

**Behavioral Sciences Regulatory Board
Board Minutes
September 16, 2020**

Call to Order. The meeting was called to order by Chair Deb Stidham at 10:05 a.m.

I. Roll Call.

Board Members. Members present by zoom: David Anderson, Danielle Johnson, Mary Jones, Jacqueline Lightcap, Johnna Norton, Bruce Nystrom, Andrea Perdomo-Morales, Leslie Sewester, Laura Shaughnessy, Ric Steele and Deb Stidham.

II. BSRB Staff. Staff present by zoom: Max Foster, Leslie Allen, Cindy D’Ercole, Jane Weiler and Ashley VanBuskirk.

III. Agenda Approval. Deb Stidham would like to change old business to say executive order 20-64 – Executive Session. Mary Jones motioned to approve with change. Danielle Johnson seconded. The motion passed.

IV. Minutes Approval.

- David Anderson modified minutes to take out next meeting being September 15
David Anderson motioned to approve the July 13, 2020 minutes as amended. Johnna Norton seconded. The motion passed.
- David Anderson motioned to approve the August 19, 2020, August 25, 2020, August 26, 2020, August 27, 2020, September 2, 2020 and September 8, 2020 minutes as written. Mary Jones seconded. The motion passed.

V. Public Comment.

- Tonya Ricklos wants more talk about telehealth and the confusion around this. Would like to be able to provide this via phone as well to count toward supervision hours since it is difficult for some to get access to internet.
- Kelly Jones would like to expand regulation to include telephonic supervision permanently. 35% of students in hybrid learning setting, 15% in entirely in home learning setting and 50% in an in-person setting but could still be providing telehealth services.
- Becky Fast had questions over direct client contact hours and what does it include. Telephonic is important since internet is not accessible to some people.
- Mitchell Skidmore works with older adults that do not have access to video conferencing due to money restraints or other reasons. Believes telephonic would be very beneficial for many people.

VI. Executive Director’s Report.

- **COVID 19 / Impact on Office Operations.** Max gave a brief report on office operations due to COVID 19. The agency’s main phone line answered during working hours. Staff email and phones messages are being accesses from home.

Working in “split” work groups so not every staff member is in the office at the same time.

- **Fiscal Report.** Just closed out FY 20 as of June 30th. Multi-year budget report/request was due yesterday and was submitted on time.
- **Cybersecurity Reporting Requirements.** NBCC secure portal was hacked and effected one of our staff computers while downloading score reports. Our IT department is working to clear the computer to make it free of viruses.
- **Presentations (Zoom).** Will be participating in zoom meetings to provide information to students at Wichita State, Fort Hays State, Washburn and KU.
- **Contract with Attorney General’s Office.** Mary Jones motions to ratify the contact with the Attorney General’s office. Laura Shaughnessy seconded. The motion passed.
- **My License Office.** We launched our new database and it is running good with just a few hiccups.

VII. Staff Reports. Leslie Allen provided a demonstration of our new MLO and eGov system.

VIII. Complaint Review Committee Report.
Cindy D’Ercole gave a brief report of CRC and the number of cases they discussed.

IX. Professions Reports.

- A. Psychology.** Ric Steele noted that the committee met July 14, 2020 discussed three main topics. Increase in number of complaints and whether an increase in the number of hours of continuing education in ethics would be warranted. The Board has received a few complaints regarding HB 2603, as they believe that psychologists are being held to higher standards and want the postdoctoral year to be eliminated. The committee discussed PsyPact and they have invited people to present information regarding this at their next meeting. The next meeting scheduled for October.
- B. Social Work.** Andrea Perdomo-Morales noted that the committee met June 23, 2020 and discussed the training manual and 350 direct client contact hours. Committee wanted to bring these items to full board. Next meeting scheduled for October.
- C. Professional Counseling.** None. Next meeting scheduled for October.
- D. Master’s Level Psychology.** None.
- E. Marriage and Family Therapy.** Mary Jones noted the committee met September 11, 2020 and discussed regulation changes. Will be looking at Board governance document. Next meeting scheduled for November.
- F. Addiction Counseling.** Deb Stidham noted that the committee met August 14, 2020 and continued to review curriculum. Looking for new members. Next meeting scheduled for October 16, 2020.
- G. Behavior Analysis.** None.

X. Old Business. Mary Jones motioned to update agenda to move second executive session directly after first executive session. Jacqueline Lightcap seconded. The motion passed.

- A. Executive Order 20-64. Executive Session.** Mary Jones moves that, pursuant to K.S.A. 75-4319(b)(2), the Board recess into executive session for 20 minutes and

- reconvene the remote open meeting at 12:25 pm by conference call at 877-278-8686 pin # 327072 and zoom platform with meeting ID 88023303391 passcode 0r1ShU. This information is also published on the Board's website ksbsrb.ks.gov. The justification is consultation with the Board's legal counsel, Assistant Attorneys General Janet Arndt and Jane Weiler, that would be deemed privileged in the attorney-client relationship. The subject matter to be discussed in the executive session concerns EO #20-64. Board staff who are included as the client in the executive session are Max Foster, Executive Director, and Leslie Allen, Licensing Specialist. Johnna Norton seconded. The motion passed. Open Meeting called back to order from Executive Session. Jacqueline Lightcap motioned to extend deadlines for renewals until October 15, 2020 pursuant to the Governors Executive Order 20-64. Leslie Sewester seconded. The motion passed.
- B. Executive Session for Hiring Committee.** Mary Jones moves that, pursuant to K.S.A. 75-4319(b)(2), the Board recess into executive session for 30 minutes and reconvene the remote open meeting at 1:05 pm by conference call 877-278-8686 pin # 327072 and zoom platform with meeting ID 88023303391 passcode 0r1ShU. This information is also published on the Board's website ksbsrb.ks.gov. The justification is a personnel matter of non-elected personnel in order to protect the privacy of the parties. The subject for the executive session concerns the applicants, interviews, and hiring process for the position of the Board's Executive Director. I further move that the following individuals join the executive session: The Board's Executive Director, Max Foster, The Board's Licensing Specialist, Leslie Allen, and the Board's legal counsel, Assistant Attorney General Janet Arndt. Andrea Perdomo-Morales seconded. The motion passed. Open Meeting called back to order from Executive Session. Deb informed Max Foster the Board wants him to notify applicants number 3 and number 6 to proceed with interviews with the full board and let the remaining four applicants know the Board is going in a different direction.
- C. Regulations for Approval.** 102-3-7a to allow 100% of supervision to be done via televideo and supervision weekly. Different supervision options were presented and the regulation will be taken back to the committees to review further.
- D. Boards Legislative Planning Meeting.** Scheduled for October 27, 2020 at 9:00 am.
- E. Motion to Delegate.** Mary Jones motioned that the board delegate to Deb Stidham the authority to make decisions on any further Emergency Orders from the Governor. Jacqueline Lightcap seconded. The motion passed.
- F. LSCSW Training Plan Manual.** Leslie Allen discussed the LSCSW Training Plan Manual and explained how it helps to complete a clinical training plan. Will be putting the manual on the Board's website.

XI. New Business.

- A. Discussion Regarding Public Comment.** The board discussed the use of telephonic therapy and if it should be allowed to count toward clinical supervision and direct client contact hours. If it is allowed should there be parameters given. This will be taken to advisory committees for their recommendations. Max will contact the Governor's office to see if it is possible to obtain an executive order allowing telephonic services and supervision for a specified time frame, or for the duration of the emergency orders. This would allow the Board more time to put permanent

language in place. Andrea Perdomo-Morales motioned to makes this request to allow Max to move forward with this request. The motion was seconded. The motion passed.

B. Advisory Committee – Public Board Member Vacancies. Deb Stidham appointed Danielle Johnson as public member to the Master’s Level Psychology Advisory Committee and the Social Work Advisory Committee.

C. FY 2022 and FY 2023 Budget Request. Max gave a brief summary of the FY 2022 and FY 2023 budget request.

D. Educator Roundtable Meetings. Scheduled for Wednesday, October 28, 2020 at 10:00 am, and Tuesday, November 3, 2020 at 2:00 pm.

XII. Adjourn. David Anderson motioned to adjourn the meeting. Leslie Sewester seconded. The motion passed.