

**BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING AGENDA
September 12, 2022**

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

You may view the meeting here: <https://youtu.be/OytA6cBmPII>

To join the meeting by conference call: 877-278-8686
The pin: 327072

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

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

Monday, September 12, 2022

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

- I. Opening Remarks, Board Chair**
- II. Agenda Approval**
- III. Welcome New Board Member Jim Kilmartin**
- IV. Public Comment**
 - A. Presentation on Alternative Continuing Education Tracking System, Donald Oliva, Senior Business Development Executive for CE Broker**
 - B. Presentation on Impaired Provider Programs, Leslie Sewester, Executive Director for Heart of America Professional Network**
 - C. Comment on K.A.R. 102-3-7a(b), Todd Frye, Department Chair of Counselor Education, Mid America Nazarene University**
- V. Minutes Review and Approval for Previous Board Meetings on July 11, 2022**
- VI. Executive Director's Report**
- VII. Staff Reports**
- VIII. Complaint Review Committee Report**
- IX. 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

X. Old Business

- A. Continued Discussion on 988 National Suicide Prevention Hotline and Providers' Responsibilities to Clients in Crisis**
- B. Continued Discussion of Changes to BSRB Investigation Policy**
- C. Delegation Motions Relating to K.S.A. 74-7501 to K.S.A. 74-7511**
- D. Consideration of Professional Counseling Advisory Committee Recommendation to Change Definition of "Related Field"**
- E. Continued Discussion on Clinical-Level Applicants Seeking to Accrue Hours when Assisting Clients Located Outside of Kansas**

XI. New Business

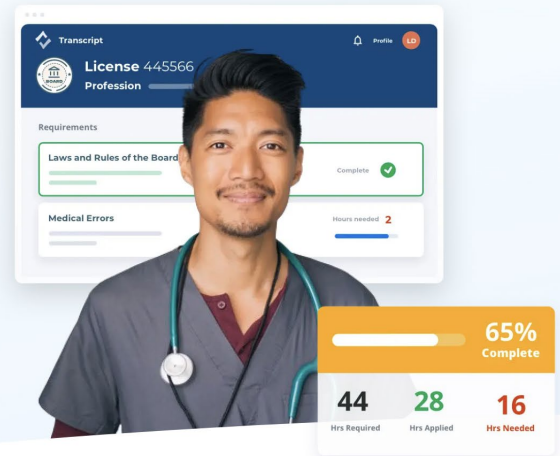
- A. Board Discussion on BSRB Reciprocity Statutes and Regulations**
- B. K.S.A. 65-7504(a) Behavior Analyst Language on Board Disciplinary Remedies**
- C. Consideration of Utilization of Hearing Panels or the Office of Administrative Hearings for License Applicant Hearings**

XII. Adjournment



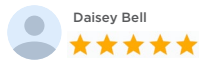
Your official continuing education tracking system

CE Broker simplifies Continuing Education for all parties involved. Our platform has been successfully leveraged by more than 130 licensing boards throughout the United States to efficiently manage Continuing Education, while reducing time & energy spent on tedious manual audits and enforcement.

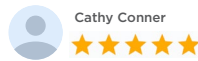


Trusted by millions of professionals across the nation

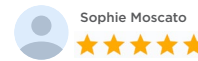
“ Love this App. Makes it absolutely clear what is required and what we need to complete!!



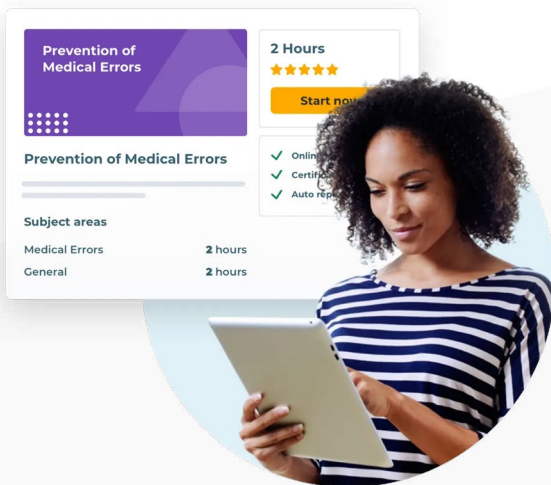
“ As an RN my workday is very hectic, so having CE Broker track my required continued learning gives me peace of mind.



“ Very helpful tracking requirements. So easy to go on and see what I'm missing to make sure I am always compliant!



We connect directly with hundreds of nationally accredited or state approved CE providers to collect completion records and attendance information directly from the source, which reduces the need for “Self-reporting” by individual license holders, and provides the state with more reliable compliance data from a verified source.

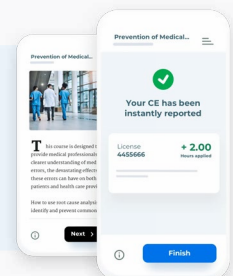


We bring together State Licensing Boards, Licensed Professionals, and Education providers onto one intelligent platform designed to streamline Continuing Education, encourage professional development, and alleviate the burden of audits.

This is CE Compliance and enforcement made simple.

CE Broker offers licensees **free mobile apps** on iOS & Android

★ ★ ★ ★ ★ 19K Ratings
4.8 star rating





South Carolina
Department of Labor, Licensing and Regulation



110 Centerview Drive
Post Office Box 11329
Columbia, SC 29211-1329
(803) 896-4300
FAX: (803) 896-4370

Division of Professional And
Occupational Licensing

Henry D. McMaster
Governor

Emily H. Farr
Director

Meredith Buttler
Medical Related Boards
110 Centerview Drive
Columbia, SC 29210

August 29, 2022

To whom it may concern:

The South Carolina Department of Labor, Licensing and Regulation (LLR) contracted with CE Broker in September of 2016. Of the forty-three licensing boards housed under LLR, thirty-nine boards require continuing education as a condition of licensure renewal, equating to over 200,000 licensees. The web-based continuing education tracking system employed by CE Broker allows administrators to conduct compliance audit with significant ease. Most recently the Physical Therapy board conducted a 100% audit and many other boards are planning to implement audits following their renewals in the coming months.

The platform is easy to follow and allows for customization for each board as well as customization within different CE cycles. In light of the national health crisis in the past few years, CE Broker's ability to quickly respond and amend board requirement set-up has been invaluable. Additionally, CE Broker is able to integrate into the agency renewal portal, providing licensees with real time update regarding their CE compliance.

The overall experience of working with CE Broker across various boards has been great and strengthened the board's ability to meet their legislative responsibilities of ensuring CE compliance without posing significant strain on personnel resources.

Sincerely,

Meredith Buttler, CPM

Board Administrator for Board of Dentistry, Panel for Dietetics, Board of Long Term Health Care Administrators, Board of Examiners in Opticianry, Board of Examiners in Optometry, and Board of Veterinary Medical Examiners.



Angela M. Lawrence
Health Related Boards
665 Mainstream Drive
Nashville, TN 37243

August 18, 2022

To whom it may concern:

The Tennessee Department of Health, Division of Licensure and Regulations contracted with CE Broker in February of 2018. CE Broker has successfully provided a Web-based continuing education tracking system across nine of the professional boards with plans to add more in the future. The Board of Chiropractic Examiners conducts a 100% audit monthly through CE Broker, while the other 8 professions: Medical Examiners, Osteopathic Examiners, Dentistry, Physical Therapy, Occupational Therapy, Massage, Social Work, and Medical Laboratory Personnel conduct a 5% monthly audit. Between these professions alone are well over 100,000 licensees in Tennessee with plans to add more professions in the future.

The platform which both licensee and administrative staff access to track the continuing education is easy to follow. Links to support from CE Broker are provided on the website to include live chat and a call center with operating hours between 8:00am and 8:00pm eastern standard time. They work hard to establish partnerships with approved providers, which makes it even easier to track completed courses. CE Broker has continually provided timely responses to any questions or concerns that may arise.

The overall experiences since work began with CE Broker are found to be valuable to both administrative staff and licensee. We look forward to working with CE Broker and adding more profession in the future.

Sincerely,

Angela M. Lawrence, HRB Director

A handwritten signature in blue ink that reads "Angela M. Lawrence".

Complete Client List



Florida Department of Health

- Florida Board of Acupuncture
- Florida Board of Athletic Training
- Florida Board of Chiropractic Medicine
- Florida Board of Clinical Laboratory Personnel
- Florida Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
- Florida Board of Dentistry
- Florida Board of Hearing Aid Specialists
- Florida Council of Licensed Midwifery
- Florida Board of Massage Therapy
- Florida Board of Medicine
- Florida Council of Dietetics and Nutrition
- Florida Board of Nursing
- Florida Board of Nursing Home Administrators
- Florida Board of Occupational Therapy
- Florida Board of Opticianry
- Florida Board of Optometry
- Florida Office of Dental Laboratories
- Florida Board of Orthotists and Prosthetists
- Florida Board of Osteopathic Medicine
- Florida Board of Pharmacy
- Florida Board of Physical Therapy Practice
- Florida Board of Podiatric Medicine
- Florida Board of Psychology
- Florida Board of Respiratory Care
- Florida Board of Speech-Language Pathology and Audiology
- Florida Council of Medical Physicists
- Florida Electrolysis Council
- Florida Emergency Medical Services
- Florida Office of Public and Professional Guardians
- Florida Office of School Psychology
- Florida Physician Assistants (Board of Medicine)



Tennessee Department of Health + Department of Commerce & Insurance

- Tennessee Board for Licensing Contractors
- Tennessee Board of Chiropractic Examiners
- Tennessee Board of Dentistry
- Tennessee Board of Emergency Medical Services
- Tennessee Board of Funeral Directors and Embalmers
- Tennessee Board of Massage Licensure
- Tennessee Board of Medical Examiners
- Tennessee Board of Medical Laboratory Personnel
- Tennessee Board of Occupational Therapy
- Tennessee Board of Osteopathic Medical Examiners
- Tennessee Board of Physical Therapy
- Tennessee Board of Social Work
- Tennessee Real Estate Commission



Alaska Division of Corporations, Business, and Professional Licensing

- Alaska Board of Mechanical Administrators
- Alaska Board of Electrical Administrators
- Alaska Real Estate Commission



South Carolina Department of Labor, Licensing, and Regulation

- South Carolina Auctioneers' Commission
- South Carolina Board of Architectural Examiners
- South Carolina Board of Chiropractic Examiners
- South Carolina Board of Dentistry
- South Carolina Board of Environmental Certification
- South Carolina Board of Examiners in Opticianry
- South Carolina Board of Examiners in Optometry
- South Carolina Board of Examiners for Licensure of Professional Counselors, Marriage and Family Therapists and Psycho-Educational Specialists
- South Carolina Board of Examiners in Speech-Language Pathology and Audiology
- South Carolina Board of Examiners in Psychology
- South Carolina Board of Funeral Service
- South Carolina Board of Landscape Architectural Examiners
- South Carolina Board of Long Term Health Care Administrators
- South Carolina Board of Massage/Bodywork Therapy
- South Carolina Board of Medical Examiners
- South Carolina Board of Nursing
- South Carolina Board of Occupational Therapy
- South Carolina Board of Physical Therapy Examiners
- South Carolina Board of Podiatry Examiners
- South Carolina Board of Registration for Foresters
- South Carolina Board of Registration for Geologists
- South Carolina State Board of Registration for Professional Engineers and Surveyors
- South Carolina Board of Social Work Examiners
- South Carolina Board of Veterinary Medical Examiners
- South Carolina Building Codes Council
- South Carolina Manufactured Housing Board
- South Carolina Real Estate Appraisers Board
- South Carolina Real Estate Commission
- South Carolina Soil Classifier Advisory Council



Michigan Department of Licensing and Regulatory Affairs

- Michigan Board of Medicine
- Michigan Board of Osteopathic Medicine and Surgery
- Michigan Board of Chiropractic
- Michigan Board of Dentistry
- Michigan Board of Pharmacy
- Michigan Board of Nursing
- Michigan Board of Psychology
- Michigan Board of Athletic Training
- Michigan Board of Massage Therapy
- Michigan Board of Occupational Therapy
- Michigan Board of Nursing Home Administrators
- Michigan Board of Optometry
- Michigan Board of Midwifery
- Michigan Board of Podiatric Medicine and Surgery
- Michigan Board of Acupuncture
- Michigan Board of Audiology
- Michigan Board of Speech Language Pathology
- Michigan Board of Architects
- Michigan Board of Landscape Architects
- Michigan Board of Physical Therapy
- Michigan Board of Real Estate Appraisers
- Michigan Board of Professional Engineers
- Michigan Board of Social Work
- Michigan Board of Professional Surveyors
- Michigan Bureau of Construction Codes
- Michigan Electrical Administrative Board
- Michigan Indigent Defense Commission
- Michigan Plumbing Division



Alabama

Alabama State Board of Occupational Therapy



Arizona

Arizona Board of Athletic Training
Arizona Board of Occupational Therapy Examiners
Arizona State Board of Physical Therapy
Arizona State Board of Podiatry Examiners



Arkansas

Arkansas State Board of Nursing
Arkansas State Board of Physical Therapy



Bahamas

Bahama Medical Council



District of Columbia

District of Columbia Board of Nursing



Georgia

Georgia Board of Massage Therapy
Georgia Board of Nursing
Georgia Composite Medical Board
Georgia State Board of Funeral Service
Georgia State Board of Long-Term Care Facility Administrators
Georgia State Board of Occupational Therapy
Georgia State Board of Physical Therapy



Idaho

Idaho Board of Heating, Ventilation & Air Conditioning (HVAC)
Idaho Electrical Board
Idaho Factory Built Structures Board
Idaho Plumbing Board



Kansas

Kansas Board of Nursing



Kentucky

Kentucky Board of Dentistry
Kentucky Board of Emergency Medical Services
Kentucky Board of Nursing



Louisiana

Louisiana Board of Dentistry
Louisiana Board of Funeral Directors and Embalmers
Louisiana State Board of Medical Examiners



Mississippi

Mississippi Board of Medical Licensure
Mississippi Board of Nursing
Mississippi State Board of Physical Therapy
Mississippi State Department of Health:
• Athletic Trainers
• Dietitians
• Hearing Aid Specialists
• Medical Radiation Technologist
• Occupational Therapy
• Professional Art Therapy
• Respiratory Care Practitioners
• Speech Language Pathology



New Mexico

New Mexico Board of Nursing
New Mexico Medical Board
New Mexico Midwives Unit
(Department of Health)



North Carolina

North Carolina Board of Chiropractic Examiners
North Carolina Psychology Board



North Dakota

North Dakota Board of Nursing
North Dakota Board of Physical Therapy



Ohio

Ohio Chemical Dependency Professionals Board
Ohio Counselor, Social Worker & Marriage and Family Therapist Board
Ohio State Cosmetology and Barber Board
Ohio Speech and Hearing Professionals Board
Ohio State Medical Board



Oklahoma

Oklahoma Medical Board



Texas

Texas Board of Optometry

Texas State Board of Plumbing Examiners



Virgin Islands

Virgin Islands Physical Therapy Board



West Virginia

West Virginia Board of Examiners in Counseling

West Virginia Board of Funeral Service Examiners

West Virginia Board of Registered Nursing

West Virginia Board of Social Work

West Virginia Real Estate Commission



Wyoming

Wyoming Board of Psychology

Wyoming State Board of Nursing

National & State Associations



American Association of Veterinary State Boards (AAVSB)



American Board of Clinical Chemistry (ABCC)



Association of Social Work Boards (ASWB)



Dermatology Nurse Practitioner Certification Board (DNPCB)



National Certification Board for Therapeutic Massage & Bodywork (NCBTMB)



National Board for Certification in Occupational Therapy (NBCOT)



National Council of Architectural Registration Boards (NCARB)



Florida Medical Association (FMA)



Florida Osteopathic Medical Association (FOMA)



Georgia Health Care Association (GHCA)



Louisiana State Medical Society (LSMS)



New Hampshire Medical Society (NHMS)



South Carolina Medical Association (SCMA)



South Carolina Radiation Quality Standards Association (SCRQSA)



Tennessee Massage Therapy Association (TMTA)



The Nation's Leading Continuing Education Platform

Compliance with Confidence

The image features a woman with curly hair, wearing a blue and white striped shirt, looking at a tablet. Surrounding her are several screenshots of the CE Broker platform interface. One screenshot shows a course titled "Prevention of Medical Errors" with a 2-hour duration, a 5-star rating, and a "Start now" button. Another screenshot shows a confirmation message: "Your CE has been instantly reported" with a green checkmark and "+ 2.00 Hours applied". A third screenshot shows a transcript for License 445566, Profession, with a progress bar at 75% complete. The transcript also shows 44 HRS REQUIRED, 10 HRS APPLIED, and 34 HRS NEEDED. Below this, requirements are listed: "Laws and Rules of the Board" (Complete), "Medical Errors" (Hours needed 2), and "General" (Hours needed 14).

Prevention of Medical Errors
2 Hours
★★★★★
Start now

Prevention of Medical Errors

Subject areas

Medical Errors 2 hours
General 2 hours

Prevention of Medical...
Your CE has been instantly reported
License 44556666 + 2.00 Hours applied

Transcript
License 445566
Profession
75% Complete
44 HRS REQUIRED | 10 HRS APPLIED | 34 HRS NEEDED

Requirements

Laws and Rules of the Board Complete ✓
Medical Errors Hours needed 2
General Hours needed 14

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CE Broker

In 2003, the state of Florida released an RFP for a system that could track CE Requirements for 28 healthcare boards, 74 different professions, and over half a million licensees. CE Broker was created as a response to this RFP and was awarded the contract.

CE Broker forged an innovative approach to the industry of Continuing Education Tracking, by first establishing relationships with large, nationally accredited providers of education. By aggregating massive amounts of completion data directly from the source, instead of relying solely on self-reported CE by license holders, this allowed CE Broker to obtain more reliable compliance information and effectively streamline audits for the department.

In 2013, the Florida Department of Health launched an initiative to enforce CE Compliance at the time of renewal, by leveraging our technology and infrastructure to integrate with their licensing database. This initiative removed the burden of conducting audits, by requiring that all licensees and education providers report continuing education into CE Broker before renewing a license. This has resulted in over \$500,000 in audit-related savings each year for the Department.*

Since its creation, CE Broker has taken on more than 130+ regulating bodies in 22 states, and now tracks for over 3 million licensees nationwide across a wide array of professions. Our staff has also grown to more than 118 employees across multiple states, and we proudly offer world class customer support via phone, live chat, and email.

In this document, CE Broker's technical structure and capabilities will be explained.

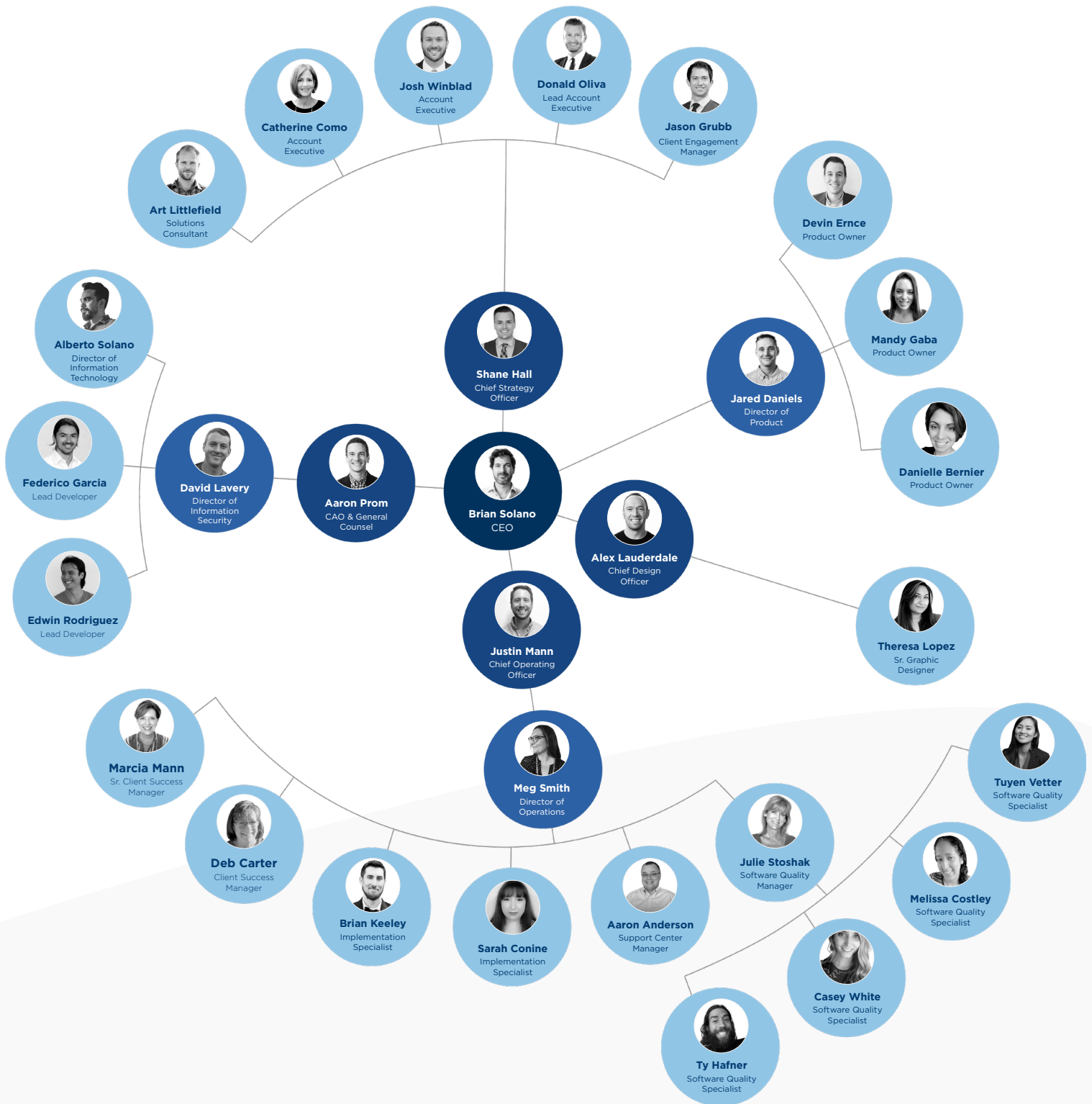
CE Broker
tracks for over
3 million
licensees
nationwide in a wide
array of professions



** Source: FL Dept. of Health MQA 2014 Report:*

http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/_documents/quarterly-reports-2nd-1415.pdf

Key Personnel



CE Broker's Framework

CE Broker's tracking system is a fully-hosted Software as a Service (SaaS) platform. All implementation, customization, hosting, training, maintenance, and ongoing customer support are handled by CE Broker staff without a fee to the state.

System Design

CE Broker's design is user-driven in order to provide the best possible experience for licensees, providers, and boards.

User Types



Boards | Licensing agencies can utilize CE Broker to complete paperless audits, review course or provider applications, monitor compliance reports, and enforce disciplinary educational requirements.



Licensees | Licensees have access to free accounts where they may report continuing education credits, respond to audits, find approved educational offerings, manage exemptions, and satisfy any competency requirements for license renewal.



Education Providers | Educational providers can utilize the provider suite to apply for any necessary board approvals, publish accredited offerings, and report attendance rosters or completion data on behalf of licensees.

Scalability

CE Broker's system was designed to remain flexible and grow with state licensing agencies who face ever-changing rules and licensee populations.

Through flexible customization, fully-hosted support, and prompt response time, CE Broker is able to adjust with any board's needs. Our current infrastructure is designed to accommodate swift implementations for multi-disciplinary licensing agencies, as well as stand-alone projects for independent licensing boards—all the while ensuring that our system remains stable, scalable, and secure.

Reporting Options



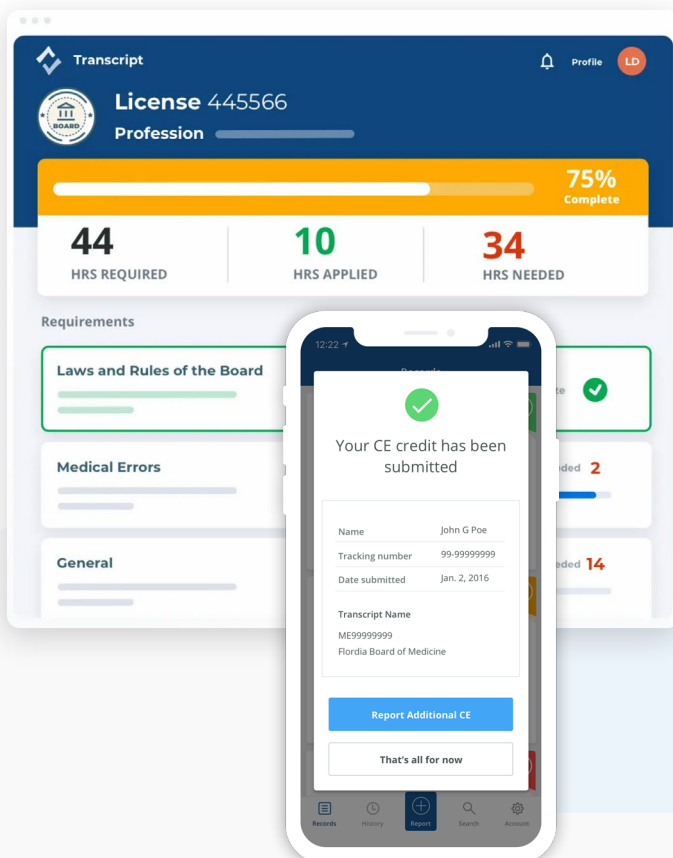
Educational Provider CE Reporting

To accommodate a large array of educational providers, our suite supports multiple reporting options. This includes one-by-one submissions, bulk record uploads, and complete integrations for automated reporting. Our support team works with educational providers to find a solution that makes sense for them.



Licensee CE Reporting

Licensees can easily report CE at any time from multiple devices. In many cases, educational providers will report CE on behalf of the licensee, but self-reporting is also available when necessary. During submission, the licensee must answer state-determined questions, and attach corresponding documentation to complete the submission.



CE Broker offers licensees **free mobile apps** on iOS & Android



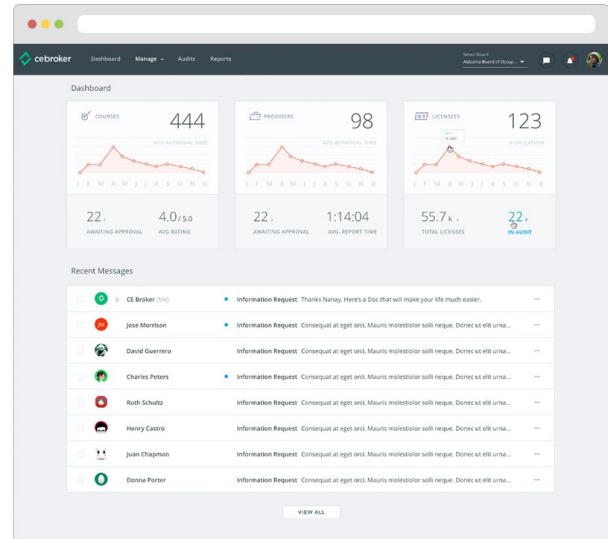
19K Ratings
4.8 star rating

The Board Suite

Licensing agencies have access to a secure suite of tools which allow for automated enforcement of competency requirements, and streamlined management of provider and course applications.

Tools available to board users:

- Paperless communication channels between agency staff, CE providers, and license holders
- Intuitive compliance reports on the overall licensee population
- Real time access to continuing education records and submissions
- Approval and review queues with automated reminders for course or provider applications
- Random audit functions with ability to leverage additional or disciplinary CE requirements on a case by case basis

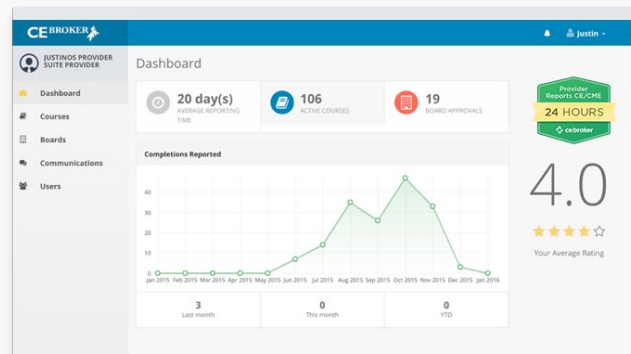


The Provider Suite

Educational providers have access to their own secure suite of resources designed to increase efficiency, streamline approvals, and aggregate compliance data for the state.

Tools available to educational providers:

- Paperless communication between providers and agency staff or education committees
- Electronic submissions for any necessary applications
- Multiple reporting options to verify credits obtained on behalf of license holders
- Seamless tracking of approvals, national accreditations, course offerings, pending applications, and ratings from license holders
- Built-in Learning Management System (LMS) which allows for hosting and delivery of education content within CE Broker.



Auditing and Reports

All data is electronically collected from educational providers and licensees, so audits are transformed from paperwork-ridden investigations into quick, accurate verifications.

Disciplinary actions can be one of the most cumbersome functions of any audit. CE Broker's tracking system allows agency staff members to easily monitor and enforce disciplinary actions that may follow an audit. Whether the state audits licensees at the time of renewal, or as a random post-renewal audit, CE Broker enables licensing boards to efficiently audit up to 100% of the licensed population.

AUDIT OPTION 1

Compliance at Renewal

By integrating your licensing database with CE Broker's tracking system, your licensing and enforcement solution can query our system in real-time to verify CE compliance before renewal is permitted. Through this simple API, licensing boards have the ability to monitor up to 100% of their licensee population.

AUDIT OPTION 2

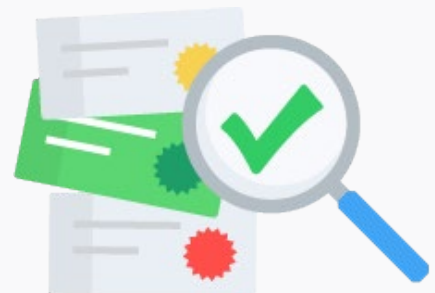
Standard Post-Renewal Audit

Staff members responsible for completing audits have the ability to view all uploaded compliance documents and certifications before, after, and during the audit. Licensee records are immediately available upon query by name or license number. Staff members may also request additional records, send electronic notices and reminders, and complete the entire post-audit without tedious paper record requests or waiting on mailed documentation.

Reports

CE Broker will provide the board with weekly, quarterly, and annual reports including information such as:

- Relevant statistics on licensee engagement
- Number of active educational providers
- Percentage of providers reporting
- Average reporting time
- Specific course completion metrics by category
- Detailed compliance statistics on the entire licensee population



Licensee Account Types

The Basic Account

We provide every licensee with a Basic Account. This account is free of charge and can accomplish any necessary task required to fulfill CE requirements.

With a Basic Account, licensees are able to:

- View your current compliance status at a glance
- Report and upload any necessary documentation to respond to an audit
- Find and compare course offerings
- Utilize our free mobile applications
- Enjoy multi-disciplinary license tracking
- View a chronological course history which details all self-submissions, along with any credits reported by educational providers
- Receive helpful notifications and renewal reminders regarding upcoming requirements and deadlines

The Professional Account

Beyond our free account option, licensees may choose to purchase a Professional Account if they would like to further streamline the compliance reporting process.

The professional account is available for \$39.99/year, and offers the following functionality:

- View your current compliance status at a glance
- Report and upload any necessary documentation to respond to an audit
- Find and compare course offerings
- Utilize our free mobile applications
- Enjoy multi-disciplinary license tracking
- View a chronological course history which details all self-submissions, along with any credits reported by educational providers
- Receive helpful notifications and renewal reminders regarding upcoming requirements and deadlines
- Review a personally calculated CE Transcript, guiding the licensee through each individual requirement
- Track heart cards



The Concierge Account

With a Concierge Account, licensees are assigned a personal account manager who organizes, sorts, and reports all of their continuing education.

The Concierge account is available for \$124.99/year, and offers all of the features included in our professional account along with dedicated, and personalized support. This is primarily chosen for licensees desiring one-on-one help and guidance throughout the compliance process.



- One-on-one help
- Access to an immediate, high-priority private support line
- Personalized assistance tracking CE
- Dedicated account manager to review and assist with reporting continuing education
- Assistance with finding appropriate courses to satisfy specific renewal requirements, for any given license type
- Automated reminders on relevant deadlines or changes in requirements



Approximately
87% of licensed professionals currently take advantage of the free Basic account
with the remaining 13% choosing voluntary subscriptions for added convenience.

Full Service Support Center

CE Broker houses a fully-trained Support Center which serves our clients in multiple ways:

- Licensees and Educational Providers can call, email, or live chat with our support representatives
- Board staff members can immediately contact a designated Partner Success Manager to handle requests promptly. Board requests are routed separately from our traditional support channels, to ensure an expedited response and resolution.
- CE Broker does not outsource client support to any third parties. All client support is managed in-house, and our staff are trained on the various rules & requirements for each board prior to going live. This ensures that we can provide quality support, and alleviate burden wherever possible.

Support Channels



Email | CE Broker Support Center staff reply to emails quickly and efficiently throughout the day.



Live Chat | Live Chat allows users to receive real-time help without having to pick up the phone.



Phone | Licensees, board staff, and educational providers all have access to live support over the phone, Monday through Friday, during regular business hours.

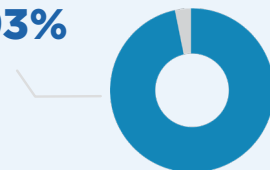
Additional Resources on our website:

- User Specific FAQ's & Tutorials
- Product demonstrations and walkthroughs for all system functionality
- Contact information for various requests & relevant details on the platform

Average CSAT score is
4.41/5



Chat satisfaction is
93%

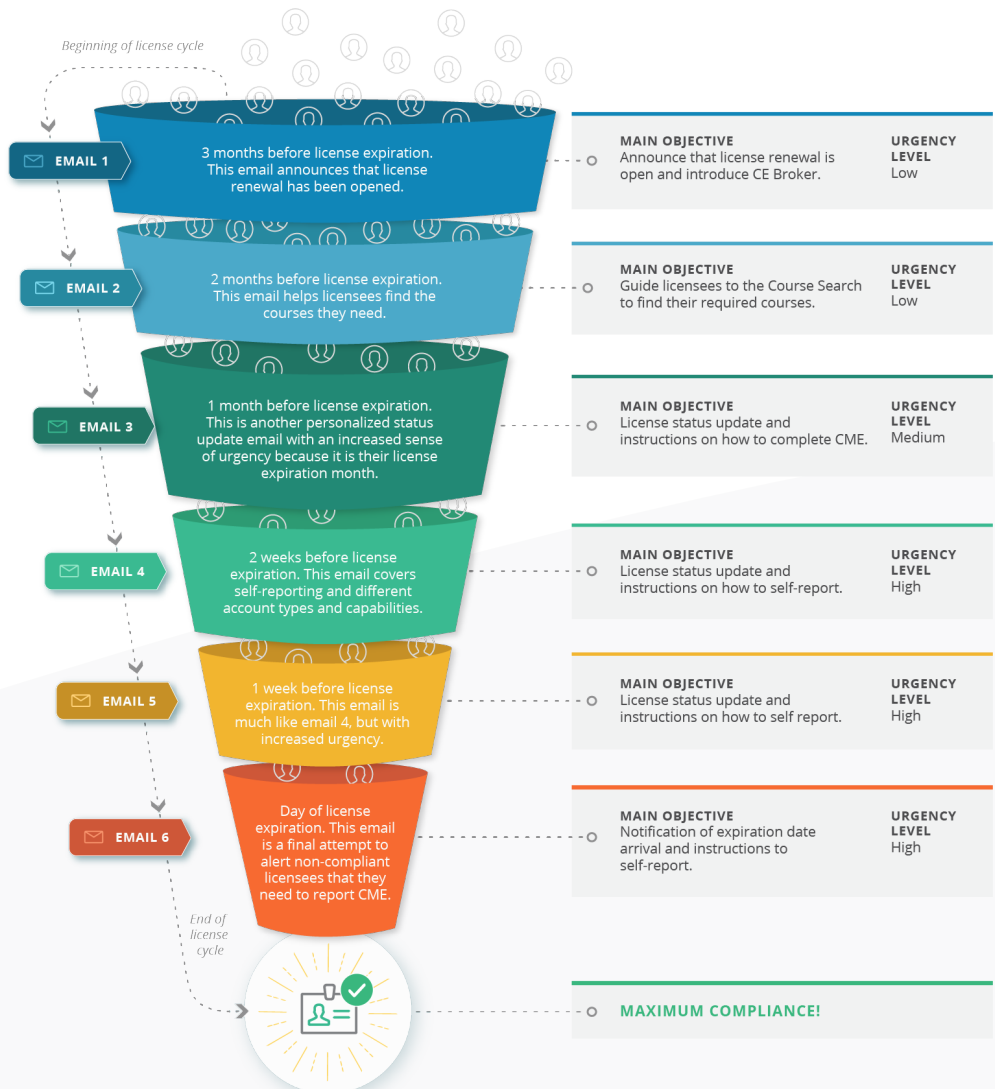


Renewal Email System

In addition to CE Broker’s efforts to provide quality client support, we also provide a communications & marketing team to assist our clients with licensee announcements, increasing engagement, and awareness campaigns for new requirements or changes in rules and regulations.

During their renewal window, licensees receive helpful email alerts including the following:

- Personalized updates on current compliance status or requirements
- CE Reporting instructions and guidelines
- Ongoing reminders on relevant deadlines
- Links to Support Center channels and relevant knowledge articles
- Answers to frequently asked questions



Our automated renewal reminders have increased compliance rates by more than 30%, and serve to simplify the renewal process for both licensees and boards.

Enterprise Grade Security

All data collected or processed through our platform is housed securely within geo-redundant data servers located in Jacksonville, Florida and Louisville, Colorado.

CE Broker Services Uptime

No scheduled maintenance is allowed during regular business hours (M-F 8a-8p EST). Software updates are usually released on Sunday nights; no downtime is required. The system is monitored 24x7x365.

99.5% Uptime

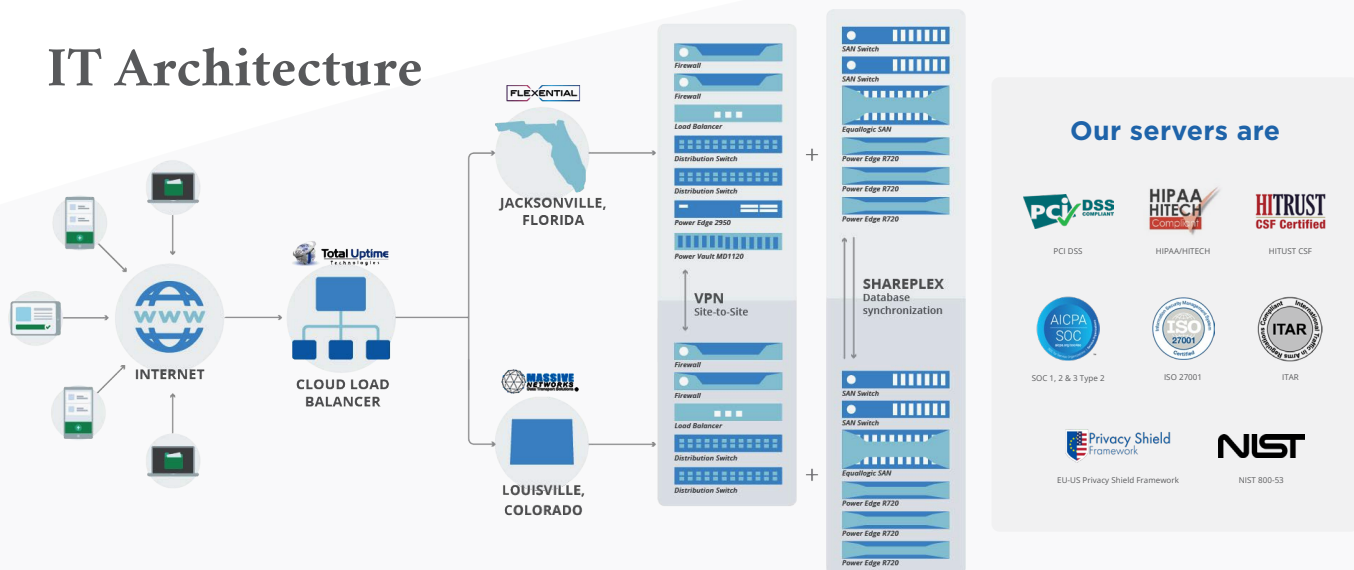
CE Broker System

- Public Website
- Private Website
- Authentication Services
- Web services

System Encryption & Security

- A majority of the information collected is considered public domain, and available on license verification webpages for consumers. This would include data such as: licensee name, license number, issue date, expiration date, etc. CE Broker does not collect or require sensitive information that does not pertain to CE Requirements.
- With hosted data, CE Broker agrees to prevent disclosure of any proprietary or confidential information to any third parties. Beyond this, all of our data is encrypted at rest and in transit in accordance with Federal Information Processing Standards (FIPS)
- **Flexential** | Our Jacksonville servers boast a 100 Gbps Network backbone, scalable to 400 Gbps, with 80 on-net carriers and proactive DDoS protection. Flexential also holds a variety of certifications ranging from HIPAA and PCI Compliance to NIST Compliance, thus surpassing most network security requirements for our SLA contracts.
- **Massive Networks** | Our Louisville servers offer similarly robust network security, allowing CE Broker to reach or surpass 99% uptime, while being certified for SSAE 18, HIPAA, HITRUST, and PCI Compliance. Their Louisville location boasts multiple redundancies including Dual UPS (A&B Feeds), Cummins Diesel Generators, and a redundant 20-ton Liebert HVAC to help eliminate downtime for any single point of failure.

IT Architecture



Implementation Process



In-Depth Rule Review

First, our Partner Success team goes through your CE Laws & Rules to identify the scope, and level of customization required for the project. Then, an Implementation Specialist begins mapping out your licensure scenarios, for every possible nuance and combination of requirements. By the end of this process, we will have effectively created 100% accurate transcripts for every license type under your jurisdiction.

Development

We pass off the information gathered in our research and design phase over to the development team. Our developers immediately begin building out the system and handling any necessary customization requests.

Quality Assurance Testing

Our Quality Assurance team begins hands-on work to ensure the system is ready to go-live, stable, and that every licensure scenario is reflecting properly. We ensure that your staff receive a polished product, regardless of the complexity involved for any license type.

Training

Our Partner Success team will provide personalized training to ensure that your staff members become experts with the system, before launching. We use a combination of webinars, virtual recordings, and in-person meetings to bring your whole team up to speed.

Go Live!

Our Marketing & Communications teams will assist your staff with the initial announcements, and ongoing outreach to licensees, providers, and associations to ensure that every stakeholder is on-board.

CE Broker Employee, Client Base, and Office Locations

CE Broker's system was designed to be flexible and grow with state licensing agencies who face ever-changing rules and licensee populations.

CE Broker staff includes: 118 Total Employees

CE Broker client base includes:

- 130 State Licensing Boards across 22 US States, including: Florida, Georgia, Tennessee, South Carolina, Alabama, Arizona, Arkansas, North Carolina, Louisiana, Mississippi, West Virginia, Ohio, Michigan, Idaho, New Mexico, North Dakota, Kentucky, Alaska, Wyoming, Oklahoma, Texas and the District of Columbia. We also work with the national Medical Council of the Bahamas.
- Over 8,000 educational providers that register their accredited courses and report course completion data.
- Over 3,000,000 licensees using the system to monitor and track their CE compliance.

CE Broker office locations:

Jacksonville, FL

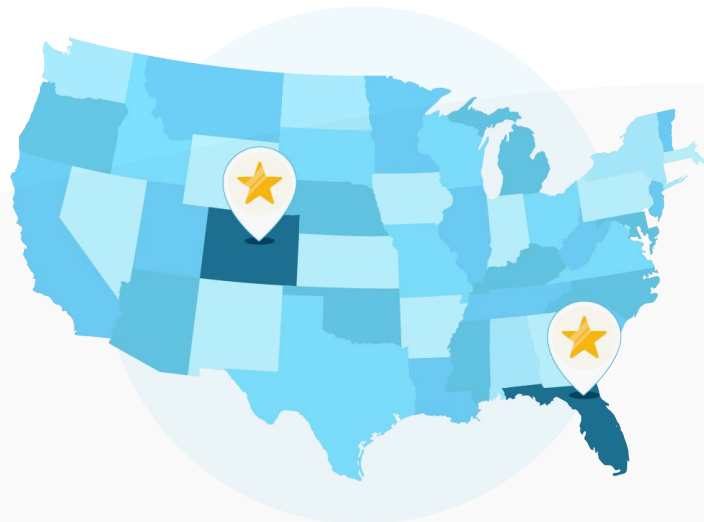
4601 Touchton Rd E, Suite 3250
Jacksonville, Florida 32246

This location houses CE Broker's core operations, including partner success, business development, support center, IT, accounting and administration.

Boulder, CO

2400 Spruce St. Suite 100A
Boulder, CO 80302

This location houses the CE Broker executive leadership, communications, and product design teams.



Compliance with Confidence

www.cebroker.com

CAUSES FOR CONCERN:

JOB FUNCTION

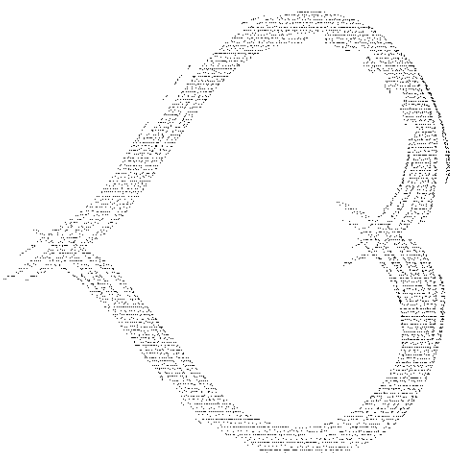
- Fluctuations in quality of work performance.
- Irresponsible behavior from someone previously conscientious and responsible.
- Requests to work shifts that are the least supervised.
- Narcotic discrepancies, i.e., incorrect counts, alterations of narcotic containers, increased patient reports of ineffective pain control, discrepancies on records, significant variations in quantity of narcotics ordered for technician's unit or shift.

BEHAVIOR

- Legal charges such as DUI/Illegal drug use
- Increasing isolation from colleagues, friends and/or family and avoiding social activities.
- Complaints from others about work performance or alcohol or drug use.
- Mood swings, irritability or depression, or suicide threats or attempts, perhaps caused by accidental overdose.

PHYSICAL SYMPTOMS

- Obvious intoxications such as swaying staggering or slurred speech.
- Odor of alcohol on breath or the excessive use of breath-fresheners or perfume to disguise the odor of alcohol.



**Heart of America
Professional
Network**

HAPN

6405 Metcalf, Suite 502
Cloverleaf Complex Bldg. #3
Overland Park, KS 66202
913.236.7575

HAPN

WHAT IS HAPN?

The Heart of America Professional Network is an organization developed to address the problem of impairment among various professional groups in Kansas; including nurses, athletic trainers, podiatrists, physical therapists, respiratory therapists, occupational therapists, optometrists, veterinarians, and dentists. Our programs offer additional protection of the public through monitoring of professionals and with the support from various Kansas State Boards.

REFERRALS

State Boards, employers, co-workers, patients, clients, family members or the professional themselves may refer to our programs. In the event the question of possible impairment arises in the workplace, the employer is obligated under the Kansas Risk Management Law to report the incident. Many professional codes of ethics also require reporting an impaired peer. A report to our program satisfies these reporting requirements and we strongly urge all employers and/or other referral sources to report to HAPN initially, rather than contacting the licensing board directly. This allows our program to begin working with the professional sooner and they can remain anonymous to their Board.

We realize that possible impairment is often difficult to determine and a referral to our program protects the professional from immediate notification to the licensing board. This may also alleviate any reluctance on the referring individual's part regarding the appropriateness of their action. We stress to anyone involved that concern about the individual employee and his or her practice is the key to making a referral to our program.

We also recommend the employer or referring person call our program prior to taking any action to intervene with the employee. Allowing time to review the documentation collected, discuss the situation and decide the next course of action. Depending on the professional involved, our program may be available to assist with the intervention directly, or to answer questions the employee will invariably have during and immediately after the intervention is completed.

REPORTING REQUIREMENTS UNDER THE KANSAS RISK MANAGEMENT LAW ARE SATISFIED BY A REPORT TO HAPN.

OUR GOALS

Mental illnesses and physical illnesses, aging issues and substance abuse—including alcohol and other drug addiction, can potentially impair practice and health. Fortunately, these addictions are treatable. HAPN works with the program participants to obtain an evaluation, treatment (if indicated) and monitoring throughout the recovery process.

We provide a confidential service to Kansas professions (nurses, physical therapists, athletic trainers, podiatrists, respiratory therapists, veterinarians and dentists, etc) experiencing problems and illnesses which could lead to impaired practice.

BOARD REPORTING

The professional associations and not the licensing boards fund the impaired professional programs. Our obligation to the licensing board is limited to reporting a professional who we feel is an endangerment to self or others. Our position is one of advocacy for the professional, however, it is a limited advocacy in that we also have a obligation to protect the public from an impaired professional who is not willing to seek help, or comply with program requirements.

If you have questions, please feel free to contact:

Leslie Sewester, LMSW, LCAC
Executive Director

Heart of America Professional Network
6405 Metcalf, Suite 502
Overland Park, KS 66202

913.236.7575
Email:
Leslie@HAPN.org

102-3-7a. Professional postgraduate supervised experience requirement to be licensed as a clinical professional counselor.

In order to be approved by the board for licensure as a clinical professional counselor, the applicant's postgraduate supervised professional experience of professional counseling shall meet all of the following standards.

(a) Except as provided in subsection (b), clinical supervision shall be provided throughout the entirety of the postgraduate supervised professional experience at a ratio of one hour of clinical supervision for each 15 hours of direct client contact, specified as follows:

(1) At least 50 hours of one-on-one, individual supervision occurring with the supervisor and supervisee in the same physical space;

(2) at least 100 hours of supervision with one supervisor and no more than six supervisees in the same physical space, except when not practical due to an emergency or other exigent circumstances, at which time person-to-person contact by interactive video or other telephonic means maintaining confidentiality shall be allowed; and

(3) at least two separate clinical supervision sessions per month, at least one of which shall be one-on-one, individual supervision.

(b) Each applicant with a doctor's degree in professional counseling shall complete a minimum of one-half of the postgraduate supervised professional experience requirements as follows:

(1) At least 25 hours of one-on-one, individual supervision occurring with the supervisor and supervisee in the same physical space;

(2) at least 50 hours of supervision with one supervisor and no more than six supervisees in the same physical space, except when not practical due to an emergency or other exigent circumstances, at which time person-to-person contact by interactive video or other telephonic means maintaining confidentiality shall be allowed; and

(3) at least two separate supervisory sessions per month, one of which shall be one-on-one, individual supervision.

(c) The clinical supervisor of a person attaining the 4,000 hours of postgraduate supervised professional experience required for licensure as a clinical professional counselor, at the time of providing supervision, shall meet one of the following qualifying 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) If a licensed clinical professional counselor is not available, 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. The qualifying individual shall not have had less than two years of clinical practice beyond the qualifying licensure date at the time the individual provided the clinical supervision.

(d) In addition to the requirements of subsection (c), each clinical supervisor shall meet these requirements:

- (1) Have professional authority over and responsibility for the supervisee's clinical functioning in the practice of professional counseling;
- (2) not have a dual relationship with the supervisee;
- (3) not be under any sanction from a disciplinary proceeding, unless this prohibition is waived by the board for good cause shown by the proposed supervisor;
- (4) have knowledge of and experience with the supervisee's client population;
- (5) have knowledge of and experience with the methods of practice that the supervisee employs;
- (6) have an understanding of the organization and the administrative policies and procedures of the supervisee's practice setting; and
- (7) be a staff member of the supervisee's practice setting or meet the requirements of subsection (e).

(e) If a qualified clinical supervisor is not available from among staff in the supervisee's practice setting, the supervisee may secure an otherwise qualified clinical supervisor outside the practice setting if all of the following conditions are met:

- (1) The supervisor has a solid understanding of the practice setting's mission, policies, and procedures.
- (2) The extent of the supervisor's responsibility for the supervisee is clearly defined in terms of client cases to be supervised, role in personnel evaluation within the practice setting, and other aspects of the clinical supervision training plan.
- (3) The responsibility for payment for supervision is clearly defined.
- (4) If the supervisee pays the supervisor directly for the supervision, the supervisor maintains responsibility to the client and to the practice setting.

(f) Each professional counseling clinical supervisor shall perform the following duties:

- (1) Provide oversight, guidance, and direction of the supervisee's clinical practice of professional counseling by assessing and evaluating the supervisee's performance;
- (2) conduct supervision as a process distinct from personal therapy, didactic instruction, or professional counseling consultation;
- (3) provide documentation of supervisory qualifications to the supervisee;
- (4) periodically evaluate the supervisee's clinical functioning;
- (5) provide supervision in accordance with the clinical supervision training plan;
- (6) maintain documentation of supervision in accordance with the clinical supervision training plan
- (7) provide the documentation required by the board when a supervisee completes the postgraduate supervised professional experience. The supervisor shall submit this documentation on board-approved forms and in a manner that will enable the board to evaluate the extent and quality of the supervisee's professional experience and assign credit for that experience;
- (8) provide a level of supervision that is commensurate with the education, training, experience, and ability of both the supervisor and the supervisee; and
- (9) ensure that each client knows that the supervisee is practicing professional counseling under supervision.

(g) Clinical supervision training plan. Each supervisor and supervisee shall develop and co-sign a written clinical supervision training plan on forms provided by the board at the

beginning of the supervisory relationship. The supervisee shall submit this plan to the board for and shall receive board approval of the plan before any supervised professional experience hours can begin to accrue. This plan shall clearly define and delineate the following items:

- (1) The supervisory context;
- (2) a summary of the anticipated types of clients and the services to be provided;
- (3) the format and schedule of supervision;
- (4) a plan for documenting the following information:
 - (A) The date of each supervisory meeting;
 - (B) the length of each supervisory meeting;
 - (C) a designation of each supervisory meeting as an individual or group meeting;
 - (D) a designation of each supervisory meeting as conducted in the same physical space or otherwise, in the case of emergency; and
 - (E) an evaluation of the supervisee's progress under clinical supervision;
- (5) a plan for notifying clients of the following information:
 - (A) The fact that the supervisee is practicing professional counseling under supervision;
 - (B) the limits of client confidentiality within the supervisory process; and
 - (C) the name, address, and telephone number of the clinical supervisor;
- (6) the date on which the parties entered into the clinical supervision training plan and the time frame that the plan is intended to encompass;
- (7) an agreement to amend or renegotiate the terms of the clinical supervision training plan, if warranted, including written notification of these changes to the board office, as provided in subsection (h);
- (8) the supervisee's informed consent for the supervisor to discuss supervision or performance issues with the supervisee's clients, the supervisee's other professional counseling or employment supervisors, the board, or any other individual or entity to which either the supervisee or the supervisor is professionally accountable; and
- (9) a statement signed by each supervisor and supervisee acknowledging that each person has read and agrees to the postgraduate supervised professional experience requirements set forth in this regulation.

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

(Authorized by K.S.A. 74-7507; implementing K.S.A. 65-5804a; effective April 17, 1998; amended Aug. 4, 2000; amended July 7, 2003; amended Aug. 13, 2004.)

**BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING MINUTES
JULY 11, 2022**

DRAFT MINUTES

- I. Call to Order and Roll Call.** The meeting was called to order by Chair Leslie Sewester at 9:00 am.

Board Members. Leslie Sewester and Deb Stidham attended the meeting at the BSRB office over Zoom. Laura Shaughnessy, Donna Hoener-Queal, Ric Steele, Jaqueline Lightcap, David Anderson, Cynthia Schendel, Johnna Norton, Richard Nobles, Mary Jones, Andrea Perdomo-Morales attended remotely over Zoom.

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

Guests. None

- II. Agenda Approval.** Mary Jones moved to approve the agenda as written. Donna Hoener-Queal seconded. The motion passed.
- III. Minutes Approval:** Donna Hoener-Queal moved to approve the minutes from the Board meeting on May 9, 2022. Johnna Norton seconded. The motion passed.
- IV. New Board Members.** The Board welcomed new Board members Richard Nobles and Cynthia Schendel to the Board, whose terms began on July 1, 2022.
- V. Public Comment.** None.
- VI. Executive Director's Report.** David Fye, Executive Director for the BSRB, reported on the following topics:
- A. Year-End Report of the BSRB.** Fiscal Year (FY) 2022 lasted from July 1, 2021, through June 30, 2022. At the end of FY 2022, there were 14,550 permanent licenses across the seven professions: 55% social work, 14% professional counseling, 10% addiction counseling, 8% marriage and family therapy, 7% licensed psychology, 4% master’s level psychology (including clinical psychotherapy), and 2% behavioral analysis. Concerning licensing activities by the agency, during FY 2022, the BSRB processed 1,536 permanent licenses, 328 temporary licenses, 97 out-of-state temporary permits, and 4 provisional licenses. Concerning investigations and discipline, during FY 2022, the BSRB processed 205 reports of alleged violations.

- B. Update on BSRB YouTube Channel.** In January 2021, the BSRB started a YouTube channel to provide access to meetings in a more secure way. Currently, 67 meetings have been broadcast live or uploaded with 1,662 views of those videos.
- C. Governor's Direction on State Offices and In-Person Meetings.** The Governor's direction limiting in-person meetings remains in place, so the BSRB will continue to hold Advisory Committee meetings and most Board meetings remotely or in hybrid form as long as there is adequate space for social distancing.
- D. Revenues and Expenditures.** The BSRB is a fee-funded agency, does not receive money from the State General Fund, and operates off the revenue the agency receives. By statute, the BSRB contributed back 10% of all revenue received, up to a cap of \$100,000 per fiscal year. At the beginning of FY 2022, the BSRB Fee Fund had a balance of about \$2,077,000. At the end of FY 2022, the BSRB Fee Fund had a balance of \$2,066,000.
- E. Budget Preparations for Future Years.** The 2022 Legislature approved the BSRB revised budget estimates for FY 2022 and FY 2023. All state agencies are required to submit a budget by September 15 of each year and the Executive Director will be working on preparing a revised budget estimate for FY 2023 as well as a new budget request for FY 2024 and FY 2025.
- F. End of Year Fiscal Reports.** At the end of each fiscal year, all state agencies are required to complete several end-of-the-year fiscal reports. The Executive Director reported he will be completing and submitting these reports on behalf of the agency.
- G. End of Year Legislative Reports on Applicants Under 2021 HB 2066 Reciprocity Bill.** In 2021, the Legislature enacted House Bill (HB) 2066, which involves reciprocity and an expedited license processing timeframe for military members, military spouses, and select other individuals. The statute requires an annual report to the Legislature by August 31 of each year, including the number of licenses issued under the bill, the number of applicants that are denied, and timeframe for certain processes during the processing of these applicants.
- H. Contracts with other State Entities.** The Executive Director provided updates on contract offers for services for FY 2023. The Department of Administration proposed a contract at a rate of \$1,200, a decrease of \$600 below the amount in FY 2022. The Executive Director accepted the new agreement on behalf of the BSRB. The Office of Administrative Hearings proposed an agreement for FY 2023 to continue services under FY 2022 terms, so the Executive Director accepted on behalf of the BSRB. The BSRB's contract with the Attorney General's office has totaled \$75,000 in FY 2022 and the past few years. The Executive Director noted the new FY 2023 proposed agreement from the Attorney General's office totals \$87,200, an increase of \$12,200. The Executive Director noted he received information last year that indicated there could be an increase, but representatives from the Attorney General's office informed him there would not necessarily be an increase, as the amount per agency depended on

a number of factors, including the number of hours of staff time. The Executive Director noted that he believes that the number of hours of services from their office has decreased, but he has not received the totals for FY 2021 and FY 2022. Additionally, the Executive Director noted that he attempted to receive new terms or the Board to review prior to the beginning of the start of FY 2023, however the new rate was not provided until FY 2023 had already started. The Board recommended is to approve payment for services received until there is more information from the Attorney General's office and the Executive Director will bring that information back to the Board for further review. Mary Jones motioned to approve the recommendation. Laura Shaughnessy seconded. The motion passed.

- I. Staff Performance Reviews.** Kansas statutes requires each state agency to conduct performance reviews for all staff members each year. As part of that process, a mid-year check-in meeting is held with each BSRB staff member, to allow for feedback and other communication related to job performance. The Executive Director reported the BSRB held mid-year check-in meetings for all staff members in June.
- J. New Part-time Licensing Specialist.** The BSRB has hired a new part-time licensing specialist named Emma Allan. She will begin working for the BSRB on Monday, July 18, 2022.
- K. Update on Expert Review Process.** The Executive Director provided an update on the BSRB's utilization of experts for the review of certain license applications. Currently, the BSRB is contracting with five expert reviewers and is seeking to identify more experts to assist the Board with this process. The Executive Director asked Board members to refer the names of potential experts to him.
- L. Transferring Records to Historical Society.** The BSRB follows a specific document retention schedule for licensing records. When records reach the end of this schedule, they may be transferred to the Historical Society for archival purposes. The BSRB is currently transferring several boxes of records to the Historical Society, so that agency will become the new custodian of the records.
- M. K.A.R. 102-1-15(g) Continuing Education for Licensed Psychology.** All licensed psychologists must renew their license in June of even numbered years. At the time of renewal, the licensees must attest they have completed 50 continuing education hours during the current license period, otherwise they are unable to renew their license. Under K.A.R. 102-1-15(g), a licensed psychology may request an extension of time with the BSRB, and if they can show good cause for needing an extension and they provide a plan outlining how the applicant intends to complete the missing continuing education, they are able to renew their license and the BSRB can provide additional time for them to complete the necessary continuing education hours. The Executive Director noted this regulation is only in place for the licensed psychology profession and has existed since at least 2003, and historically the BSRB evaluated individuals under this regulation if those licensees contacted the agency requesting an extension of time under the regulation. Due to concerns about a decrease in licensed psychologists

due to the implementation of the new multi-state compact for licensed psychologists (PSYPACT), the BSRB sent a letter to all licensed psychologists who had not renewed their license, one week prior to the deadline for renewal, noting the regulation and noting that if any licensees thought they might meet the qualifications under the regulation, they could send a message to the BSRB for consideration. The Executive Director noted that through the proactive use of this regulation, the BSRB was able to assist several licensed psychologists to renew their licenses in Kansas, when those practitioners would otherwise have allowed their licenses to expire. Members of the Board discussed this regulation and noted it may be beneficial for other professions to consider adopting similar language. Advisory Committees were asked to discuss this regulation and report back to the Board if they were in favor of similar language for their professions.

- N. Update On Legislative Interim Committees.** On June 16, 2022, initial dates for legislative interim committee meetings were approved. In the past few years, a Special Legislative Committee for Mental Health Modernization and Reform met frequently, but no days were approved for this committee to meet this fall. The Executive Director highlighted several committees, including: a committee to study the need for mental health beds, inpatient psychiatric hospital beds, and mental health bed expansion; a committee to examine Intellectual and Developmental Disability (I/DD) Home and Community-Based Services (HCBS) Medicaid waiver modernization; a committee to study medical marijuana; and a committee to study state employees and Board member compensation.
- O. Update on Psychology Interjurisdictional Compact (PSYPACT).** Kansas became an official member-state in PSYPACT on January 1, 2022, and this multi-state compact is currently in 34 states. As of July 7, 2022, 50 licensed psychologists in Kansas have been approved by PSYPACT to provide telehealth services in other compact states. Four licensed psychologists have been approved to provide temporary in-person services in other compact states. The Executive Director noted he created a Frequently Asked Question (FAQ) document which is posted on the front page of the BSRB Website.
- P. Update on the Kansas Fights Addictions Grant Review Board.** The Kansas Fights Addictions Grant Review Board was created by the 2021 legislature and is organized under the Attorney General's office. The Board has not met, but the Executive Director reported receiving news the Committee will be meeting on Thursday, July 14, 2022. The Executive Director will attend this meeting and provide more information back to the Board.
- Q. Update on the Overdose Fatality Review Board.** The Kansas Department of Health and Environment (KDHE) received a grant from the Center for Disease Control (CDC) to study fatalities in Kansas related to overdose and opioids. The Executive Director noted two organizational meetings were held in the fall of 2021, but there are no current upcoming meetings. The Executive Director noted the Board previously appointed the Executive Director and former Board member Bruce Nystrom to represent the Board

at these meetings, so if the Overdose Fatality Review Board meets in the future, the Board of the BSRB may wish to appoint a different Board member to attend these meetings.

- R. Opportunity for Board Member Training by the Association of Social Work Boards (ASWB).** The Executive Director reported there is a training opportunity for new Board members by ASWB in September in Virginia and asked Board members interested in this training to contact him for more details.
- S. Other Meetings.** The Executive Director provided information to the Board on Advisory Committee meetings, Complaint Review Committee meetings, and other meetings that were facilitated by staff of the BSRB. The Executive Director also reported on a townhall meeting he attended by the Association of State and Provincial Psychology Boards (ASPPB) on the EPPP-2 and a presentation he recently made to the Governor's Behavioral Health Services Planning Council Rural and Frontier Subcommittee meeting. Also, the Executive Director recently met with representatives from the Board of Healing Arts (BOHA), which hosts the agency's licensing database, as they are working on integrating the BSRB disciplinary database with the agency's licensing database. Once that project is complete, the BSRB plans to move forward with representatives of BOHA on implementing electronic version of applications for original licensure. The Executive Director will be attending the PSYPACT mid-year meeting and will be a guest presenter on innovations in licensing at a conference hosted by the National Board for Certified Counselors (NBCC).
- T. Update on Review of New Programs.** The Executive Director noted some schools are interested in starting new programs and having these programs pre-approved by the BSRB, however the way some statutes and regulations for the BSRB are worded, certain program requirements are impossible to meet unless a program already exists. The Executive Director noted the Board may wish to review the language on programs in the future if the Board wishes to allow for pre-approval of programs.
- VII. Staff Reports.** The Executive Director highlighted a report provided to Board members, showing the current number of permanent licenses under the BSRB. A significant decrease was noted in the number of license psychologists between May 2022 and July 2022. The Executive Director noted that as all licensed psychologists renew by June of even numbered years, so a traditional decrease in licensees was anticipate and the agency anticipated a further decrease due to some out-of-state licensees choosing to practice under PSYPACT authority rather than renew their license under the BSRB.
- VIII. Complaint Review Committee (CRC) Report.** Lead Investigator for the BSRB, Cindy D'Ercole, noted the BSRB processed 205 new reports of alleged violations in FY 2022. This total was the highest number of complaints that had been received by the BSRB in a fiscal year. The Executive Director noted the report shows an increase in the number of complaints against licensed psychologists and stated that the increase is not linked to out-of-state practitioners under PSYPACT. Ms. D'Ercole noted there have been an increase in appeals, some of which may be due to practitioners wishing to avoid a disciplinary record

that would prohibit them from practicing under PSYPACT. Board members requested future reports show the number of complaints, per the number of licensees for that profession.

IX. Professions Reports

- A. Licensed Psychology.** The Advisory Committee met on June 14. The Advisory Committee continued to review the unprofessional conduct regulations and will meet again August 2.
- B. Social Work.** The Advisory Committee met on June 21. The Advisory Committee thanked outgoing Board member Carolyn Szafran for her service and looked forward to working with new Board member Cynthia Schendel. The Advisory Committee reviewed the unprofessional conduct regulations and reviewed feedback from the survey of social workers in December 2021. The Advisory Committee recommended moving forward to the full Board discussion on a continuing education requirement in the area of diversity, equity, and to consideration of implementing a requirement of clinical supervision approved by the Board. The Advisory Committee also discussed the release of draft language for a social work multi-state compact and discussed the “in residence” requirement for licensure. The next meeting will be on August 16.
- C. Professional Counseling.** The Advisory Committee met on June 6 and created an Unprofessional Conduct Regulations Review Subcommittee, which will meet on July 18. The Advisory Committee discussed the third draft of proposed changes to the accreditation standards for the Council for Accreditation of Counseling and Related Educational Programs (CACREP), pre-approval of continuing education hours and providers, and discussed adding two more Advisory Committee members, and the professional counseling multi-state compact. The next meeting is on August 1, at which time a representative from the American Counseling Association (ACA) will present information on the multi-state compact.
- D. Master's Level Psychology.** The Advisory Committee met on June 22 and continued discussions on unprofessional conduct regulations and requested changes to the application to clarify that licensed clinicians are responsible for their clients that are in crisis. New members were added to the advisory committee. There was also a discussion about the in-residence requirements for educational programs. The next meeting is on August 24.
- E. Marriage and Family Therapy.** The Advisory Committee met on June 24 and discussed unprofessional conduct regulations, potential multi-state compacts, and in-residence requirements for educational programs. The next meeting is on August 12.
- F. Addiction Counseling.** The Advisory Committee met on June 24 and discussed unprofessional conduct regulations and in-residence requirements for educational programs. There was a discussion of bringing back the counselor in training status. The next meeting will be on September 16.

G. Behavior Analyst. The Advisory Committee met on June 8 and discussed the unprofessional conduct regulations for the profession. Also, the Behavior Analyst statutes identify the Behavior Analysis Credentialing Board (BACB) as the national accrediting body recognized for that profession. The Advisory Committee recently received information on the Qualified Applied Behavior Analysis (QABA) Credentialing Board, and at the June Advisory Committee meeting recommended that QABA should not be added to the statute nor be considered an equivalent entity, for the purposes of licensure applicants.

X. Old Business

A. Comment on Executive Director Annual Evaluation. The Chair of the Board thanked Board members for completing performance review evaluations for the Executive Director. The Chair met with the Executive Director and reviewed this information with him.

B. BSRB Investigation Policy-Consideration of Changes. The Complaint Review Committee (CRC), a subset of the Board which reviews complaints against practitioners, is guided by an investigation policy. This policy had not been updated since 2009, so the Executive Director met with the investigators for the Board and legal counsel from the Attorney General's office and presented the Board with a report with potential changes and other items highlighted for discussion. The Board recommended changes noted on the marked up report, but did not recommend adding "social media" under the section of the document which lists types of "reasonably reliable written information." The Executive Director will bring back a definition of electronic media to the Board. The Executive Director noted the section of the document identifying the members of the CRC was created prior to the BSRB licensing the addiction counseling profession. The Board recommended changing membership to have one public member on the CRC, rather than two, and the position previously held by a public member would be a professional member of the Board. The Board also recommended language that no profession would have more than one member on the CRC at the same time. It was noted that representatives from the Behavior Analyst Advisory Committee had expressed an interest in having a member on the CRC, but the CRC is composed of Board members and there is not a Board member for the Behavior Analyst profession. Board members recommended allowing appointments for one or two years, to allow for staggering of terms. Board members were supportive of adding language that the Chair of the Board would appoint the Chair of the CRC. The Board was supportive of adding language to allow for a stay on review of a RAV if there is a pending criminal or civil case or investigation. The Board was supportive of changing the 15-day extension to a 30-day extension and allowing additional extensions without a specific time limit, if extenuating circumstances were shown. The Board was supportive of allowing another member of the CRC to sign investigative subpoenas, if the Chair of the CRC was unavailable, in order of presiding offer. Due to time limitations, the Board tabled the remainder of the items in the policy and will resume discussions at the next full Board meeting.

C. Review and Approval of Regulatory Languages on Pre-Approved Continuing Education Providers for Marriage and Family Therapy and Master's-Level Psychology Professions. The Marriage and Family Therapy and Master's-Level Psychology Advisory Committees recommended new regulatory language allowing the BSRB to pre-approve continuing education providers and continuing education courses for those professions. Leslie Allen, Assistant Director and Licensing Manager for the BSRB, provided draft language for both professions, similar to the current social work language authorizing pre-approved continuing educations. No objections were noted to the language. Mary Jones moved to approve the language for the marriage and family therapy profession and Dave Anderson seconded. The motion passed. Dave Anderson moved to approve the language for the master's level psychology profession and Mary Jones seconded. The motion passed.

D. Postgrad Experience and Training Plan Questions for Board Discussion. Members of the Board were provided a one-page document which illustrated three scenarios involving postgraduate supervised experience and training plans. Staff from the BSRB requested clarification from the Board on certain issues. The Board determined that if a licensee was accruing hours towards a clinical level license under a training plan approved by the BSRB, the licensee changes supervisors and locations and submits a training plan amendment approved by the BSRB, then later returns to the original supervisor but does not file a training plan amendment, they will not accrue hours after the change back to the previous supervisor until a new training plan amendment is approved. The Board determined that if an applicant accruing hours under a training plan approved by the BSRB later changed positions and received a new position description at their work site, but did not change supervisors or work site, that type of change would require a training plan amendment, so hours after the position change would not count until a training plan amendment was later filed with the Board. The Board determined that a licensee wishing to accrue hours under a training plan approved by the BSRB, by providing crisis counseling services, must submit information to show that the agency is providing information that crisis counseling can be handled by students under supervision and list contact information.

XI. New Business

A. Election of Chair of the Board. Deb Stidham nominated Mary Jones to serve as chair of the Board. Mary Jones accepted the nomination. Laura Shaughnessy seconded. The motion passed.

B. Election of Vice-Chair of the Board. Deb Stidham nominated David Anderson to serve as Vice-Chair of the Board. Laura Shaughnessy seconded. The motion passed.

C. Appointments of Complaint Review Committee. The Chair of the Board appointed Mary Jones, Johnna Norton, Andrea Perdomo-Morales, Richard Nobles, and Donna Hoener-Queal to the Complaint Review Committee.

- D. Appointment of Complaint Review Committee Chair.** The Board Chair appointed Mary Jones as Chair of the Complaint Review Committee.
- E. Appointment of Behavioral Analyst Advisory Committee Chair.** Previous chair of the Behavior Analyst Advisory Committee Chair Bruce Nystrom's term on the Board ended on June 30, 2022. The Chair of the Board appointed David Anderson to serve as new Chair of the Behavioral Analyst Advisory Committee.
- F. Appointment of Board Members to Advisory Committees.** The Board Chair appointed Richard Nobles to serve on the Licensed Psychology Advisory Committee, and appointed Cynthia Schendel to serve as Co-Chair of the Social Work Advisory Committee. The Governor has announced that Jim Kilmartin will serve as a new public member on the Board as of July 12, 2022. The Chair of the Board appointed Jim Kilmartin to serve on the Marriage and Family Therapy Advisory Committee and the Professional Counseling Advisory Committee once his term begins on July 12, 2022.
- G. Appointment of Advisory Committee Members.** The Chair of the Board appointed Chris Habben, Marcie Lechtenberg, and Nicole Eitzen to serve as new members of the Marriage and Family Therapy Advisory Committee. The Chair of the Board appointed Travis Hamrick to serve as a new member of the Master's Level Psychology Advisory Committee.
- H. Professional Counseling Advisory Committee Recommendation to Change Definition of "Related Field."** Due to time limitations, the Board elected to consider this item at the next full Board meeting.
- I. Delegation Motion to Allow Alternate Presiding Officer at Advisory Committee Meetings.** Deb Stidham moved that, should the Chair of an Advisory Committee of the BSRB be unable to serve as Presiding Officer of the Advisory Committee, another Board member serving on the Advisory Committee will serve as Presiding Officer in the following order of availability: (1) a Board member appointed by the Governor to represent that profession on the Board; (2) a Public Member of the Board appointed to the Advisory Committee. An alternate Presiding Officer serves with the same authority during that meeting as the Chair of the Advisory Committee. Donna Hoener-Queal seconded. The motion passed.
- J. Delegation Motion to Allow Alternate Presiding Officer at Complaint Review Committee Meetings.** Deb Stidham moved that, should the Chair of the Complaint Review Committee (CRC) of the BSRB be unable to serve as Presiding Officer of the CRC, another Board member serving on the CRC will serve as Presiding Officer in the following order of availability: (1) a past CRC Chair (in order of most recent past CRC Chair); (2) any other member of the CRC in order of the longest serving CRC member (any ties broken by order of the last name alphabetically). An alternate Presiding Officer serves with the same authority during that meeting as the Chair of the CRC. Cynthia Schendel seconded. The motion passed.

- K. Delegation Motions Relating to K.S.A 74-7501 to K.S.A 74-7511.** Due to time limitations, the Board elected to consider delegation motions under K.S.A. 74-7501 to K.S.A. 7511 at the next full Board meeting.
- L. Discussion of Reciprocity Requirements.** Board members expressed interest in discussing the current BSRB statutes and regulations relating to reciprocity in Kansas. Due to time limitations, the Board elected to discuss this item at the next full Board meeting.
- M. Implementation of 988 National Suicide Prevention Hotline and Requirement that Practitioners have an “After-Hours” Policy.** Dave Anderson, Vice-Chair of the Board, noted the implementation of the 988 National Suicide Prevention Hotline is going live and noted the importance of clinicians understanding that referring patients in crisis to the 988 hotline should not be sufficient to fulfil the responsibility that clinicians provide services to clients who are in crisis or make arrangements for another entity to provide services to those clients when they are in crisis. The Vice-Chair noted he is seeking for the BSRB to clarify this item for licensees at the time of licensure or renewal. Due to time limitations, the Board elected to discuss this item further at the next full Board meeting.
- N. Board All-Day Planning Meeting in Late September/October.** Historically, the Board has attempted to hold an annual all-day off-site planning meeting to discuss items for its legislative agenda and other topics. In 2021, this meeting was held over Zoom during two half-day sessions. The Executive Director requested feedback from Board members regarding whether to hold this meeting in person or remotely. Board member expressed support for meeting in person with no hybrid option. The Executive Director noted he would send a poll to Board member to determine availability for this meeting.
- O. Future Board Meetings.** The next full Board meetings will be held remotely on September 12, 2022, and November 14, 2022.
- XII. Recognition of Outgoing Board Members.** The Executive Director noted this meeting would be the final meeting for Board Chair Leslie Sewester, as her term on the Board was ending. The Executive Director thanked her for her service and presented a plaque to her, noting the BSRB would be sending plaques to outgoing Board members Carolyn Szafran and Bruce Nystrom in appreciation of their service as well.
- XIII. Adjournment.** Donna Hoener-Queal moved to adjourn the meeting. Richard Nobles seconded the motion. The motion passed.

Executive Director's Report

Agency Updates

- Update on BSRB YouTube Channel
- Governor's Direction on In-Person Meetings in State Office Buildings
- Update on Revenues and Expenditures
- Budget Submission on September 15
- Update on 3-Year IT Plan
- Update on Contracts with State Entities
- Update on Expert Review Process
- Supervisor Training: August 11, 18, and 25

Legislative Updates

- Legislative Report on Applicants Under 2021 HB 2066 Reciprocity Bill
- Update on Health Interim Committees
 - September 27 – Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight Legislative Committee Meeting, Topeka, KS

Other Updates

- Update on the Psychology Interjurisdictional Compact (PSYPACT)
- Update on the Kansas Fights Addiction Grant Review Board
- System for Emergency Response Volunteers in Kansas (SERV-KS) (formerly K-SERV) through the Department of Health and Environment (KDHE)
- Association of Social Work Boards (ASWB) Exam Pass Rate Analysis Report
- Social Work Multi-State Compact Draft Language

Advisory Committees / Other Meetings Facilitated

- July 18 – Professional Counseling Advisory Committee Subcommittee on Unprofessional Conduct Regulation Review
- July 25 – Applicant License Hearing
- July 26 – Licensure Application Review Meeting Under the Kansas Administrative Procedures Act (KAPA)
- July 28 – BSRB Staff Meeting
- August 1 – Professional Counseling Advisory Committee Meeting
- August 1 – Behavior Analyst Advisory Committee Meeting
- August 2 – Licensed Psychology Advisory Committee Meeting
- August 8 – Complaint Review Committee Meeting
- August 12 – Marriage and Family Therapy Advisory Committee Meeting
- August 16 – Social Work Advisory Committee Meeting
- August 23 – Licensure Application Review Meeting Under KAPA
- August 29 – Applicant License Hearing
- August 31 – Master's Level Psychology Advisory Committee Meeting

- August 31 – BSRB Staff Meeting
- September 1 – Applicant License Hearing

Other Meetings Attended

- July 14 – Psychological Interjurisdictional Compact (PSYPACT) Mid-Year Meeting
- July 14 – Kansas Fights Addiction Grant Review Board Meeting
- July 25 – Council for State Governments (CSG) Social Work Multi-State Compact Informational Meeting
- July 26 – Meeting with the Division of the Budget Analyst
- August 3-5 – Presenter at the 2022 Counseling Regulatory Boards Summit by the National Board for Certified Counselors (NBCC) and the Center for Credentialing and Education (CCE), Philadelphia, PA
- September 6 – ASWB Townhall Meeting to Discussion Release of Demographic Information for Social Work Examinations

Upcoming Meetings of Note

- October 24 – BSRB Annual Off-Site Planning Meeting, Olathe, KS
- October 26-30 – Association of State and Provincial Psychology Boards (ASPPB) Annual Meeting, National Harbor, MD
- November 17-19 – ASWB Annual Meeting, Scottsdale, AZ

Select Recommendations from the 2020 and 2021 Legislative Special Committees on Kansas Mental Health Modernization and Reform, to be Reviewed by the Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight on September 27, 2022

1.4 Workforce Investment Plan

Agencies and Key Contributors: KDADS (KDHE, BSRB, Legislature, providers, clinics, educational institutions)

The State of Kansas should make a long-term investment plan for the behavioral health system workforce by increasing funding for training, recruitment, retention, and support to effectively attract and retain high-quality staff. Specific steps include: the State should establish a university in Kansas partnership to develop the comprehensive investment plan, including a focus on high school internships, mentorship, and free continuing education courses, building on the model the Special Committee heard about in Nebraska; seed university programs to develop and expand bachelor's and graduate programs in behavioral health; create a pool of funds that behavioral health providers could access to support retention and recruitment; develop a career ladder for clinicians, such as through the development of an associate's-level practitioner role; and take action to increase workforce diversity, including diversity related to race/ethnicity and LGBTQ+ identity, and the ability to work with those with limited English proficiency.

10.1 Quality Assurance

Agencies and Key Contributors: (KDHE, KDADS, Providers, BSRB, private insurers, regulatory bodies, Kansas Insurance Department, state associations, health care provider associations, providers' professional associations across continuum of care, Legislature)

Develop quality assurance standards to ensure high-quality telehealth services are provided, including:

- Establishing consistent guidelines and measures for telehealth in collaboration with licensing and regulatory agencies;*
- Allowing telehealth supervision hours to be consistently counted toward licensure requirements;*
- Allowing services to be provided flexibly utilizing the Kansas Telemedicine Act; and*
- Improving provider and patient education around telehealth literacy in relation to privacy, efficacy, access, and cybersecurity practices.*

10.4 Originating and Distant Sites

Agencies and Key Contributors: Legislature (KDHE, KDADS, providers, health care providers' professional associations, insurance agencies, Medicare/Medicaid, BSRB, licensing boards, professions' regulatory boards)

The following item should be addressed to ensure that individuals receive -- and providers offer -- telehealth in the most appropriate locations:

Examine issues related to providers practicing, and patients receiving, services across state lines, such as by exploring participation in interstate licensure compacts.

10.5 Child Welfare System and Telehealth

Agencies and Key Contributors: KDHE (KDADS, DCF, child welfare and advocacy organization representatives, school health professionals, BSRB, foster care contractors, CMHCs)

Utilize telehealth to maintain service and provider continuity as children, particularly foster children, move around the state. Explore how the unique needs of parents of children in the child welfare system can be met via telehealth.

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

	July 2018	Jan 2019	July 2019	Jan 2020	Mar 2020	Jul 2021	Sept 2021	Nov 2021	Jan 2022	Mar 2022	May 2022	July 2022	Sept 2022
LP	984	928	949	996	1,006	988	1,016	1,035	1,046	1,040	1,054	952	962
LASW	19	18	17	15	13	9	8	9	8	7	7	5	5
LBSW	1,725	1,668	1,638	1,601	1,577	1,466	1,427	1,413	1,393	1,389	1,377	1,346	1,327
LMSW	3,862	3,854	3,927	3,881	3,861	3,970	4,016	4,022	4,006	4,003	3,980	4,012	4,028
LSCSW	2,088	2,115	2,172	2,260	2,274	2,474	2,509	2,553	2,566	2,593	2,634	2,680	2,720
LPC	813	829	847	880	882	937	953	961	956	963	957	981	1,002
LCPC	619	661	704	747	747	843	896	929	947	978	945	1,034	1,047
LMLP	302	305	295	289	291	294	296	298	304	309	309	308	310
LCP	297	287	288	294	293	282	284	284	286	286	287	289	281
LMFT	347	335	324	330	327	335	324	319	329	326	330	330	318
LCMFT	566	587	611	618	620	681	703	719	726	736	745	754	763
LAC	620	612	618	572	569	578	520	520	521	524	522	522	523
LMAC	343	352	363	376	375	427	432	433	432	434	436	431	418
LCAC	527	546	566	546	541	570	536	537	542	547	551	556	561
LaBA	18	13	14	14	14	12	11	13	13	15	16	17	15
LBA	175	176	199	224	229	263	270	288	292	304	325	333	347
Total													
Permanent Licenses	13,305	13,286	13,532	13,643	13,619	14,129	14,201	14,333	14,367	14,454	14,475	14,550	14,627

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

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

	July 2018	Jan 2019	July 2019	Jan 2020	Mar 2020	July 2021	Sept 2021	Nov 2021	Jan 2022	Mar 2022	May 2022	July 2022	Sept 2022
Total LPs	984	928	949	996	1,006	988	1,016	1,035	1,046	1,040	1,054	952	962
Total SWs	7,694	7,655	7,754	7,757	7,725	7,919	7,960	7,997	7,973	7,992	7,998	8,043	8,080
Total PCs	1,432	1,490	1,551	1,627	1,629	1,780	1,849	1,890	1,903	1,941	1,902	2,015	2,049
Total LMLPs/LCPs	599	592	583	583	584	576	580	582	590	595	596	597	591
Total MFTs	913	922	935	948	947	1,016	1,027	1,038	1,055	1,062	1,075	1,084	1,081
Total ACs	1,490	1,510	1,547	1,494	1,485	1,575	1,488	1,490	1,495	1,505	1,509	1,509	1,502
Total BAs	193	189	213	238	243	275	281	301	305	319	341	350	362
Total Permanent Licenses	13,305	13,286	13,532	13,643	13,619	14,129	14,201	14,333	14,367	14,454	14,475	14,550	14,627

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

DISPOSITION OF CASES REVIEWED BY COMPLAINT REVIEW COMMITTEE

Time Frame - FY 2023

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Cases Reviewed		41											41
													0
CAO/SPO		4		0		0		0		0		0	4
Proposed Diversion		7		0		0		0		0		0	7
Revocation		0		0		0		0		0		0	0
Suspension				0		0		0		0		0	0
Suspension stayed													0
Emergency Suspension		1		0		0		0		0		0	1
Public Censure		2		0		0		0		0		0	2
Fine Only		0		0		0		0		0		0	0
Cease and Desist		0		0		0		0		0		0	0
License Surrender		0		0		0		0		0		0	0
Dismissed:													
Facts did not Support		17		0		0		0		0		0	17
No jurisdiction		0		0		0		0		0		0	0
Not Docketed		5		0		0		0		0		0	5
													0
													0
Cautionary Letter		3		0		0		0		0		0	3
Non-Disciplinary Letter		0		0		0		0		0		0	0
Further Investigation		0		0		0		0		0		0	0
Suppoena (request) to Appear		0		0		0		0		0		0	0
Tabled to next CRC		2		0		0		0		0		0	2
Refer to District Attorney		0		0		0		0		0		0	0
Other Action		0		0		0		0		0		0	0
Total													41

RAV Statistics for FY 2023

July 2022	
Received	11
Closed	9
Total # of Cases	102

January 2023	
Received	
Closed	
Total # of Cases	

August 2022	
Received	26
Closed	30
Total # of Cases	98

February 2023	
Received	
Closed	
Total # of Cases	

September 2022	
Received	
Closed	
Total # of Cases	

March 2023	
Received	
Closed	
Total # of Cases	

October 2022	
Received	
Closed	
Total # of Cases	

April 2023	
Received	
Closed	
Total # of Cases	

November 2022	
Received	
Closed	
Total # of Cases	

May 2023	
Received	
Closed	
Total # of Cases	

December 2022	
Received	
Closed	
Total # of Cases	

June 2022	
Received	24
Closed	29
Total # of Cases	100

Cases Open by FY

FY 2017	0	FY 2018	3	FY 2019	0
FY 2020	4	FY 2021	7	FY 2022	59
FY 2023	25				

RAV Statistics for FY 2023

August 2022

Cases Open by License FY 2023

Profession	# Open	Percentage of Total	Permanent Licenses	RAV/Licensees
LP	7	7.14%	962	0.0073
LMLP	3	3.06%	310	0.0097
LCP	2	2.04%	281	0.0071
LMFT	2	2.04%	318	0.0063
LCMFT	10	10.20%	763	0.0131
LPC	18	18.37%	1,002	0.0180
LCPC	9	9.18%	1,047	0.0086
LBSW/LASW	1	1.02%	1,332	0.0008
LMSW	22	22.45%	4,028	0.0055
LSCSW	17	17.35%	2,720	0.0063
LAC	3	3.06%	523	0.0057
LMAC	1	1.02%	418	0.0024
LCAC	0	0.00%	561	N/A
LBA/LaBa	1	1.02%	362	0.0028
No License	2	2.04%	N/A	N/A
Total	98	100.00%	14,627	0.0067

Cases Received for FY 2023 by License

Profession	# Received	Percentage of Total	Permanent Licenses	RAV/Licensees
LP	4	10.81%	962	0.00416
LMLP	3	8.11%	310	0.00968
LCP	3	8.11%	281	0.01068
LMFT	0	0.00%	318	N/A
LCMFT	5	13.51%	763	0.00655
LPC	3	8.11%	1,002	0.00299
LCPC	2	5.41%	1,047	0.00191
LBSW/LASW	0	0.00%	1,332	N/A
LMSW	9	24.32%	4,028	0.00223
LSCSW	4	10.81%	2,720	0.00147
LAC	0	0.00%	523	N/A
LMAC	0	0.00%	418	N/A
LCAC	1	2.70%	561	0.00178
LBA/LaBa	0	0.00%	362	N/A
No License	3	8.11%	N/A	N/A
Total	37	100.00%	14,627	0.00253

**Kansas Behavioral Sciences Regulatory Board
Board Meeting
Monday, January 09, 2017, 9:00 a.m.**

Call to Order and Roll Call: Meeting was called to order by Chair Grant Edwards at 9:10 a.m.

Board Members Present: Attending in person: Larry Salmans, Barbara Callahan, Jill Craven, Kathryn Armstrong, Todd Frye, Cheryl Reynolds, Terry Pfannenstiel, Deb Stidham, Carolyn Szafran and Grant Edwards. Attending by phone: Marcia Simoneau.

Staff Present: Max Foster, Leslie Allen, Janet Arndt, Cindy D’Ercole and Linda Hoover.

Guest Present: Sky Westerlund of KNASW, Austin Main of Hein Governmental Consulting, LLC and Mitchell DePriest of Hein Governmental Consulting, LLC.

- 1) **Agenda Approval.** Cheryl Reynolds asked to remove the agenda item ‘Legislative Committee’ and adding the ‘Technology Committee Report.’ Add to New Business, g. Document Committee. Max Foster would like to add New Business, ‘possible licensure of art therapists.’ Also, add ‘Oliver Appeal’ as item d. in Old Business. Additionally, Max Foster would like to add an Executive Session.
- 2) **Approval of November 2016 Board meeting minutes.** Cheryl Reynolds moved to approve November meeting minutes as published. Motion carried. The September 25-26, 2016 out of town Board meeting minutes were distributed to the board; due to the size the Board will need time to read. Therefore, move to the March 2017 Board meeting for approval. Also, need to receive and review phone conference minutes and add this to March 2017 Board meeting.
- 3) **Review of Newly Issued Licenses.** Cheryl Reynolds moved to approve all newly issued licenses between November 1, 2016 through December 31, 2016. Terry Pfannenstiel seconded. Motion carried.
- 4) **Public Comments.** Guests Austin Main and Mitchell DePriest of Hein Governmental Consulting, LLC, introduced themselves. They explained they routinely monitor regulatory board meetings.
- 5) **Executive Director’s Report:**
 - a. Meeting with AG’s Office: Due to her workload, Jan Arndt will no longer be writing Summary Proceeding Orders (SPOs) or Consent Order and Agreements (CAOs) for the Board. Max had a sit-down meeting with Jan and her supervisor regarding this. Currently, BSRB is the only state agency receiving this service. The AG’s workload prohibits Jan from being able to continue to write these orders. She will review the orders once they have been written for legality. The Board discussed ways to solve this problem and the best idea at this time is to hire a 2nd or 3rd year law student to draft the orders. It was made clear that Jan will supervise the work of the law student; she will not supervise the law student. The Board would like this to be a paid internship providing an estimated 5 – 6 hours of work a month.

The law student will not be drafting any order for the Complaint Review Committee.

Terry said a paid intern is fine, but as chairman of the CRC, he does not want a non-attorney, BSRB staff drafting these orders for the CRC. The Board agreed that they would leave the final decision up to Max.

- b. Max gave a short description of the Small Agency Executive Director meetings in which he participates. They meet and discuss items that affect their agencies, like upcoming policy changes, statute changes, etc. as well as exchange ideas.
- c. EEO Affirmative Action Plan. Max Foster revised the Plan which has been approved.
- d. Max gave an update on speaking activities:
 - i. On 12/07/2016 Leslie provided information on the requirements and general licensing process by phone for LMLP/LPC students of Avila University, General Licensing Process with Leslie
 - ii. On 02/10/2017 Leslie and Joan will visit Washburn University to present the requirements and general licensing process to Social Work students.
 - iii. On 3/30/2017 Max, Leslie, and Joan will travel to Newman University where they will present the requirements and general licensing process to LBSW, LPC, LMFT and LAC students.
 - iv. Sometime in March or April of this year, staff will be presenting the requirements and general licensing process for Social Work and Bachelor's or Master's Psychology students (LAC if it is Bachelor's level) Max is not sure who will be providing the presentation at this time, as he may be unavailable to attend due to the Legislature
 - v. Terry Pfannenstiel will check with Kansas State University about their interest in the BSRB presenting to their students.
- e. 2017 Legislative Session begins January 9, 2017.
 - i. Senator Vicki Schmidt has been appointed to Chair the Senate Public Health and Welfare Committee; she will also serve on the Senate Ways and Means Committee. Representative Daniel Hawkins has been re-appointed as Chair of the House Health and Human Services Committee. Max Foster will be meeting with committee members to introduce himself and provide information on the BSRB.
 - ii. Legislative Committee meeting scheduled a conference call meeting for Thursday, February 9th at noon. Cheryl said Max should schedule a meeting sooner if a bill was introduced which would affect the BSRB.
 - iii. Max attended the ASWB Annual Meeting in San Diego, CA. The day before the meeting the ASWB holds an Administrator's Forum, which he feels is very helpful. The Boards have similar things going on and they can share information regarding the issues.
 - iv. Budget for FY 2017, FY 2018, FY 2019 – The Governor's Budget. Recommendations have been received. No major cuts have been proposed.
 - v. Max shared with the Board that he had completed a FY2017 Budget Analysis through 11/30/16. The Board is right where it should be with 62% of the allocated money remaining.

6) **Staff Reports.**

- a. Leslie Allen reported that two people have requested hearings regarding denial of license. Cheryl Reynolds moved and Barb Callahan seconded that the Board appoint a designated panel of three members of the CRC to attend the hearings right after the next CRC scheduled meeting. Plan to start the hearing at around noon. Motion carried.

- b. Leslie Allen reported that State Historical Society has offered to provide a four-hour training for the entire staff regarding document retention. They train all staff because they feel that employees will perform better in this area if they understand why this is being done.

7) **Complaint Review Committee Report.**

- a. Terry Pfannenstiel reported that the committee met in December. They reviewed 25 cases which included three CAOs or SPOs, two for revocation and one for suspension. Also, had one formal censure. We had 15 cases where the facts did not support a violation; sent two cautionary letters and we referred one case to the District Attorney to review because the person had no license at all and was practicing. Terry thanked Cindy D'Ercole for her work.
- b. Max Foster remarked that the CRC held a special meeting by phone regarding a response letter that was sent to a complainant who submitted a letter of complaint to the Board on how his case was handled. There has been no contact from that individual.

8) **Professions Reports.**

- a. **Psychology.** Barbara Callahan said that the committee has not met, but are scheduled to meet on January 17, 2017.
- b. **Social Work LSCSW Supervisory Training Manual Sub-Committee.** Carolyn Szafran said that this is an ongoing process and the group continues to meet every other week. The next meeting of the sub-committee is scheduled for January 11, 2017.
- c. **Social Work Committee.** Carolyn Szafran reported that this committee did not meet in December due to illnesses. They are scheduled to meet again on January 18, 2017.
- d. **Professional Counseling.** Todd Frye reported that this committee has not met since the last Board meeting. They are scheduled to meet on February 6, 2017.
- e. **Master's Level Psychology.** Larry Salmans reported that this committee has not met since the last Board meeting. He does plan to schedule a committee meeting sometime in early February.
- f. **Marriage and Family Therapy.** Terry Pfannenstiel reported that the Committee met. Max Foster reviewed legislative matters with the committee. They also discussed MFT supervision rules and regulations being approved through the State. The committee discussed the possible upcoming change to the structure of state associations. If this change does take place KAMFT will not be able to develop and offer a clinical supervisor training. The committee also discussed the AMFT tele mental health guidelines. They are scheduled to meet again next month.
- g. **Addiction Counseling.** Deb Stidham reported that the Committee did not meet since the last Board meeting. They are scheduled to meet again on February 17, 2017.
- h. **Behavioral Analysis.** This committee has not met.

9) **Sub-Committee Reports.**

- a. **Document and Policy Review Committee.** Cheryl Reynolds provided a copy of the Board Governance Policy with the committee's recommended changes. They would like to have the Board adopt their changes as they move along rather than waiting until the entire document has been completed. Due to the length of the document the Board will vote on the changes at the March Board meeting.
- b. **Technology Committee.** Cheryl Reynolds reported that Apple IDs have been a challenge. At this point, no one should be logging on to their iPads using the BSRB ID. Max Foster was asked to provide Cheryl with the State's IT policy and the Board's iPad policy. They are researching best practices for email and devices.

They have researched using state email for all board members, however, that would be cost prohibitive. Therefore, they are looking at options such as gmail.com to separate email regarding Board business from their personal information at a low cost. This is being done to eliminate the risk of a Board member's entire personal email account becoming part of an open record if they use their personal email account to conduct Board business, if there is an open records request or if the information is subpoenaed. Cheryl asked that those who have not done so yet, to please bring old I-Pads to March meeting. The committee is researching what options are available when disposing of the old iPad. The next meeting is scheduled for February 21st at Noon by phone.

10) **New Business.**

- a. **After Hours Care – Inquiry from High Plains Mental Health Center.** High Plains Mental Health Center (HPMHC) submitted a letter regarding concerns about after hour care and how that should be handled. They have been receiving after hours calls where the clients have been instructed by their mental health provider to contact HPMHC for crisis situations or services when their provider is unavailable. HPMHC felt there should be an agreement in place for this type of situation to take place and there was not. The Board agreed that an agreement needs to be in place. Terry stated, while HPMCH is not responsible to do so, it would be helpful if they could seek out an agreement with these providers. However, if this situation is not fixed HPMHC may have to file an RAV.
- b. **Military and Family Life Counselors.** Max received information that the requirements Military and Family Life Counselor would be changing. In the future, the military is planning to require each of these military counselors to be licensed in the state where they are practicing. In the past the counselors were required to be licensed, however, not necessarily the state where the base was located. The Board suggested obtaining additional information. They suggested Max reach out to the person who had contacted him and extend an invitation requesting he come to the next board meeting and provide information to the Board on what these changes entail.
- c. **Regulatory Board Consolidation Hearings.** Max Foster provided a copy of the testimony he gave at the regulatory board consolidation hearing, along with testimony from other participants, The Board reviewed testimony presented by KNASW, which included several serious concerns. The Board discussed whether they should request a meeting with KNASW's Board or send a response to address the issues found in the testimony. The Board consensus was to not take any actions. While it is important to keep communication open, these concerns were part of testimony given in a special legislative hearing, they were not concerns submitted to the board. Therefore, a response was not required and not appropriate in this type of situation. The Board would, however, be open to a discussion with KNASW if the concerns were brought directly to the Board. Carolyn Szafran expressed concern about a situation where factually incorrect information was provided by KNASW which shed a negative light on the BSRB and how this directly effects the ability to have open communication.
- d. **Changes in Composition of Advisory Committees.** Max Foster received a request to expand the number of members on the addiction counselor advisory committee. Currently the Board Governance Policy only establishes the minimum number of committee members. Discussion followed.

Action: Cheryl Reynolds moved that the parameter be set of not less than three and to not more than 10 members on advisory committees. As not all committees have the same number of members the number of members would be at the discretion of

the Chair of each advisory committee. Deb Stidham seconded. Motion carried.

Cheryl requested that this be included in the Board Governance Policy.

Deb asked what the standard practice is for members being licensed in the field. The Board consensus was that each advisory committee chair and members determine the membership criteria.

- e. **Approval of California MFT Examination for KS Licensure.** An applicant from California had passed the California exam for MFT licensure. The California board will not disclose the applicant's score on the exam she passed. They state they cannot release the actual score only provide whether the person passed or failed.

Action: Terry Pfannenstiel moved that this applicant be approved for licensure without being required to take and pass the MFT exam used in Kansas. Cheryl Reynolds seconded. Motion passed.

- f. **Licensing of Social Workers under Contract with Department of Children and Family Services.** Max informed the Board that applicants who were working for agencies that contract with the Department of for Children and Family Services have been expressing concern that they cannot get licensed quickly enough and this was due to BSRB. The applicants' information in the database was reviewed. It was determined that the applications had not been in the office for one week, two when Joan was out of the office for a week. Max felt the Board should be aware of the negative talk regarding the BSRB in the event they were asked any questions.
- g. **Document Committee.** See Sub-committee reports above.
- h. **Licensure of Art Therapists.** Max Foster was informed the Art Therapist were working on a bill that would grant them licensure. He will be watching for a bill introduction and will inform the Board when that happens. There are only 51 art therapists in the State of Kansas. Todd Frye commented that the statute change he has requested might help in these types of situations. The change which would add "or a related field" to the current statutory language "a degree in counseling." It would allow those with a degree in a related field AND the required counseling coursework to be licensed as an LPC in Kansas.

11) **Old Business.**

- a. **Oliver Appeal.** Max Foster explained that an individual applied for LPC but did not have a degree in counseling. She was denied licensure. The applicant appealed, she requested and received a hearing where the decision was upheld. The case was appealed in the District Court. There was a Remand Order for which the Board asked for reconsideration. This request was denied. Under the court's Remand Order, the Board is now required to review all the applicant's coursework for the degree. It was suggested that a sub-committee be formed to complete this review. Todd will work with Max to find members for the sub-committee.

- 12) **Executive Session.** Cheryl Reynolds moved that the Board move into Executive Session from 11:50 a.m. to 12:10 p.m. to discuss personnel matters. Todd Frye seconded the motion. The motion carried.

The Board reconvened at 12:10 p.m..

- 13) **Adjourn.** The next Board meeting is scheduled for 9:00 a.m. Monday, March 13, 2017 in the BSRB Office. Terry Pfannenstiel moved the BSRB adjourn at 12:12 p.m. Deb Stidham seconded. Meeting adjourned at 12:12 p.m.



Replace with Current
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Behavioral Sciences Regulatory Board

Investigations: Policy and Procedures

Revised and approved by the
Board on July 13, 2009

Update after
edits resolved

I. Initial Office Process

Report of Alleged Violation

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

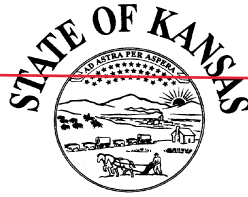
← ("Board")

1. Which may be a complaint lodged by a person. - ← Delete "-"
2. Other reasonably reliable written information (e.g., court decision, newspaper article, yellow pages ad, etc.).
social media post?
3. Information that a licensee has failed to comply with the conditions of a lawful order or directive of the Board.
~~disciplinary or non-disciplinary consent agreement and order, or initial or final order.~~
4. Information indicating a possible violation received during the process of the initial issue of a license, renewal of a license, or reinstatement of a license.

B. Request for Forms:

staff ↘

1. Upon receiving a request for a RAV/complaint form, Staff shall comply with the requestor's preference of whether the form should be mailed, ~~E-mailed,~~ may ~~faxed,~~ or if the requestor will download the form from the Board's website. ← e-mailed
2. Anyone wishing to file a complaint by electronic means shall be informed that the ~~Report of Alleged Violation~~ form should be completed in full and returned to the Board. ← RAV



Insert new title
"Receipt of
Information:"

Add "When in..."

RAVs

C.

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

lawful order or directive of the Board

Staff will date

verify date of receipt of

Rationale:
Info could
be audio/
video, etc.

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

Staff will place

(delete space)

inbox

Database

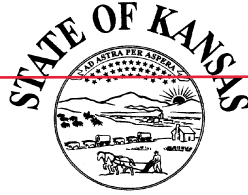
II. COMPLAINT REVIEW COMMITTEE

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

RAVs

1. a psychologist Board member,

licensed



licensed

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

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

4

2. 2 public Board members.

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

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

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

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

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

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

Discussion Item



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Summary Proceeding Orders

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



III. Initial Review and Determination

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



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the Chair

helpful

the RAV was filed
against

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

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

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

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



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Special Investigator

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

← may have

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

of →

Violations:

D. Review and Determination: Possible ~~Violation~~

1. Docket case.

~~2. Begin Investigation Worksheet.~~

2 →

Database

3. Add relevant case information to Investigative ~~Data Base.~~

3 →

disciplinary information

Database

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

IV. Investigation Process

A. Licensee Notification

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

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

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



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

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

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

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

Discussion Item

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

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

Discussion Item

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

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

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

Discussion Item

3



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

V. Complaint Review Committee Procedure

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



B. Complaint Review Committee Evidentiary Determinations:

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

↑
to

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



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

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

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

C. Complaint Review Committee action determinations:

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

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



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

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



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Settlement

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

VI. ~~Consent~~ Agreement Process

settlement agreement

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

licensee

licensee's attorney

settlement agreement

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

settlement agreement

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

done by the Disciplinary Counsel in consultation with the Complaint Review Committee or its designee.

settlement agreement

B. Upon receipt of the signed ~~CAO~~, the Disciplinary Counsel will present the agreement to the ~~Complaint Review Committee~~ for ~~final approval~~ at the ~~Committee's next scheduled meeting~~.

Chair of the

or the Chair's designee on the CRC

Discussion Item

signature

C. ~~Approval: A designee of the Complaint Review Committee will sign and return the CAO to the Executive Director or other designated Board staff who will then mail a copy of the CAO, along with a letter of correspondence, to the licensee.~~

The signed settlement agreement will be provided to the Special Investigator

who will then execute the settlement agreement

D. ~~CAO not approved: If Consent Agreement and Order negotiations are not successful in resolving the case, a petition will be filed and the case scheduled for hearing.~~

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

E. The Special Investigator will monitor the receipt of reports as required by the ~~CAO~~ and take steps to obtain those reports if not received as ordered.

settlement agreement

F. The Special Investigator will monitor terms and/or conditions and the receipt of reports as required by the CAO or Final Order and take steps to obtain these reports if not received as ordered.



VII. Case Disposition Authority

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) adopt an official seal;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Source or Prior Law:

74-5309.

Revisor's Note:

Section was not amended in the 2016 session.

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

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

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

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

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

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

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

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

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

Behavioral Sciences Regulatory Board

Board Meeting – July 11, 2022

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

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

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

Signature of Maker: _____

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

Second:

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

Behavioral Sciences Regulatory Board

Board Meeting – July 11, 2022

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

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

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

Signature of Maker: _____

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

Second:

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

Behavioral Sciences Regulatory Board

Board Meeting – July 11, 2022

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

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

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

...

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

Signature of Maker: _____

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

Second:

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

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

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

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

Behavior Analyst Statute

65-7504. Same; denial, suspension or revocation of licensure; grounds. (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:

(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 unprofessional conduct or professional incompetency as defined by the board by rules and regulations.

(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 the Kansas administrative procedure act.

History: L. 2014, ch. 62, § 5; July 1.

65-6408. Refusal to grant, suspension, condition, limitation, qualification, restriction or revocation of license; grounds. (a) The board may 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 license:

(1) Is incompetent to practice marriage and family therapy. "Incompetent to practice marriage and family therapy" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a $\frac{2}{3}$ majority vote.

(c) Administrative proceedings and disciplinary actions regarding licensure under the marriage and family therapists licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the marriage and family therapists licensure act shall be in accordance with the Kansas judicial review act.

History: L. 1991, ch. 114, § 8; L. 1996, ch. 153, § 23; L. 2016, ch. 92, § 48; L. 2021, ch. 88, § 23; May 6.