the previous 24 months the continuing education required by rules and regulations of the board. *Prior to July 1, 2025, as part of such continuing education, a licensee shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics. On and after July 1, 2025, as part of such continuing education, a licensee shall complete not less than three continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.*

(c) (1) *A licensee who is unable to complete the required continuing education hours for renewal may request additional time to complete any remaining continuing education hours. Such request shall be made to the board not later than 30 calendar days prior to the expiration of the license and shall include:*

(A) The licensee's reason for requesting additional time, showing extenuating circumstances for why the hours could not be completed during the license period; and

(B) a plan outlining the manner in which the licensee intends to complete the remaining continuing education hours.

(2) *The board may grant a licensee up to three additional months beyond the license expiration date to complete the required continuing education hours.*

(3) *A licensee who receives additional time to complete continuing*

education hours under this subsection shall:

(A) Renew the license prior to the license expiration date and report to the board the number of continuing education hours completed on such date;

(B) notify the board upon completing the remaining continuing education hours; and

(C) be subject to an audit by the board of the total number of continuing education hours completed for the applicable license period.

(4) Continuing education hours completed during additional time granted under this subsection shall be credited only toward the requirements for the license period for which additional time is granted.

(5) A licensee shall not be approved for additional time to complete continuing education requirements in consecutive license periods.

(d) A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation in a manner prescribed by the board, ~~which~~ and such application shall be accompanied by the fee provided for by K.S.A. 65-5808, and amendments thereto.

(e) (1) A person whose license has expired may make written application to the board requesting reinstatement of the license in a manner prescribed by the board, and such application shall be accompanied by:

(A) The renewal fee established under K.S.A. 65-5808, and amendments thereto, and, for any person whose license has been expired for one year or less, an additional fee equal to the renewal fee; and

(B) evidence satisfactory to the board that the person has completed during the previous 24 months the continuing education requirements for one license period.

(2) A person requesting to reinstate a license that has been expired for longer than one year who has not completed the necessary continuing education hours for reinstatement may submit an application for a six-month reinstatement temporary license in a manner prescribed by the board, and such application shall be accompanied by the fee as provided by K.S.A. 65-5808, and amendments thereto. A licensee practicing under a six-month reinstatement temporary license shall complete the continuing education requirements required for a permanent license prior to the expiration of the temporary license and notify the board upon such completion. A six-month reinstatement temporary license shall not be extended or renewed.

(~~d~~)f) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 7. K.S.A. 2022 Supp. 65-5807 is hereby amended to read as follows: 65-5807. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice professional counseling in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice professional counseling in the other jurisdiction are substantially equivalent to the requirements of this state; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice professional counseling *with a similar scope of practice* for at least ~~48 of the last~~ *54* 12 months immediately preceding the application ~~with at least the minimum professional experience as established by rules and regulations of the board;~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) at least a master's degree in counseling or a related field from a

regionally accredited university or college.

(b) Applicants for licensure as a clinical professional counselor shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either subsection (a)(1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-5808, and amendments thereto, if required by the board. *Upon notification from the board that all eligibility requirements have been satisfied, the applicant shall submit the license fee as provided by K.S.A. 65-5808, and amendments thereto.*

Sec. 8. K.S.A. 2022 Supp. 65-5808 is hereby amended to read as follows: 65-5808. (a) The board may ~~fix~~ collect the following fees, and any such fees shall be established by rules and regulations adopted by the board:

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

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

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

(4) *for a six-month reinstatement temporary license as a professional counselor, not more than \$50;*

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

~~(5)~~(6) for application for licensure as a clinical professional counselor, not more than \$175;

~~(6)~~(7) for licensure as a clinical professional counselor, not more than \$175;

~~(7)~~(8) for renewal for licensure as a clinical professional counselor, not more than \$175;

(9) *for a six-month reinstatement temporary license as a clinical professional counselor, not more than \$50;*

~~(8)~~(10) *for a community-based professional counselor license, not more than \$175;*

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

~~(9)~~(12) for reinstatement of a license, not more than \$175;

~~(10)~~(13) for replacement of a license, not more than \$20;

~~(11)~~(14) for a wallet card license, not more than \$5; and

~~(12)~~(15) for application as a board-approved clinical supervisor, not more than \$50.

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

Sec. 9. K.S.A. 65-6302 is hereby amended to read as follows: 65-6302. As used in ~~this~~ *the social workers licensure act*, unless the context clearly requires otherwise, ~~the following words and phrases shall have the meaning ascribed to them in this section:~~

(a) "Board" means the behavioral sciences regulatory board created by K.S.A. 74-7501, *and amendments thereto.*

(b) "*Extenuating circumstances*" means any condition or situation

caused by events beyond a person's control that is sufficiently extreme in nature to result in the:

- (1) Person's inability to comply with requirements; or*
- (2) inadvisability of requiring the person to comply with requirements.*

(c) "Psychotherapy" means the use of psychological and social methods within a professional relationship to assist the person or persons to achieve a better psychosocial adaptation to acquire greater human realization of psychosocial potential and adaptation to modify internal and external conditions that affect individuals, groups or communities in respect to behavior, emotions and thinking and in respect to their intra-personal and inter-personal processes. Forms of "psychotherapy" include, but are not limited to, individual psychotherapy, conjoint marital therapy, family therapy and group psychotherapy.

(d) "Social work practice" means the professional activity of helping individuals, groups or communities enhance or restore their capacity for physical, social and economic functioning and the professional application of social work values, principles and techniques in areas such as psychotherapy, social service administration, social planning, social work consultation and social work research to one or more of the following ends: Helping people obtain tangible services; counseling with individuals, families and groups; helping communities or groups provide or improve social and health services; and participating in relevant social action. The practice of social work requires knowledge of human development and behavior; of social, economic and cultural institutions and forces; and of the interaction of all these factors. Social work practice includes the teaching of practicum courses in social work and includes the diagnosis and treatment of mental disorders as authorized under K.S.A. 65-6306 and 65-6319, and amendments thereto.

~~*(e) "Psychotherapy" means the use of psychological and social methods within a professional relationship, to assist the person or persons to achieve a better psychosocial adaptation to acquire greater human realization of psychosocial potential and adaptation; to modify internal and external conditions which affect individuals, groups or communities in respect to behavior, emotions and thinking, in respect to their intra-personal and inter-personal processes. Forms of psychotherapy include but are not restricted to individual psychotherapy, conjoint marital therapy, family therapy and group psychotherapy.*~~

Sec. 10. K.S.A. 2022 Supp. 65-6306 is hereby amended to read as follows: 65-6306. (a) The board shall issue a license as a baccalaureate social worker to an applicant who has:

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

- (2) passed an examination approved by the board for this purpose; ~~and~~

- (3) satisfied the board that the applicant is a person who merits the public trust; *and*

- (4) *paid an application fee established by the board under K.S.A. 65-6314, and amendments thereto, and, upon notification from the board that all eligibility requirements have been satisfied, the license fee established by the board pursuant to K.S.A. 65-5808, and amendments thereto.*

- (b) (1) *An applicant for a baccalaureate social work license who received a baccalaureate degree from a social work program in candidacy status from an accrediting body recognized by the board may request a temporary candidacy baccalaureate social work license upon:*

- (A) *Demonstrating receipt of a baccalaureate degree from a college or university, including completion of a social work program in candidacy from an accrediting body recognized by the board;*

(B) *passing an examination approved by the board for the purpose of such temporary candidacy licensure;*

(C) *submitting a completed, signed temporary candidacy baccalaureate social work license application on a form and in a manner provided by the board;*

(D) *satisfying the board that the applicant is a person who merits the public trust; and*

(E) *paying the temporary candidacy baccalaureate social worker fee as established under K.S.A. 65-6314, and amendments thereto, upon notification from the board that all eligibility requirements have been satisfied.*

(2) *A temporary candidacy baccalaureate social work license shall expire on the last day of the 24th month after the temporary candidacy baccalaureate social work license's effective date. Such license is nonrenewable, but, upon request by the license holder using a form approved by the board and paying the appropriate fee, the license shall be extended upon a showing that the social work program remains in candidacy status with the accrediting body recognized by the board. In all professional use of the social worker's name, an individual with a temporary candidacy baccalaureate social work license shall represent themselves as a temporary candidacy baccalaureate social worker. An individual with such license may not use the credentials "LBSW." The word "licensed" may be used only when followed by the words "by temporary candidacy license." An individual issued a temporary candidacy baccalaureate social work license shall practice under supervision and shall not be required to complete continuing education. If the accrediting body recognized by the board grants accreditation to the program in candidacy status, the holder of the temporary candidacy baccalaureate social work license shall receive a permanent license upon payment of the appropriate fee. If the accrediting body recognized by the board does not grant accreditation to the program in candidacy status, the board shall immediately revoke the temporary license and notify the licensee of the revocation of such license.*

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

(1) ~~Except as provided in subsection (f),~~ *A master's degree from an accredited college or university, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;*

(2) *passed an examination approved by the board for this purpose;*
~~and~~

(3) *satisfied the board that the applicant is a person who merits the public trust; and*

(4) *paid an application fee established by the board under K.S.A. 65-6314, and amendments thereto, and, upon notification from the board that all eligibility requirements have been satisfied, paid the license fee established under K.S.A. 65-5808, and amendments thereto.*

(d) (1) *An applicant for a master social work license who received a master's degree from a social work program in candidacy status from an accrediting body recognized by the board may request a temporary candidacy master social work license upon:*

(A) *Demonstrating receipt of a master's degree from a college or university, including completion of a social work program in candidacy from an accrediting body recognized by the board;*

(B) *passing an examination approved by the board for the purpose of such temporary candidacy licensure;*

(C) *submitting a completed, signed temporary candidacy master social work license application on a form and in a manner provided by the board;*

(D) *satisfying the board that the applicant is a person who merits the public trust; and*

(E) *paying the temporary candidacy master social worker fee as established under K.S.A. 65-6314, and amendments thereto, upon notification from the board that all eligibility requirements have been satisfied.*

(2) *A temporary candidacy master social work license shall expire on the last day of the 24th month after the temporary candidacy master social work license's effective date. Such license is nonrenewable, but, upon request by the license holder using a form approved by the board and paying the appropriate fee, the license shall be extended upon a showing that the social work program remains in candidacy status with the accrediting body recognized by the board. In all professional use of the social worker's name, an individual with a temporary candidacy master social work license shall represent themselves as a temporary candidacy master social worker. An individual with such license shall not use the credentials "LMSW." The word "licensed" may be used only when followed by the words "by temporary candidacy license." An individual issued a temporary candidacy master social work license shall practice under supervision and shall not be required to complete continuing education. If the accrediting body recognized by the board grants accreditation to the program in candidacy status, the holder of the temporary candidacy master social work license shall receive a permanent license upon payment of the appropriate fee. If the accrediting body recognized by the board does not grant accreditation to the program in candidacy status, the board shall immediately revoke the temporary license and notify the licensee of the revocation of such license.*

~~(e)~~(e) The board shall issue a license in one of the social work specialties to an applicant who has:

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

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

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

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

(5) *upon notification from the board that all eligibility requirements have been satisfied, paid the license fee established under K.S.A. 65-6314, and amendments thereto.*

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

(A) Has met the requirements of subsection~~(e)~~ (e);

(B) has completed ~~15~~ 3 credit hours as part of or in addition to the requirements under subsection~~(e)~~ (e) supporting diagnosis or treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, through identifiable study of ~~the following content areas: psychopathology, diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches and professional ethics;~~

(C) has completed a graduate level supervised clinical practicum of supervised professional experience, including, *but not limited to*, psychotherapy and assessment, integrating diagnosis or diagnostic impressions and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual or additional postgraduate supervised experience as determined by the board;

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

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

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

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

(H) has paid the application fee.

(2) A licensed specialist clinical social worker may engage in the social work practice and is authorized to diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. When a client has symptoms of a mental disorder, a licensed specialist clinical social worker shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed specialist clinical social worker may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

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

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

~~(e)~~(g) The board shall adopt rules and regulations establishing the criteria that a social work program of a college or university shall satisfy to be recognized and approved by the board under this section. The board may send a questionnaire developed by the board to any college or

university conducting a social work program for which the board does not have sufficient information to determine whether the program should be recognized and approved by the board and whether the program meets the rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the program to be considered for recognition and approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about a social work program of a college or university. In entering such contracts the authority to recognize and approve a social work program of a college or university shall remain solely with the board.

~~(h)~~ (1) Notwithstanding any pending candidacy for accreditation of the masters of social work program at Fort Hays state university, the board shall:

(A) Accept a master's degree from such program as from an accredited college or university for the purpose of issuing a license as a master social worker to an applicant under subsection (b); and

(B) not impose any additional or alternative requirements to accreditation upon an applicant with such degree based on such program's pending candidacy for accreditation.

(2) The provisions of this subsection shall apply retroactively and shall expire on July 1, 2023.

(i) (1) An individual may apply to the board for a community-based social work license to practice social work in the scope of employment by a community mental health center, as defined in K.S.A. 39-2002, and amendments thereto, a federally qualified health center, as defined in K.S.A. 65-7402, and amendments thereto, a psychiatric residential treatment facility as defined in K.S.A. 39-2002, and amendments thereto, or a private treatment facility as defined in K.S.A. 59-29b46, and amendments thereto.

(2) A community-based social work license may be issued by the board after the board reviews and approves the application and the applicant has paid the fee set by the board for issuance of a community-based social work license.

(3) (A) Absent extenuating circumstances approved by the board, a community-based social work license issued by the board shall expire:

(i) Upon the date the board issues or denies a license to practice social work; or

(ii) 24 months after the date of issuance of the community-based social work license.

(B) No community-based social work license shall be renewed or issued again on any subsequent application for the same license level. This paragraph shall not be construed to limit the number of times an applicant may take the examination.

(4) A person practicing social work with a community-based social work license may use the title "licensed baccalaureate social worker" or "licensed master social worker" or the initials "LBSW" or "LMSW" independently.

(5) No person may practice social work under a community-based social work license except under the supervision of a person licensed by the board to practice at the independent level.

(6) The board shall not issue a community-based social work license or temporary social work license to an individual who has previously been issued a community-based social work license or temporary social work license.

Sec. 11. K.S.A. 2022 Supp. 65-6309 is hereby amended to read as follows: 65-6309. (a) An applicant shall be exempted from the requirement for any examination provided for herein, if the applicant has taken and passed an examination similar to that for which exemption is

sought, as determined by the board.

(b) Upon application, the board shall issue *a temporary license* ~~*bachelor's social work license or a temporary master's social work license*~~ to persons who have submitted documentation and met all qualifications for licensure under provisions of this act, except passage of the required examination, and who have paid the required fee.

(c) Absent extenuating circumstances approved by the board, a temporary *bachelor's social work license or a temporary master's social work license* issued by the board shall expire upon the date the board issues or denies a license to practice social work or ~~12~~ 24 months after the date of issuance of the temporary license. No temporary *bachelor's social work license or temporary master's social work license* will be renewed or issued again on any subsequent applications for the same license level. The preceding provisions in no way limit the number of times an applicant may take the examination.

(d) No person ~~may~~ shall work under a temporary *bachelor's social work license or a temporary master's social work license* except under the supervision of a licensed social worker.

(e) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.

(f) Any individual employed by a hospital and working in the area of hospital social services to patients of such hospital on July 1, 1974, is exempt from the provisions of this act.

(g) A person practicing social work with a temporary license may not use the title "licensed baccalaureate social worker" or "licensed master social worker" or use the initials "LBSW" or "LMSW," independently. The word "licensed" may be used only when followed by the words "by temporary license."

Sec. 12. K.S.A. 65-6313 is hereby amended to read as follows: 65-6313. (a) All licenses issued shall be effective upon the date issued and shall expire at the end of 24 months from the date of issuance.

(b) (1) Except as otherwise provided in K.S.A. 65-6311, and amendments thereto, a license may be renewed by the payment of the renewal fee set forth in K.S.A. 65-6314, and amendments thereto, and the execution and submission of a signed statement, on a form to be provided by the board, attesting that the applicant's license has been neither revoked nor currently suspended and that applicant has met the requirements for continuing education established by the board including not less than three continuing education hours of professional ethics.

(2) *Prior to July 1, 2025*, an applicant for renewal of a license as a master social worker or a specialist clinical social worker, as part of such continuing education, shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders. *On and after July 1, 2025*, such applicant shall complete not less than three continuing education hours relating to diagnosis and treatment of mental disorders.

(3) An applicant for first time licensure renewal as a baccalaureate social worker, master social worker or specialist clinical social worker, as part of such continuing education, shall complete not less than six hours of social worker safety awareness training. If the applicant for first time licensure renewal has already taken such training, as part of a previous level of social work licensure renewal, then the applicant is not required to complete an additional six hours of social worker safety training.

(c) The application for renewal shall be made on or before the date

of the expiration of the license or on or before the date of the termination of the period of suspension.

~~(d) If the application for renewal, including payment of the required renewal fee, is not made on or before the date of the expiration of the license, the license is void, and no license shall be reinstated except upon payment of the required renewal fee established under K.S.A. 65-6314, and amendments thereto, plus a penalty equal to the renewal fee, and proof satisfactory to the board of the completion of 40 hours of continuing education within two years prior to application for reinstatement. Upon receipt of such payment and proof, the board shall reinstate the license. A license shall be reinstated under this subsection, upon receipt of such payment and proof, at any time after the expiration of such license. (1) A licensee who is unable to complete the required continuing education hours for renewal may request additional time to complete any remaining continuing education hours. Such request shall be made to the board not later than 30 calendar days prior to the expiration of the license and shall include:~~

~~(A) The licensee's reason for requesting additional time, showing extenuating circumstances for why the hours could not be completed during the license period; and~~

~~(B) a plan outlining the manner in which the licensee intends to complete the remaining continuing education hours.~~

~~(2) The board may grant a licensee up to three additional months beyond the license expiration date to complete the required continuing education hours.~~

~~(3) A licensee who receives additional time to complete continuing education hours under this subsection shall:~~

~~(A) Renew the license prior to the license expiration date and report to the board the number of continuing education hours completed on such date;~~

~~(B) notify the board upon completing the remaining continuing education hours; and~~

~~(C) be subject to an audit by the board of the total number of continuing education hours completed for the applicable license period.~~

~~(4) Continuing education hours completed during additional time granted under this subsection shall be credited only toward the requirements for the license period for which additional time is granted.~~

~~(5) A licensee shall not be approved for additional time to complete continuing education requirements in consecutive license periods.~~

~~(e) (1) A person whose license has expired may make written application to the board requesting reinstatement of the license in a manner prescribed by the board, and such application shall be accompanied by:~~

~~(A) The renewal fee established under K.S.A. 65-6314, and amendments thereto, and, for any person whose license has been expired for one year or less, an additional fee equal to the renewal fee; and~~

~~(B) evidence satisfactory to the board that the person has completed during the previous 24 months the continuing education requirements for one license period.~~

~~(2) A person requesting to reinstate a license that has been expired for longer than one year who has not completed the necessary continuing education hours for reinstatement may submit an application for a six-month reinstatement temporary license in a manner prescribed by the board, and such application shall be accompanied by the fee established under K.S.A. 65-6314, and amendments thereto. A licensee practicing under a six-month reinstatement temporary license shall complete the continuing education requirements required for a permanent license prior to the expiration of the temporary license and notify the board upon such completion. A six-month reinstatement temporary license shall not be~~

extended or renewed.

~~(e)~~(f) In case of a lost or destroyed license, and upon satisfactory proof of the loss or destruction thereof, the board may issue a duplicate license and shall charge a fee as set forth in K.S.A. 65-6314, and amendments thereto, for such duplicate license.

~~(f)~~(g) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 13. K.S.A. 65-6314 is hereby amended to read as follows: 65-6314. (a) The following fees may be established by the board in accordance with the following limitations, and any such fees shall be established by rules and regulations adopted by the board:

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

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

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

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

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

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

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

(8) *Temporary candidacy license fee for a baccalaureate social worker, master social worker or a social work specialty shall be not more than \$75.*

(9) *Six-month reinstatement temporary license fee for a baccalaureate social worker, master social worker or a social work specialty shall be not more than \$50.*

(10) *Community-based license fee for a baccalaureate social worker, master social worker or social work specialty shall be not more than \$175.*

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

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

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

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

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

Sec. 14. K.S.A. 2022 Supp. 65-6322 is hereby amended to read as follows: 65-6322. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice social work in another jurisdiction, if the board determines that:

(1) The standards for registration, certification or licensure to practice social work at the baccalaureate level in another jurisdiction are substantially the equivalent of the requirements in the social workers licensure act and rules and regulations of the board for licensure as a baccalaureate social worker; or

(2) the applicant demonstrates compliance on forms set by the board; with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice social work at the baccalaureate level *with a similar scope of practice* for at least ~~48~~ *12* of the last ~~54~~ *12* months immediately preceding the application, ~~with at least the minimum professional experience as established by rules and~~

~~regulations of the board;~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of a baccalaureate degree in social work from a regionally accredited university.

(b) The board may issue a license to an individual who is currently registered, certified or licensed to practice social work in another jurisdiction, if the board determines that:

(1) The standards for registration, certification or licensure to practice social work at the master's level in another jurisdiction are substantially the equivalent of the requirements in the social workers licensure act and rules and regulations of the board for licensure as a master social worker; or

(2) the applicant demonstrates compliance on forms set by the board; with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice social work at the master level *with a similar scope of practice* for at least ~~48 of the last~~ *54 12* months immediately preceding the application ~~with at least the minimum professional experience as established by rules and regulations of the board;~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of a master's degree in social work from a regionally accredited university.

(c) Applicants for licensure as a specialist clinical social worker shall demonstrate:

(1) That the applicant meets the requirements of subsection (b);

(2) that the applicant is currently licensed to practice social work at the clinical level in another state; and

(3) competence to diagnose and treat mental disorders by meeting at least two of the following areas acceptable to the board:

(A) Passing a national clinical examination approved by the board;

(B) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(C) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery, stating that the applicant is competent to diagnose and treat mental disorders.

(d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6411, and amendments thereto, if required by the board. *Upon notification from the board that all eligibility requirements have been satisfied, the applicant shall submit the license fee as provided in K.S.A. 65-6411, and amendments thereto.*

Sec. 15. K.S.A. 65-6402 is hereby amended to read as follows: 65-6402. As used in the marriage and family therapists licensure act:

(a) "Board" means the behavioral sciences regulatory board created under K.S.A. 74-7501 and amendments thereto.

~~(b) "Marriage and family therapy" means the assessment and treatment of cognitive, affective or behavioral problems within the context of marital and family systems and includes the diagnosis and treatment of mental disorders as authorized under the marriage and family therapists licensure act.~~

~~(c) "Licensed marriage and family therapist" means a person who engages in the practice of marriage and family therapy and who is licensed under this act except that on and after January 1, 2002, such person shall engage in the practice of marriage and family therapy only under the direction of a licensed clinical marriage and family therapist, a licensed psychologist, a person licensed to practice medicine and surgery~~

~~or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders~~ "Extenuating circumstances" means any condition or situation caused by events beyond an individual's control that is sufficiently extreme in nature to result in the:

- (1) Individual's inability to comply with requirements; or
- (2) inadvisability of requiring the individual to comply with requirements.

~~(d)~~(c) "Licensed clinical marriage and family therapist" means a person who engages in the independent practice of marriage and family therapy including the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations and is licensed under this act.

(d) "Licensed marriage and family therapist" means a person who engages in the practice of marriage and family therapy, is licensed under this act and engages in the practice of marriage and family therapy only under the direction of a licensed clinical marriage and family therapist, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders.

(e) "Marriage and family therapy" means the assessment and treatment of cognitive, affective or behavioral problems within the context of marital and family systems and includes the diagnosis and treatment of mental disorders as authorized under the marriage and family therapists licensure act.

Sec. 16. K.S.A. 2022 Supp. 65-6404 is hereby amended to read as follows: 65-6404. (a) An applicant for licensure as a marriage and family therapist shall furnish evidence that the applicant has:

- (1) Attained 21 years of age;
- (2) (A) completed a master's or doctoral degree from a marriage and family therapy program, in an educational institution with standards approved by the board; (B) has completed a master's or doctoral degree from an educational institution in a related field for which the course work is considered by the board to be equivalent to that provided in subparagraph (A) and consists of a minimum of nine semester hours in human development, nine semester hours in theories of marriage and family functioning, nine semester hours of marital and family assessment and therapy, three semester hours in professional studies and three semester hours in research *and has completed an academically supervised practicum in the master's degree program with at least 300 hours of direct client contact or a combined 300 hours of direct client contact and additional postgraduate supervised experience*; or (C) completed a master's or doctoral degree from an educational institution in a related field with additional work from an educational program in marriage and family therapy approved by the board and such degree program and additional work includes the course work requirements provided in subparagraph (B);
- (3) passed an examination approved by the board;
- (4) satisfied the board that the applicant is a person who merits the public trust; and
- (5) paid the application fee established by the board under K.S.A. 65-6411, and amendments thereto.

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

- (A) Is licensed by the board as a licensed marriage and family

therapist or meets all requirements for licensure as a marriage and family therapist;

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

(C) has completed a graduate level supervised clinical practicum of supervised professional experience including psychotherapy and assessment with individuals, couples, families or groups, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, with not less than ~~350~~ 300 hours of direct client contact or additional postgraduate supervised experience as determined by the board;

(D) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 3,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with individuals, couples, families or groups and not less than 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, except that the board may waive $\frac{1}{2}$ of the hours required by this subparagraph for an individual who has a doctor's degree in marriage and family therapy or a related field acceptable to the board and who completes the required $\frac{1}{2}$ of the hours in not less than one year of supervised professional experience;

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

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

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

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

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

(A) Either: (i) Graduate coursework; or (ii) passing a national,

clinical examination;

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

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

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

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

(c) (1) An individual may apply to the board for a community-based marriage and family therapist license to practice marriage and family therapy in the scope of employment by a community mental health center, as defined in K.S.A. 39-2002, and amendments thereto, a federally qualified health center, as defined in K.S.A. 65-7402, and amendments thereto, a psychiatric residential treatment facility as defined in K.S.A. 39-2002, and amendments thereto, or a private treatment facility as defined in K.S.A. 59-29b46, and amendments thereto.

(2) A community-based marriage and family therapist license may be issued by the board after the board reviews and approves the application and the applicant has paid the fee set by the board for issuance of a community-based marriage and family therapist license.

(3) (A) Absent extenuating circumstances approved by the board, a community-based marriage and family therapist license issued by the board shall expire:

(i) Upon the date the board issues or denies a license to practice marriage and family therapy; or

(ii) 24 months after the date of issuance of the community-based marriage and family therapist license.

(B) *No community-based marriage and family therapist license shall be renewed or issued again on any subsequent application for the same license level. This paragraph shall not be construed to limit the number of times an applicant may take the examination.*

(4) *A person practicing marriage and family therapy with a community-based marriage and family therapist license may use the title "licensed marriage and family therapist" or the initials "LMFT" independently.*

(5) *No person may practice marriage and family therapy under a community-based marriage and family therapist license except under the supervision of a person licensed by the board to practice at the independent level.*

(6) *The board shall not issue a community-based marriage and family therapist license or temporary marriage and family therapist license to an individual who has previously been issued a community-based marriage and family therapist license or temporary marriage and family therapist license.*

Sec. 17. K.S.A. 2022 Supp. 65-6405 is hereby amended to read as follows: 65-6405. (a) A person who is waiting to take the examination required by the board may apply to the board for a temporary *marriage and family therapy* license to practice as a licensed marriage and family therapist by:

(1) ~~Paying an application~~ *a temporary license fee as established by the board under K.S.A. 65-6411, and amendments thereto; and*

(2) *meeting the application requirements as stated in K.S.A. 65-6404(a)(1), (a)(2) and, (a)(4) and (a)(5), and amendments thereto.*

(b) *A person who is waiting to take the license examination required by the board, and who has not completed a practicum including 300 hours of direct client contact but has been approved by the board to complete other postgraduate experience totaling 300 hours, may apply to the board for a temporary marriage and family therapy license to practice as a licensed marriage and family therapist by:*

(1) *Paying a temporary license fee established by the board under K.S.A. 65-6411, and amendments thereto; and*

(2) *meeting the application requirements as stated in K.S.A. 65-6404(a)(1), (a)(2), (a)(4) and (a)(5), and amendments thereto, and, except for the requirement to complete a practicum or other postgraduate experience, the requirements of K.S.A. 65-6404(a)(2), and amendments thereto.*

(c) (1) *A temporary marriage and family therapy license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee as established by the board under K.S.A. 65-6411, and amendments thereto.*

(2) *Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies the person a license to practice marriage and family therapy or 24 months after the date of issuance of the temporary license.*

(3) *No temporary license shall be renewed or issued again on any subsequent application for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.*

(c) *A person practicing marriage and family therapy with a temporary marriage and family therapy license may not use the title "licensed marriage and family therapist" or the initials "LMFT" independently. The word "licensed" may be used only when followed by the words "by temporary license."*

(d) *No person may practice marriage and family therapy under a temporary marriage and family therapy license except under the*

supervision of a person licensed by the behavioral sciences regulatory board at the independent level.

(e) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.

Sec. 18. K.S.A. 2022 Supp. 65-6406 is hereby amended to read as follows: 65-6406. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice marriage and family therapy in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice marriage and family therapy in the other jurisdiction are substantially the equivalent of the requirements of the marriage and family therapists licensure act and rules and regulations of the board; *or*

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice marriage and family therapy *with a similar scope of practice* for at least ~~48 of the last~~ ⁵⁴ 12 months immediately preceding the application ~~with at least the minimum professional experience as established by rules and regulations of the board;~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a master's degree in marriage and family therapy or a related field as approved by the board from a regionally accredited university.

(b) Applicants for licensure as a clinical marriage and family therapist shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either subsection (a)(1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6411, and amendments thereto, if required by the board. *Upon notification from the board that all eligibility requirements have been satisfied, the applicant shall pay the license fee as provided in K.S.A. 65-6411, and amendments thereto.*

Sec. 19. K.S.A. 65-6407 is hereby amended to read as follows: 65-6407. (a) An applicant who meets the requirements for licensure pursuant to this act, has paid the license fee provided for by K.S.A. 65-6411, and amendments thereto, and has otherwise complied with the provisions of this act shall be licensed by the board.

(b) Licenses issued pursuant to this act shall expire 24 months from the date of issuance unless revoked prior to that time. A license may be renewed upon application and payment of the fee provided for by K.S.A. 65-6411, and amendments thereto. The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has

completed during the previous 24 months the continuing education required by rules and regulations of the board. *Prior to July 1, 2025, as part of such continuing education, the applicant shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics. On and after July 1, 2025, as part of such continuing education, a licensee shall complete not less than three continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.*

(c) (1) *A licensee who is unable to complete the required continuing education hours for renewal may request additional time to complete any remaining continuing education hours. Such request shall be made to the board not later than 30 calendar days prior to the expiration of the license and shall include:*

(A) *The licensee's reason for requesting additional time, showing extenuating circumstances for why the hours could not be completed during the license period; and*

(B) *a plan outlining the manner in which the licensee intends to complete the remaining continuing education hours.*

(2) *The board may grant a licensee up to three additional months beyond the license expiration date to complete the required continuing education hours.*

(3) *A licensee who receives additional time to complete continuing education hours under this subsection shall:*

(A) *Renew the license prior to the license expiration date and report to the board the number of continuing education hours completed on such date;*

(B) *notify the board upon completing the remaining continuing education hours; and*

(C) *be subject to an audit by the board of the total number of continuing education hours completed for the applicable license period.*

(4) *Continuing education hours completed during additional time granted under this subsection shall be credited only toward the requirements for the license period for which additional time is granted.*

(5) *A licensee shall not be approved for additional time to complete continuing education requirements in consecutive license periods.*

(d) *A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation in a manner prescribed by the board, which application shall be accompanied by the fee provided for by K.S.A. 65-6411, and amendments thereto.*

(e) (1) *A person whose license has expired may make written application to the board requesting reinstatement of the license in a manner prescribed by the board, and such application shall be accompanied by:*

(A) *The renewal fee established under K.S.A. 65-6411, and amendments thereto, and, for any person whose license has been expired for one year or less, an additional fee equal to the renewal fee; and*

(B) *evidence satisfactory to the board that the person has completed during the previous 24 months the continuing education requirements for one license period.*

(2) *A person requesting to reinstate a license that has been expired for longer than one year who has not completed the necessary continuing education hours for reinstatement may submit an application for a six-month reinstatement temporary license in a manner prescribed by the board, and such application shall be accompanied by the fee established under K.S.A. 65-6411, and amendments thereto. A licensee practicing under a six-month reinstatement temporary license shall complete the continuing education requirements required for a permanent license prior*

to the expiration of the temporary license and notify the board upon such completion. A six-month reinstatement temporary license shall not be extended or renewed.

~~(d)~~(f) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 20. K.S.A. 2022 Supp. 65-6411 is hereby amended to read as follows: 65-6411. (a) The board may ~~fix~~ collect the following fees, and any such fees shall be established by rules and regulations adopted by the board:

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

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

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

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

(5) *for a six-month reinstatement temporary license as a marriage and family therapist, not to exceed \$50;*

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

~~(6)~~(7) for original licensure as a clinical marriage and family therapist, not to exceed \$175;

~~(7)~~(8) for renewal for licensure as a clinical marriage and family therapist, not to exceed \$175;

(9) *for a six-month reinstatement temporary license as a clinical marriage and family therapist, not more than \$50;*

~~(8)~~(10) *for community-based licensure as a marriage and family therapist, not to exceed \$175;*

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

~~(9)~~(12) for replacement of a license, not to exceed \$20;

~~(10)~~(13) for renewal penalty, an amount equal to the renewal of license;

~~(11)~~(14) for a wallet card license, not to exceed \$5; and

~~(12)~~(15) for application for approval as a board-approved clinical supervisor, not to exceed \$50.

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

Sec. 21. K.S.A. 65-6608 is hereby amended to read as follows: 65-6608. As used in the addiction counselor licensure act:

(a) ~~"Board" means the behavioral sciences regulatory board created under K.S.A. 74-7501, and amendments thereto.~~

~~(b)~~ "Addiction counseling" means the utilization of special skills to assist persons with addictions, and to assist such persons' families and friends to achieve resolution of addiction through the exploration of the disease and its ramifications, the examination of attitudes and feelings, the consideration of alternative solutions and decision making, as these relate specifically to addiction. Evaluation and assessment, treatment including treatment plan development, crisis intervention, referral, record keeping and clinical consultation specifically related to addiction are within the scope of addiction counseling. Additionally, at the clinical level of licensure, addiction counseling includes independent practice and the diagnosis and treatment of substance use disorders.

(b) "Board" means the behavioral sciences regulatory board created under K.S.A. 74-7501, and amendments thereto.

(c) "Extenuating circumstances" means any condition or situation caused by events beyond an individual's control that is sufficiently extreme in nature to result in the:

(1) Individual's inability to comply with requirements; or

(2) inadvisability of requiring the individual to comply with

requirements.

(d) "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person shall engage in the practice of addiction counseling in a state-licensed or certified alcohol and other drug treatment program or in completing a Kansas domestic violence offender assessment for participants in a certified batterer intervention program pursuant to K.S.A. 75-7d01 through 75-7d13, and amendments thereto, unless otherwise exempt from licensure under K.S.A. 59-29b46(n), and amendments thereto.

~~(d) "Licensed master's addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of substance abuse disorders or mental disorders.~~

(e) "Licensed clinical addiction counselor" means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed under this act.

(f) "Licensed master's addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under the addiction counselor licensure act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of substance abuse disorders or mental disorders.

Sec. 22. K.S.A. 2022 Supp. 65-6610 is hereby amended to read as follows: 65-6610. (a) An applicant for licensure as an addiction counselor shall furnish evidence that the applicant:

(1) Has attained 21 years of age;

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

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

(C) is currently licensed in Kansas as a licensed baccalaureate social worker and has completed a minimum number of semester hours of coursework on substance use disorders as approved by the board; or

(D) is currently licensed in Kansas by the board as a master social worker, specialist clinical social worker, professional counselor, clinical professional counselor, marriage and family therapist, clinical marriage and family therapist, master's level psychologist, clinical psychotherapist or psychologist. Such licensees shall be eligible to take the examination as required by paragraph (3);

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

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

(5) has paid the application fee established by the board under K.S.A. 65-6618, and amendments thereto, *and, upon notification from the*

board that all eligibility requirements have been satisfied, paid the license fee established under K.S.A. 65-6618, and amendments thereto.

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

(1) (A) Has attained 21 years of age;

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

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

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

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

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

(E) has paid the application fee ~~fixed set~~ under K.S.A. 65-6618, and amendments thereto, *and, upon notification from the board that all eligibility requirements have been satisfied, paid the license fee as provided by K.S.A. 65-6618, and amendments thereto; or*

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

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

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

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

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

(1) Has attained 21 years of age;

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

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 3,000 hours of supervised professional experience, including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, except that the board may waive $\frac{1}{2}$ of the hours required by this clause for an individual who has a doctoral degree in addiction counseling or a related field approved by the board and who completes the required $\frac{1}{2}$ of the hours in not less than one year of supervised professional experience; or

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

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 3,000 hours of supervised professional experience, including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, except that the board may waive $\frac{1}{2}$ of the hours required by this clause for an individual who has a doctoral degree in addiction counseling or a related field approved by the board and who completes the required $\frac{1}{2}$ of the hours in not less than one year of supervised professional experience; or

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

(ii) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 3,000 hours of supervised professional experience, including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, except that the board may waive $\frac{1}{2}$ of the hours required by this clause for an individual who has a doctoral degree in addiction counseling or a related field approved by the board and who completes the required $\frac{1}{2}$ of the hours in not less than one year of supervised professional experience; or

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

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

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

(5) has paid the application fee ~~fixed set~~ *under K.S.A. 65-6618, and amendments thereto, and, upon notification from the board that all eligibility requirements have been satisfied, paid the license fee established under K.S.A. 65-6618, and amendments thereto.*

Sec. 23. K.S.A. 2022 Supp. 65-6611 is hereby amended to read as follows: 65-6611. (a) A person who is waiting to take the examination for

licensure as an addiction counselor may apply to the board for a temporary *addiction counselor* license to practice as a licensed addiction counselor by:

(1) Paying a fee for a temporary license ~~fixed set~~ under K.S.A. 65-6618, and amendments thereto; and

(2) meeting the application requirements as stated in K.S.A. 65-6610(a)(1), (a)(2), (a)(4) and (a)(5), and amendments thereto.

(b) A person who is waiting to take the examination for licensure as a master's addiction counselor may apply to the board for a temporary *master's addiction counselor* license to practice as a licensed master's addiction counselor by:

(1) Paying a fee for a temporary license ~~fixed set~~ under K.S.A. 65-6618, and amendments thereto; and

(2) meeting the application requirements as stated in K.S.A. 65-6610(b)(1)(A), (b)(1)(B), (b)(1)(D) and (b)(1)(E), and amendments thereto.

(c) (1) A temporary *addiction counselor* license *or temporary master's addiction counselor license* may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee ~~set by the board for issuance of new licenses~~.

(2) Absent extenuating circumstances approved by the board, a temporary *addiction counselor* license *or a temporary master's addiction counselor license* issued by the board shall expire upon the date the board issues or denies the person a license to practice addiction counseling ~~or 12~~ 24 months after the date of issuance of the temporary *addiction counselor* license *or temporary master's addiction counselor license*.

(3) No temporary *addiction counselor* license *or temporary master's addiction counselor license* will be renewed or issued again on any subsequent application for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.

(d) A person practicing addiction counseling with a temporary *addiction counselor* license *or a temporary master's addiction counselor license* may not use the title "licensed addiction counselor" or "licensed master's addiction counselor" or use the initials "LAC" or "LMAC" independently. The word "licensed" may be used only when followed by the words "by temporary license."

(e) No person may practice addiction counseling under a temporary *addiction counselor* license *or a temporary master's addiction counselor license* except in a licensed or certified alcohol and other drug abuse program, under the direction of a person licensed by the behavioral sciences regulatory board at the clinical level or a person licensed to practice medicine and surgery.

(f) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such license.

(g) *A person may apply to the board for a student temporary addiction counselor license to practice as a student temporary addiction counselor, on a form and in the manner prescribed by the board, by:*

(1) *Providing documentation of completing at least 60 credit hours from an institution of higher education with an emphasis in addiction counseling or a related field, as defined by the board in rules and regulations;*

(2) *providing a signed attestation indicating the applicant's intention to pursue licensure as a licensed addiction counselor with a plan to*

complete the education requirements toward a licensed addiction counseling license within 48 months;

(3) providing an education plan, signed by an official of the institution of higher education, including steps to obtain coursework necessary to receive an addiction counselor license;

(4) providing a signed attestation from a prospective employer who intends to offer employment when the applicant receives the student temporary addiction counselor license;

(5) submitting a supervision plan signed by a person who is employed by the prospective employer and who would be providing supervision to the applicant under K.S.A. 65-6611(i), and amendments thereto. Such supervision plan shall include not less than four hours of supervision per month and not fewer than two supervision meetings per month. A maximum of two hours per month may be in group supervision;

(6) satisfying the board that the applicant is a person who merits the public trust;

(7) attaining 20 years of age; and

(8) paying a fee for a student temporary addiction counselor license established under K.S.A. 65-6618, and amendments thereto.

(h) A student temporary addiction counselor license issued by the board shall expire upon the date the board issues the person a permanent license to practice addiction counseling or 24 months after the date of issuance of the student temporary addiction counselor license. A student temporary addiction counselor license may be renewed for one additional 24-month period by demonstrating:

(1) Evidence of the person's compliance with the education plan, including completion of coursework and remaining in good standing with the institution of higher education;

(2) changes or updates to the education plan signed by a representative of the institution of higher education;

(3) evidence of supervision logs signed by the supervisor and student for the periods of supervision; and

(4) paying a fee for renewal of a student temporary addiction counselor license established under K.S.A. 65-6618, and amendments thereto.

(i) No person may practice addiction counseling under a student temporary addiction counselor license except in a licensed or certified alcohol and other drug abuse program, a certified community behavioral health clinic or a community mental health center, supervised by a person licensed by the behavioral sciences regulatory board as an addiction counselor, master's addiction counselor or clinical addiction counselor or other individual licensed by the behavioral sciences regulatory board holding a license as a master's social worker, specialist clinical social worker, professional counselor, clinical professional counselor, marriage and family therapist, clinical marriage and family therapist, master's level psychologist, clinical psychotherapist or psychologist.

Sec. 24. K.S.A. 2022 Supp. 65-6613 is hereby amended to read as follows: 65-6613. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice addiction counseling in the other jurisdiction are substantially the equivalent of the requirements of the addiction counselor licensure act and rules and regulations of the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice as an addiction counselor with a similar scope of practice for at least ~~48~~ of the last ~~54~~ 12 months immediately preceding the application ~~with at least the minimum~~

~~professional experience as established by rules and regulations of the board;~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a baccalaureate degree from a college or university approved by the board.

(b) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling at the master's level in another jurisdiction if the board determines that:

(1) (A) The standards for registration, certification or licensure to practice addiction counseling at the master's level in the other jurisdiction are substantially the equivalent of the requirements of the addiction counselor licensure act and rules and regulations of the board; and

(B) completion of at least a master's degree from a college or university approved by the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice addiction counseling at the master's level *with a similar scope of practice* for at least ~~48 of the last 54~~ 12 months immediately preceding the application ~~with at least the minimum professional experience as established by rules and regulations of the board;~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a master's degree from a college or university approved by the board.

(c) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling at the clinical level in another jurisdiction if the board determines that:

(1) (A) The standards for registration, certification or licensure to practice addiction counseling at the clinical level in the other jurisdiction are substantially the equivalent of the requirements of the addiction counselor licensure act and rules and regulations of the board; and

(B) the applicant demonstrates completion of at least a master's degree from a college or university approved by the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice addiction counseling at the clinical level *with a similar scope of practice* for at least ~~48 of the last 54~~ 12 months immediately preceding the application ~~with at least the minimum professional experience as established by rules and regulations of the board;~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency;

(C) completion of at least a master's degree from a college or university approved by the board; and

(D) at least two of the following areas acceptable to the board:

(i) Either coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(ii) three years of clinical practice with demonstrated experience supporting diagnosing or treating substance use disorders; or

(iii) attestation from a professional licensed to diagnose and treat mental disorders, or substance use disorders, or both, in independent practice or licensed to practice medicine and surgery, stating that the applicant is competent to diagnose and treat substance use disorders.

(d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6618, and amendments thereto, if required by the board. *Upon notification from the board that all eligibility requirements have been satisfied, the applicant*

shall submit the license fee as provided in K.S.A. 65-6618, and amendments thereto.

Sec. 25. K.S.A. 65-6614 is hereby amended to read as follows: 65-6614. (a) An applicant who meets the requirements for licensure pursuant to this act, has paid the license fee provided for by K.S.A. 65-6618, and amendments thereto, and has otherwise complied with the provisions of this act shall be licensed by the board.

(b) Licenses issued pursuant to this act shall expire 24 months from the date of issuance unless revoked prior to that time. A license may be renewed upon application and payment of the fee provided for by K.S.A. 65-6618, and amendments thereto. The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed during the previous 24 months the continuing education required by rules and regulations of the board, including not less than three hours in ethics. ~~In addition~~ *Prior to July 1, 2025, as part of such continuing education, the master's addiction counselor applicant and the clinical addiction counselor applicant shall complete not less than six continuing education hours relating to diagnosis and treatment of substance use disorders. On and after July 1, 2025, as part of such continuing education, a master's addiction counselor applicant or clinical addiction counselor applicant shall complete not less than three continuing education hours relating to diagnosis and treatment of substance use disorders.*

(c) (1) *A licensee who is unable to complete the required continuing education hours for renewal may request additional time to complete any remaining continuing education hours. Such request shall be made to the board not later than 30 calendar days prior to the expiration of the license and shall include:*

(A) *The licensee's reason for requesting additional time, showing extenuating circumstances for why the hours could not be completed during the license period; and*

(B) *a plan outlining the manner in which the licensee intends to complete the remaining continuing education hours.*

(2) *The board may grant a licensee up to three additional months beyond the license expiration date to complete the required continuing education hours.*

(3) *A licensee who receives additional time to complete continuing education hours under this subsection shall:*

(A) *Renew the license prior to the license expiration date and report to the board the number of continuing education hours completed on such date;*

(B) *notify the board upon completing the remaining continuing education hours; and*

(C) *be subject to an audit by the board of the total number of continuing education hours completed for the applicable license period.*

(4) *Continuing education hours completed during additional time granted under this subsection shall be credited only toward the requirements for the license period for which additional time is granted.*

(5) *A licensee shall not be approved for additional time to complete continuing education requirements in consecutive license periods.*

(d) A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation in a manner prescribed by the board, which application shall be accompanied by the fee provided for by K.S.A. 65-6618, and amendments thereto.

(e) (1) *A person whose license has expired may make written application to the board requesting reinstatement of the license in a manner prescribed by the board, and such application shall be accompanied by:*

(A) *The renewal fee established under K.S.A. 65-6618, and amendments thereto, and, for any person whose license has been expired for one year or less, an additional fee equal to the renewal fee; and*

(B) *evidence satisfactory to the board that the person has completed during the previous 24 months the continuing education requirements for one license period.*

(2) *A person requesting to reinstate a license that has been expired for longer than one year who has not completed the necessary continuing education hours for reinstatement may submit an application for a six-month reinstatement temporary license in a manner prescribed by the board, and such application shall be accompanied by the fee established under K.S.A. 65-6618, and amendments thereto. A licensee practicing under a six-month reinstatement temporary license shall complete the continuing education requirements required for a permanent license prior to the expiration of the temporary license and notify the board upon such completion. A six-month reinstatement temporary license shall not be extended or renewed.*

~~(f)~~(f) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 26. K.S.A. 65-6618 is hereby amended to read as follows: 65-6618. (a) The board may ~~fix~~ collect the following fees, and any such fees shall be established by rules and regulations adopted by the board:

(1) For application for licensure as an addiction counselor, not to exceed \$150;

(2) for original licensure as an addiction counselor, not to exceed \$150;

(3) for renewal for licensure as an addiction counselor, not to exceed \$150;

(4) for a temporary license *as an addiction counselor*, not to exceed \$100;

(5) *for a six-month reinstatement temporary license as an addiction counselor, not to exceed \$50;*

(6) *for a student temporary addiction counselor license, not to exceed \$100;*

(7) *for renewal for a student temporary addiction counselor license, not to exceed \$100;*

(8) for application for licensure as a master's addiction counselor, not to exceed \$150;

~~(9)~~(9) for original licensure as a master's addiction counselor, not to exceed \$150;

~~(10)~~(10) for renewal for licensure as a master's addiction counselor, not to exceed \$150;

(11) *for a temporary license as a master's addiction counselor, not to exceed \$100;*

(12) *for a six-month reinstatement temporary license as a master's addiction counselor, not to exceed \$50;*

~~(13)~~(13) for application for licensure as a clinical addiction counselor, not to exceed \$150;

~~(14)~~(14) for original licensure as a clinical addiction counselor, not to exceed \$150;

~~(15)~~(15) for renewal for licensure as a clinical addiction counselor, not to exceed \$150;

(16) *for a six-month reinstatement temporary license as a clinical addiction counselor, not to exceed \$50;*

~~(17)~~(17) for a temporary permit to practice clinical addiction counseling, not to exceed \$200;

~~(18)~~(18) for extension of a temporary permit to practice clinical addiction counseling, not to exceed \$200;

~~(19)~~(19) for reinstatement of a license, not to exceed \$150;

- ~~(14)~~(20) for replacement of a license, not to exceed \$20;
- ~~(15)~~(21) for late renewal penalty, an amount equal to the fee for renewal; and
- ~~(16)~~(22) for a wallet license, not more than \$5.

(b) The board shall require that fees paid for any examination under the addiction counselor licensure act be paid directly to the examination services by the person taking the examination.

(c) Fees paid to the board are not refundable.

Sec. 27. K.S.A. 65-7504 is hereby amended to read as follows: 65-7504. (a) ~~The board may deny, suspend, revoke or refuse renewal of any license issued under this act if the board finds that the applicant or license holder has~~ *refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for licensure has:*

(1) Used any controlled substance or alcoholic beverage to an extent that such use impairs such person's ability to perform the work of any profession licensed or regulated by this act.

(2) ~~The person has~~ Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any professional licensed or regulated under this act, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not a sentence is imposed.

(3) Used any fraud, deception or misrepresentation in securing any license issued under this act.

(4) Obtained or attempted to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation.

(5) Committed any act of incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed by the board.

(6) Committed any violation of or assisted or enabled any person to violate any provision of this act or any rule and regulation promulgated thereunder.

(7) Impersonated any person holding a certificate of registration or authority, permit or license or allowed any other person to use such person's certificate of registration or authority, permit, license or diploma from any school.

(8) Been disciplined in any action by another state, territory, federal agency or country which would constitute grounds for a license issued under this act being suspended or revoked.

(9) Been finally adjudged insane or incapacitated by a court of competent jurisdiction.

(10) Assisted or enabled any person to practice or offer to practice any profession licensed or regulated by the board when such person is not eligible to practice such profession as required by law.

(11) Issued any certificate of registration or authority, permit or license based upon a material mistake of fact.

(12) Failed to display a valid certificate or license if so required by this act or any rules and regulations promulgated thereunder.

(13) Violated any professional trust or confidence.

(14) Used any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

(15) Been found ~~guilty of~~ *to have engaged in* unprofessional conduct or ~~professional incompetency~~ as defined by the board by *applicable* rules and regulations *adopted by the board*.

(16) *Violated any lawful order or directive of the board previously entered by the board.*

~~(b) Any action taken under this section which affects any license or imposes any administrative penalty shall be taken only after notice and an opportunity for a hearing conducted in accordance with the provisions of Administrative proceedings and disciplinary actions regarding licensure under the applied behavior analysis licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the applied behavior analysis licensure act shall be in accordance with the Kansas judicial review act.~~

Sec. 28. K.S.A. 65-7505 is hereby amended to read as follows: 65-7505. The board shall ~~promulgate~~ *adopt* rules and regulations necessary to implement and administer this act. Such rules and regulations shall include, but not be limited to:

(a) The form and content of license applications required and the procedures for filing an application for an initial or renewal license *or reinstatement* in this state;

(b) the establishment of fees for licenses; and ~~the renewal and reinstatement~~ thereof; to cover all or any part of the cost of administering the provisions of this act;

(c) the educational and training requirements for licensed behavior analysts and licensed assistant behavior analysts;

(d) the roles, responsibilities and duties of licensed behavior analysts and licensed assistant behavior analysts;

(e) the characteristics of supervision and supervised clinical practicum experience for the licensed behavior analysts and the licensed assistant behavior analysts;

(f) the supervision of licensed behavior analysts and licensed assistant behavior analysts;

(g) the requirements for continuing education for licensed behavior analysts and licensed assistant behavior analysts;

(h) standards of professional competency;

(i) standards of professional conduct; and

(j) such other rules and regulations as the board deems necessary to carry out the provisions of this act.

Sec. 29. K.S.A. 74-5302 is hereby amended to read as follows: 74-5302. ~~For the purpose of this act the following definitions shall apply. As used in the licensure of psychologists act of the state of Kansas:~~

(a) *"Board" means the behavioral sciences regulatory board created by K.S.A. 74-7501, and amendments thereto.*

(b) *"Extenuating circumstances" means any condition or situation caused by events beyond an individual's control that is sufficiently extreme in nature to result in the:*

(1) *Individual's inability to comply with requirements; or*

(2) *inadvisability of requiring the individual to comply with requirements.*

(c) *"License" means a license as a psychologist issued by the board.*

(d) *"Licensed psychologist" means a person licensed by the board under the provisions of the licensure of psychologists act of the state of Kansas.*

(e) *"Merits the public trust" means that an applicant or licensee possesses the high standard of good moral character and fitness that is required to practice psychology as demonstrated by the following personal qualities:*

(1) *Good judgment;*

(2) *integrity;*

(3) *honesty;*

(4) *fairness;*

- (5) *credibility;*
- (6) *reliability;*
- (7) *respect for others;*
- (8) *respect for the laws of this state and the nation;*
- (9) *self-discipline;*
- (10) *self-evaluation;*
- (11) *initiative; and*
- (12) *commitment to the psychology profession and its values and ethics.*

(f) "Practice of psychology" means the application of established principles of learning, motivation, perception, thinking and emotional relationships to problems of behavior adjustment, group relations and behavior modification, by persons trained in psychology. The application of such principles includes, but is not restricted to, counseling and the use of psychological remedial measures with persons, in groups or individually, having adjustment or emotional problems in the areas of work, family, school and personal relationships; measuring and testing personality, intelligence, aptitudes, public opinion, attitudes and skills; the teaching of such subject matter; and the conducting of research on problems relating to human behavior, except that in all cases involving the care of the sick and ill as defined by the laws of this state, the primary responsibility devolves upon those licensed under the Kansas healing arts act. The practice of psychology includes the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. If a licensed psychologist cannot make an independent diagnosis of a mental disorder, such psychologist shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed psychologist may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

~~(b)~~(g) "Represents oneself to be a psychologist" means that a person engages in the practice of psychology for a fee, monetary or otherwise, or holds oneself out to the public by any title or description of services incorporating the word "psychologic," "psychological," "psychologist" or "psychology" and under such title or description offers to render or renders services to individuals, corporations or the public for a fee, monetary or otherwise.

~~(e)~~ "Board" means the behavioral sciences regulatory board created by K.S.A. 74-7501 and amendments thereto.

~~(d)~~ "License" means a license as a psychologist issued by the board.

~~(e)~~ "Licensed psychologist" means a person licensed by the board under the provisions of this act.

Sec. 30. K.S.A. 2022 Supp. 74-5310 is hereby amended to read as follows: 74-5310. (a) The board shall issue a license as a psychologist to any person who pays a nonrefundable application fee prescribed by the board, if required by the board, not in excess of \$225 and, if required by the board, a nonrefundable original license fee not in excess of \$150, who satisfies the board as to such person's training and experience after a thorough review of such person's credentials and who passes a satisfactory examination in psychology. Any person paying the fee ~~must~~ *shall* also submit evidence verified by oath and satisfactory to the board that such person:

- (1) Is at least 21 years of age;
- (2) ~~is of good moral character~~ *a person who merits the public trust;*
- (3) has received the doctor's degree based on a program of studies in

content primarily psychological from an educational institution having a graduate program with standards consistent with those of the state universities of Kansas, or the substantial equivalent of such program in both subject matter and extent of training; and

(4) has had at least two years of supervised experience, a significant portion of which shall have been spent in rendering psychological services satisfying the board's approved standards for the psychological service concerned.

(b) The board shall adopt rules and regulations establishing the criteria which an educational institution shall satisfy in meeting the requirements established under subsection (a)(3). The board may send a questionnaire developed by the board to any educational institution for which the board does not have sufficient information to determine whether the educational institution meets the requirements of subsection (a)(3) and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the educational institution to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about educational institutions. In entering such contracts the authority to approve educational institutions shall remain solely with the board.

(c) (1) An individual may apply to the board for a community-based psychologist license to practice psychology in the scope of employment by a community mental health center, as defined in K.S.A. 39-2002, and amendments thereto, a federally qualified health center, as defined in K.S.A. 65-7402, and amendments thereto, a psychiatric residential treatment facility as defined in K.S.A. 39-2002, and amendments thereto, or a private treatment facility as defined in K.S.A. 59-29b46, and amendments thereto.

(2) A community-based psychologist license may be issued by the board after the board reviews and approves the application and the applicant has paid the fee set by the board for issuance of a community-based psychologist license.

(3) (A) Absent extenuating circumstances approved by the board, a community-based psychologist license issued by the board shall expire:

(i) Upon the date the board issues or denies a license to practice psychology; or

(ii) 24 months after the date of issuance of the community-based psychologist license.

(B) No community-based psychologist license shall be renewed or issued again on any subsequent application for the same license level. This paragraph shall not be construed to limit the number of times an applicant may take the examination.

(4) A person practicing psychology with a community-based psychologist license may use the title "licensed psychologist" or the initials "LP" independently.

(5) No person may practice psychology under a community-based psychologist license except under the supervision of a person licensed by the board to practice at the independent level.

(6) The board shall adopt rules and regulations to set the fee, if required by the board, for the issuance of a community-based psychologist license in an amount not to exceed \$225.

(7) The board shall not issue a community-based psychologist license or temporary psychologist license to an individual who has previously been issued a community-based psychologist license or temporary psychologist license.

Sec. 31. K.S.A. 2022 Supp. 74-5315 is hereby amended to read as follows: 74-5315. (a) The board may grant a license to any person who, at

the time of application, is registered, certified or licensed as a psychologist at the doctoral level in another jurisdiction if the board determines that:

(1) The requirements of such jurisdiction for such certification or licensure are substantially the equivalent of the requirements of this state; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure as a psychologist at the doctoral level *with a similar scope of practice* for at least ~~48 of the last 54~~ 12 months immediately preceding the application ~~with at least the minimum professional experience as established by rules and regulations of the board;~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) a doctoral degree in psychology from a regionally accredited university or college.

(b) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 74-5310, and amendments thereto, if required by the board. *Upon notification from the board that all eligibility requirements have been satisfied, the applicant shall pay the license fee as provided in K.S.A. 74-5310, and amendments thereto.*

Sec. 32. K.S.A. 2022 Supp. 74-5316 is hereby amended to read as follows: 74-5316. (a) Upon application, the board may issue temporary licenses to persons who have met all qualifications for licensure under the provisions of the licensure of psychologists act of the state of Kansas, except passage of the required examination, pursuant to K.S.A. 74-5310, and amendments thereto, who have paid the required application and temporary license fees and who have submitted documentation as required by the board, under the following:

(1) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the earlier of the date the board issues or denies a license to practice psychology or two years after the date of issuance of the temporary license. No temporary license shall be renewed or issued again on any subsequent application for licensure under the provisions of the licensure of psychologists act of the state of Kansas. This paragraph shall not limit the number of times that an applicant may take the required examination;

~~(2) the board shall adopt rules and regulations prescribing continuing education requirements for temporary licensees, including, but not limited to, a requirement that temporary licensees shall complete a minimum of 25 contact hours of continuing education during the two-year period of temporary licensure, which shall include a minimum of three hours in psychology ethics;~~

~~(3) no person may shall work under a temporary license except under the supervision of a licensed psychologist as prescribed in rules and regulations adopted by the board; and~~

~~(4)~~(3) the fee for such temporary license may be ~~fixed~~ set by the board and shall not exceed \$200, and any such fee shall be established by rules and regulations adopted by the board.

(b) Upon application, the board may issue temporary licenses not to exceed two years to persons who have completed all requirements for a doctoral degree approved by the board but have not received such degree conferral or who have met all qualifications for licensure under provisions of such act, except completion of the postdoctoral supervised work experience pursuant to K.S.A. 74-5310(a)(4), and amendments thereto, who have paid the required application and temporary license fees and who have submitted documentation as required by the board, under the

following:

(1) The temporary license shall expire at the end of the two-year period after issuance or if such temporary licensee is denied a license to practice psychology;

(2) the temporary license may be renewed for one additional two-year period;

(3) no temporary license shall be issued again on any subsequent application for licensure under the provisions of the licensure of psychologists act of the state of Kansas. This paragraph shall not limit the number of times that an applicant may take the required examination;

(4) temporary licensees shall be working toward the completion of the postdoctoral supervised work experience prescribed in K.S.A. 74-5310(a)(4), and amendments thereto;

~~(5) the board shall adopt rules and regulations prescribing continuing education requirements for temporary licensees, including, but not limited to, a requirement that temporary licensees shall complete a minimum of 25 contact hours of continuing education during the two-year period of temporary licensure, which shall include a minimum of three hours in psychology ethics;~~

~~(6) no temporary licensee may shall work under a temporary license except under the supervision of a licensed psychologist as prescribed in rules and regulations adopted by the board; and~~

~~(7)(6) the fee for a renewal of the temporary license may be fixed set by the board and shall not exceed \$200 per issuance, and any such fee shall be established by rules and regulations adopted by the board.~~

(c) A person practicing psychology with a temporary license ~~may shall~~ not use the title "licensed psychologist" or the initials "LP," independently. The word "licensed" may be used only when preceded by the word "temporary."

(d) This section shall be a part of and supplemental to the provisions of article 53 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto.

(e) As used in this section, "temporary licensee" means any person practicing psychology with a temporary license pursuant to subsection (a) or (b).

Sec. 33. K.S.A. 74-5318 is hereby amended to read as follows: 74-5318. (a) An application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed, during the previous 24 months, the continuing education required by rules and regulations of the board. *Prior to July 1, 2025, as part of such continuing education, a licensed psychologist shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics. On and after July 1, 2025, as part of such continuing education, a licensee shall complete not less than three continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.*

(b) (1) *A licensee who is unable to complete the required continuing education hours for renewal may request additional time to complete any remaining continuing education hours. Such request shall be made to the board not later than 30 calendar days prior to the expiration of the license and shall include:*

(A) The licensee's reason for requesting additional time, showing extenuating circumstances for why the hours could not be completed during the license period; and

(B) a plan outlining the manner in which the licensee intends to complete the remaining continuing education hours.

(2) *The board may grant a licensee up to three additional months beyond the license expiration date to complete the required continuing*

education hours.

(3) *A licensee who receives additional time to complete continuing education hours under this subsection shall:*

(A) *Renew the license prior to the license expiration date and report to the board the number of continuing education hours completed on such date;*

(B) *notify the board upon completing the remaining continuing education hours; and*

(C) *be subject to an audit by the board of the total number of continuing education hours completed for the applicable license period.*

(4) *Continuing education hours completed during additional time granted under this subsection shall be credited only toward the requirements for the license period for which additional time is granted.*

(5) *A licensee shall not be approved for additional time to complete continuing education requirements in consecutive license periods.*

(c) *A licensee shall submit the application to the board with a renewal fee fixed set by rules and regulations of the board not to exceed \$200. Upon receipt of such application and fee, the board shall issue a renewal license for the period commencing on the date on which the license is issued and expiring on June 30 of the next even-numbered year. Initial licenses shall be for the current biennium of registration.*

~~(c)~~(d) *Applications for renewal of a license shall be made biennially on or before July 1 June 30 and, if not so made, an additional fee equal to the renewal fee shall be added to the regular renewal fee.*

~~(d)~~(e) *Any psychologist who has failed to renew a license and continues to represent oneself as a psychologist after July 1 June 30 shall be in violation of the licensure of psychologists act of the state of Kansas. The board may suspend or revoke such psychologist's license under the provisions of K.S.A. 74-5324, and amendments thereto.*

(f) *A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation. Such application shall be in a manner prescribed by the board and accompanied by a reinstatement fee not to exceed \$200 prescribed by the board in rules and regulations.*

(g) (1) *A person whose license has expired may make written application to the board requesting reinstatement of the license in a manner prescribed by the board, and such application shall be accompanied by:*

(A) *The required renewal fee and, for any person whose license has been expired for one year or less, an additional fee equal to the renewal fee; and*

(B) *evidence satisfactory to the board that the person has completed during the previous 24 months the continuing education requirements for one license period.*

(2) *A person requesting to reinstate a license that has been expired for longer than one year who has not completed the necessary continuing education hours for reinstatement may submit an application for a six-month reinstatement temporary license in a manner prescribed by the board, and such application shall be accompanied by a fee not to exceed \$50 prescribed by the board in rules and regulations. A licensee practicing under a six-month reinstatement temporary license shall complete the continuing education requirements required for a permanent license prior to the expiration of the temporary license and notify the board upon such completion. A six-month reinstatement temporary license shall not be extended or renewed.*

~~(g)~~(h) *Within 30 days after any change of permanent address, a licensee shall notify the board of such change.*

Sec. 34. K.S.A. 74-5361 is hereby amended to read as follows: 74-

5361. As used in ~~this~~ *the licensure of master's level psychologists act*:

~~(a) "Practice of psychology" shall have the meaning ascribed thereto in K.S.A. 74-5302 and amendments thereto.~~

(b) "Board" means the behavioral sciences regulatory board created by K.S.A. 74-7501, and amendments thereto.

(b) "*Extenuating circumstances*" means any condition or situation caused by events beyond an individual's control that is sufficiently extreme in nature to result in the:

(1) *Individual's inability to comply with requirements; or*

(2) *inadvisability of requiring the individual to comply with requirements.*

(c) "*Licensed clinical psychotherapist*" means a person licensed by the board under the licensure of master's level psychologists act who engages in the independent practice of master's level psychology, including the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations.

(d) "Licensed master's level psychologist" means a person licensed by the board under the provisions of ~~this~~ *the licensure of master's level psychologists act*.

~~(d) "Licensed clinical psychotherapist" means a person licensed by the board under this act who engages in the independent practice of master's level psychology including the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations.~~

(e) "Master's level psychology" means the practice of psychology pursuant to the restrictions set out in K.S.A. 74-5362, and amendments thereto, and includes the diagnosis and treatment of mental disorders as authorized under K.S.A. 74-5361 et seq., and amendments thereto.

(f) "*Practice of psychology*" means the same as defined in K.S.A. 74-5302, and amendments thereto.

Sec. 35. K.S.A. 2022 Supp. 74-5363 is hereby amended to read as follows: 74-5363. (a) Any person who desires to be licensed under this act shall apply to the board in writing, on forms prepared and furnished by the board. Each application shall contain appropriate documentation of the particular qualifications required by the board and shall be accompanied by the required fee.

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

(1) Is at least 21 years of age;

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

(3) has received at least 60 graduate hours including a master's degree in psychology based on a program of studies in psychology from an educational institution having a graduate program in psychology consistent with state universities of Kansas; or until July 1, 2003, has received at least a master's degree in psychology and during such master's or post-master's coursework completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learning theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not

limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories, developmental psychology, research methods, social psychology; or has passed comprehensive examinations or equivalent final examinations in a doctoral program in psychology and during such graduate program completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learning theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories, developmental psychology, research methods, social psychology;

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

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

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

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

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

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

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

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

(F) for persons who apply for and are eligible for a temporary *master's level psychology* license to practice as a licensed master's level psychologist on the day immediately preceding the effective date of this act, in lieu of the education and training requirements under subparagraphs (B), (C) and (D), has completed the education and training

requirements for licensure as a master's level psychologist in effect on the day immediately preceding the effective date of this act;

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

(H) has paid the application fee; if required by the board *and, upon notification from the board that all eligibility requirements have been satisfied, paid the license fee.*

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

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

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

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

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

(d) The board shall adopt rules and regulations establishing the criteria that an educational institution shall satisfy in meeting the requirements established under subsection (b)(3). The board may send a questionnaire developed by the board to any educational institution for which the board does not have sufficient information to determine whether the educational institution meets the requirements of subsection (b)(3) and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the educational institution to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about educational institutions. In entering such contracts the authority to approve educational institutions shall remain solely with the board.

(e) (1) An individual may apply to the board for a community-based master's level psychologist license to practice master's level psychology in the scope of employment by a community mental health center, as

defined in K.S.A. 39-2002, and amendments thereto, a federally qualified health center as defined in KSA 65-7402, and amendments thereto, a psychiatric residential treatment facility as defined in KSA 39-2002, and amendments thereto, or a private treatment facility as defined in K.S.A. 59-29b46, and amendments thereto.

(2) A community-based master's level psychologist license may be issued by the board after the board reviews and approves the application and the applicant has paid the fee set by the board for issuance of a community-based master's level psychologist license.

(3) (A) Absent extenuating circumstances approved by the board, a community-based master's level psychologist license issued by the board shall expire:

(i) Upon the date the board issues or denies a license to practice master's level psychology; or

(ii) 24 months after the date of issuance of the community-based master's level psychologist license.

(B) No community-based master's level psychologist license shall be renewed or issued again on any subsequent application for the same license level. This paragraph shall not be construed to limit the number of times an applicant may take the examination.

(4) A person practicing master's level psychology with a community-based master's level psychologist license may use the title "licensed master's level psychologist" or the initials "LMLP" independently.

(5) No person may practice master's level psychology under a community-based master's level psychologist license except under the supervision of a person licensed to practice psychology or master's level psychology in Kansas.

(6) The board shall adopt rules and regulations to set the fee, if required by the board, for the issuance of a community-based master's level psychologist license in an amount not to exceed \$100.

(7) The board shall not issue a community-based master's level psychologist license or temporary master's level psychologist license to an individual who has previously been issued a community-based master's level psychologist license or temporary master's level psychologist license.

Sec. 36. K.S.A. 74-5365 is hereby amended to read as follows: 74-5365. (a) The following fees may be ~~fixed~~ set by the board for licensure under the licensure of master's level psychologists act: For application, issuance of a new license and renewal of a license, an amount not to exceed \$200; for replacement of a license, an amount not to exceed \$20; and for a wallet card license, an amount not to exceed \$5. Any such fees required by the board shall be established by rules and regulations adopted by the board.

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

(c) The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed, during the previous 24 months, the continuing education required by rules and regulations of the board. *Prior to July 1, 2025, as part of such continuing education, a licensed master's level psychologist and a licensed clinical psychotherapist shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics. On and after July 1, 2025, as part of such continuing education, a licensee shall complete not less than three continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.*

(d) (1) *A licensee who is unable to complete the required continuing education hours for renewal may request additional time to complete any remaining continuing education hours. Such request shall be made to the*

board not later than 30 calendar days prior to the expiration of the license and shall include:

(A) The licensee's reason for requesting additional time, showing extenuating circumstances for why the hours could not be completed during the license period; and

(B) a plan outlining the manner in which the licensee intends to complete the remaining continuing education hours.

(2) The board may grant a licensee up to three additional months beyond the license expiration date to complete the required continuing education hours.

(3) A licensee who receives additional time to complete continuing education hours under this subsection shall:

(A) Renew the license prior to the license expiration date and report to the board the number of continuing education hours completed on such date;

(B) notify the board upon completing the remaining continuing education hours; and

(C) be subject to an audit by the board of the total number of continuing education hours completed for the applicable license period.

(4) Continuing education hours completed during additional time granted under this subsection shall be credited only toward the requirements for the license period for which additional time is granted.

(5) A licensee shall not be approved for additional time to complete continuing education requirements in consecutive license periods.

(e) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

Sec. 37. K.S.A. 74-5366 is hereby amended to read as follows: 74-5366. (a) All licenses shall be effective upon the date issued and shall expire at the end of 24 months from the date of issuance.

(b) A license may be renewed by the payment of the renewal fee and the execution and submission of a signed statement, on a form provided by the board, attesting that the applicant's license has been neither revoked nor currently suspended and that the applicant has met the requirements for continuing education set forth in this act.

~~(c) If the application for renewal, including payment of the required renewal fee, is not made on or before the date of the expiration of the license, the license is void, and no license shall be reinstated except upon payment of the required renewal fee, plus a penalty equal to the renewal fee, and proof satisfactory to the board of compliance with the continuing education requirements. Upon receipt of such payment and proof, the board shall reinstate the license.~~

~~(d) A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation. Such application shall be in a manner prescribed by the board and accompanied by a reinstatement fee.~~

(d) (1) A person whose license has expired may make written application to the board requesting reinstatement of the license in a manner prescribed by the board, and such application shall be accompanied by:

(A) A reinstatement fee, and, for any person whose license has been expired for one year or less, a penalty established by the board in rules and regulations; and

(B) evidence satisfactory to the board that the person has completed during the previous 24 months the continuing education requirements for one license period.

(2) A person requesting to reinstate a license that has been expired for longer than one year who has not completed the necessary continuing education hours for reinstatement may submit an application for a six-

month reinstatement temporary license in a manner prescribed by the board, and such application shall be accompanied by a fee of \$25. A licensee practicing under a six-month reinstatement temporary license shall complete the continuing education requirements required for a permanent license prior to the expiration of the temporary license and notify the board upon such completion. A six-month reinstatement temporary license shall not be extended or renewed.

(e) A duplicate license shall be issued by the board upon receipt of a \$20 fee.

~~(e)~~(f) A person registered as a masters level psychologist on December 30, 1996, shall be deemed to be a licensed masters level psychologist under this act. Such person shall not be required to file an original application for licensure under this act, but shall apply to the board for a license in lieu of registration upon payment of the fee set by the board for renewal of license. Any application for registration filed but which has not been granted prior to January 1, 1997, shall be processed as an application for licensure pursuant to this act. For exchange of a license in lieu of registration pursuant to this subsection, a fee not to exceed \$100.

~~(f)~~(g) The board shall collect a fee not to exceed \$100 for exchange of a license in lieu of a registration pursuant to subsection~~(e)~~(f).

Sec. 38. K.S.A. 74-5367 is hereby amended to read as follows: 74-5367. (a) The board may issue a temporary *master's level psychology* license to practice as a licensed master's level psychologist to any person who pays a *nonrefundable* fee prescribed by the board under this section; ~~which shall not be refunded~~, and who meets all the requirements for licensure under K.S.A. 74-5361 et seq., and amendments thereto, as a licensed master's level psychologist except the requirement of postgraduate supervised work experience or passing the licensing examination, or both.

(b) Absent extenuating circumstances approved by the board, a temporary *master's level psychology* license issued by the board shall expire upon the date the board issues or denies a license to practice master's level psychology or 24 months after the date of issuance of the temporary *master's level psychology* license. No temporary *master's level psychology* license issued by the board ~~will~~ shall be renewed or issued again on any subsequent applications for the same license level. ~~The preceding provision in no way limits~~ This subsection shall not limit the number of times an applicant may take the examination.

(c) The board may fix a fee for the application of the temporary *master's level psychology* license. The application fee shall not exceed \$100. Any such fee shall be established by rules and regulations adopted by the board.

(d) A person practicing master's level psychology with a temporary *master's level psychology* license ~~may~~ shall not use the title "licensed master's level psychologist" or the initials "LMLP" independently. The word "licensed" may be used only when followed by the words "by temporary license" such as licensed master's level psychologist by temporary license, or master's level psychologist licensed by temporary license.

(e) No person ~~may~~ shall work under a temporary *master's level psychology* license except under the supervision of a person licensed to practice psychology or master's level psychology in Kansas.

(f) The application for a temporary *master's level psychology* license may be denied or a temporary *master's level psychology* license ~~which~~ that has been issued may be suspended or revoked on the same grounds as provided for suspension or revocation of a license under K.S.A. 74-5369, and amendments thereto.

(g) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and

in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.

Sec. 39. K.S.A. 2022 Supp. 74-5375 is hereby amended to read as follows: 74-5375. (a) The behavioral sciences regulatory board may issue a license to an individual who is currently registered, certified or licensed to practice psychology at the master's level in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice psychology at the master's level in the other jurisdiction are substantially equivalent to the requirements of this state; or

(2) the applicant demonstrates, on forms provided by the board, compliance with the following standards adopted by the board:

(A) Registration, certification or licensure to practice psychology at the master's level *with a similar scope of practice* for at least ~~48 of the last~~ ⁵⁴ 12 months immediately preceding the application ~~with at least the minimum professional experience as established by rules and regulations of the board;~~

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) at least a master's degree in psychology from a regionally accredited university or college.

(b) Applicants for licensure as a clinical psychotherapist shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either subsection (a)(1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery, stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 74-5365, and amendments thereto, if required by the board. *Upon notification from the board that all eligibility requirements have been satisfied, the applicant shall pay the license fee as provided in K.S.A. 74-5365, and amendments thereto.*

Sec. 40. K.S.A. 74-7501 is hereby amended to read as follows: 74-7501. (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~~ *master's level psychologist or a licensed clinical psychotherapist*; one member of the board shall be a licensed addiction counselor, *a licensed master's 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~~ *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~~ *set* 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~~ *unclassified* 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.

Sec. 41. K.S.A. 65-1635a, 65-5802, 65-5806, 65-6302, 65-6313, 65-6314, 65-6402, 65-6407, 65-6608, 65-6614, 65-6618, 65-7504, 65-7505, 74-5302, 74-5318, 74-5339, 74-5361, 74-5365, 74-5366, 74-5367 and 74-7501 and K.S.A. 2022 Supp. 65-5804a, 65-5807, 65-5808, 65-6306, 65-6309, 65-6322, 65-6404, 65-6405, 65-6406, 65-6411, 65-6610, 65-6611, 65-6613, 74-5310, 74-5315, 74-5316, 74-5363 and 74-5375 are hereby repealed.

Sec. 42. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE adopted

Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE

as amended _____

HOUSE adopted

Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.