

Behavioral Sciences Regulatory Board
Marriage and Family Advisory Committee Meeting
April 8, 2022
Approved Minutes

- I. Call to Order.** Mary Jones, Chair of the Advisory Committee, called the meeting to order at 10 a.m.

Committee Members: Advisory Committee members present by Zoom were Mary Jones, Leslie Sewester, Joyce Baptist, Jurdene Coleman, and Rebecca Culver-Turner.

Staff: BSRB staff present by Zoom were David Fye and Leslie Allen.

- II. Approval of Agenda:** Jurdene Coleman moved to approve the agenda. Joyce Baptist seconded. The motion carried.

- III. Approval of Minutes:** Joyce Baptist moved to approve the minutes from the Advisory Committee meeting on February 11, 2022. Jurdene Coleman seconded. The motion passed.

- IV. Executive Director's Report.** David Fye, Executive Director for the BSRB, reported on the following items:

A. BSRB Staff Update. The BSRB is still under most of the Governor's pandemic directions, including the limit on in-person meetings, so the agency is unable to hold Board or Advisory Committee meetings in person currently. Most staff are working in the office full-time, though the two investigators are using a telework hybrid model, working in the office three days each week and utilizing the BSRB Telework Pilot two days each week.

B. 2022 Legislative Session. The Executive Director provided a brief summary of the legislative process to enact a bill, including legislative deadlines. The Legislature is currently on a three-week break, before returning and wrapping up most items during the legislative Omnibus period. The appropriations bill (House Substitute for Substitute for Senate Bill (SB) 267) was passed by the Legislature and is pending review and action by the Governor. The bill requested by the BSRB was passed within SB 453. The final bill included Board recommendations for the addiction counselor profession and the social work profession, but did not include the Board's recommendation concerning continuing education changes for the Licensed Psychology profession. Another bill relevant to the BSRB is House Bill (HB) 2087, which was passed with the previous contents of Substitute for SB 34. HB 2087 requires all agencies to submit a report to the Joint Committee on Rules and Regulations, for all agency regulations, explaining if each regulation is necessary for the implementation of state law. There are over 120 regulations for the BSRB, so creation of this report will necessitate the agency diverting staff time from regular

duties and will likely cause licensing delays or lead the agency to hire additional part-time staff.

- C. March Board Meeting.** The Executive Director provided updates from the Board meeting on March 14, 2022. Most full Board meetings will begin at 9am, at least while meetings are held remotely. The Board is reviewing the Investigation Policy for the Board, which was last updated in 2009. The Executive Director will be presenting a report to the Board with proposed changes to the Policy at the May Board meeting. Certain statutes and regulations state authority for actions as “the Board,” but some of these tasks have been delegated over the years to the BSRB, the Executive Director, the Complaint Review Committee, etc. The Executive Director noted he will bring sections of statutes and regulations before the Board to clarify delegation authority and possibly have the Board vote to renew some of these delegations. The Board discussed Board-approved supervisor training and if there are adequate opportunities for supervisor trainings. The Executive Director noted that a majority of current members of the Behavior Analyst Advisory Committee started serving on the Advisory Committee in 2015. While the Advisory Committee did not meet every year since that time, the maximum period for membership on the Advisory Committee is 8 years, so several Advisory Committee members will reach their maximum service at the end of June 2023. In future meetings, the Board intends to discuss impaired provider programs, telehealth standards, and other topics.
- D. Conferences.** The Executive Director will be attending upcoming conferences for the Association of State and Provincial Psychology Boards (ASPPB) and the Association of Social Work Boards (ASWB) later this month and will provide a report on any items relevant to the Advisory Committee.

Advisory Committee members requested an update on the current status of the Advisory Committee recommended changes to the approved supervisor regulations and application. Leslie Allen, Assistant Director and Licensing Manager for the BSRB, stated that the change to the application had already been made. The recommended changes to the regulations would be provided to the Board for the Board’s consideration at the next Board meeting in May 2022.

V. New Business

- A. Advisory Committee Membership.** The Executive Director summarized the Advisory Committee Policy, including that non-Board members on the Advisory Committee may serve up to four 2-year terms, for a maximum length of service of 8 years. Current Advisory Committee Members Joyce Baptist and Rebecca Culver-Turner will reach the maximum length of service length at the end of June 2022. At the last Advisory Committee meeting, the Advisory Committee asked the Executive Director to send a message to all licensees, requesting interested parties submit a resume and letter of interest for review. Eight individuals submitted materials for consideration. The Executive Director verified that all applicants hold a permanent license under the BSRB. The Advisory Committee members discussed the applicants.

Joyce Baptist moved to recommend Chris Habben, Marcie Lechtenberg, and Nicole Eitzen be added to the Advisory Committee. Rebecca Culver-Turner seconded. The motion passed.

B. Unprofessional Conduct Regulations. Advisory Committees were asked to review the unprofessional conduct regulations for their professions and identify possible updates or other changes. Advisory Committee members discussed the following areas for potential changes to the unprofessional conduct regulation in K.A.R. 102-5-12:

- Review of unprofessional conduct on recordkeeping regulation, K.A.R. 102-5-16, for quality standards, comprehensiveness, and timeliness. The Advisory Committee requested clarification of the reason these two regulations were separate and expressed support for moving the contents of the unprofessional conduct regulation on recordkeeping within the general unprofessional conduct regulation, so long as a compelling reason for keeping them separate is not discovered when examining the history of the regulations;
- Examination of K.A.R. 102-5-12(b)(26), which prohibits making sexual advances towards or engaging in physical intimacies with someone who has been one's client within the past 24 months. Advisory Committee member discussed why this item includes both sexual advances and undue influences and questioned whether these two topics should be separated. Similarities between items (26) and (25) were noted, and the Advisory Committee expressed interest in revisiting these two regulations for further examination and discussion;
- Examination of K.A.R. 102-5-12(b)(12), to include additional topics to be consistent with the Association of Marital and Family Therapy (AAMFT) standards;
- Examination of electronic means of communications, social media, and interactions with clients over social media. Advisory Committee members expressed interest in obtaining information on how other groups are handling this topic. Leslie Allen, Assistant Director and Licensing Manager for the BSRB, noted the a past Professional Counselor Advisory Committee considered changes to their unprofessional conduct regulation related to this topic and the BSRB will provide that draft language. Advisory Committee members noted AAMFT provided teletherapy guidelines, which include language on social media. That information will be provided to Advisory Committee members; and
- Advisory Committee members expressed support for regulatory language that practitioners should not speak poorly of other professionals.

C. BSRB Social Work Clinical Supervision Manual. Advisory Committee members discussed the Social Work Clinical Supervision Manual and expressed support for creating a similar document for the marriage and family therapy profession. The Executive Director noted the Social Work Supervision Manual was the product of a Social Work Advisory Committee that met for about a year to complete that document. The Board is currently considering possible changes to regulations that would affect some of the supervision requirements for the profession, so Advisory Committee members stated it would be helpful to wait until those discussions have

concluded prior to creating this manual. The Advisory Committee decided to have a subcommittee work on this project, but to table that work until at least the August meeting, when new members had been added to the Advisory Committee.

- D. Pre-approved Providers for Continuing Education.** The BSRB currently offers optional pre-approved status for continuing education providers and continuing education programs for the social work profession (social work was the profession that had requested this ability previously). The Executive Director discussed the benefits and drawbacks involved in this process, for the providers and for the staff of the BSRB. At the last Board meeting, Advisory Committees were asked to discuss whether the BSRB should pursue similar language for their professions. The Assistant Director and Licensing Manager clarified the BSRB standard for pre-approval of continuing education. Advisory Committee members expressed support for adding pre-approved providers and pre-approved courses for the marriage and family therapy profession and requested draft language be created and brought back to the next meeting for review, so members could have time to consider the topic and ask additional questions during the next Advisory Committee meeting.
- E. Training for Advisory Committee Members.** Due to the Advisory Committee recommending new members be added to the Advisory Committee, the Advisory Committee decided to move the annual training for Advisory Committee members and Board members to the August 2022 meeting, after new members have been appointed to the Advisory Committee.

- VI. Other Business.** None.
- VII. Next Meeting.** Due to conflicts, the Executive Director stated he would poll the members following the meeting, for their availability for the next meeting. (After the meeting, the date for the next meeting was determined to be Thursday, June 16, 2022.)
- VIII. Adjournment.** Joyce Baptist moved to adjourn the meeting. Jurdene Coleman seconded. The motion carried.