

**Behavioral Sciences Regulatory Board  
Board Minutes  
March 15, 2021**

**Call to Order.** The meeting was called to order by Chair Deb Stidham at 8:00 a.m.

**I. Roll Call.**

**Board Members.** Members present by Zoom: Mary Jones, Jacqueline Lightcap, Johnna Norton, Andrea Perdomo-Morales, Leslie Sewester, Ric Steele, and Deb Stidham. Bruce Nystrom was present, but verbally noted he would be recusing himself from commenting or voting at the meeting.

**BSRB Staff.** Staff present by Zoom: David Fye, Leslie Allen, Cindy D’Ercole, Janet Arndt, Laine Barnard, Jane Weiler, and Ashley VanBuskirk.

**Guests.** Bud Dale.

**II. Agenda Approval.** Deb Stidham approved the agenda.

**III. Consideration of Psypact/HB 2209.**

David Fye, Executive Director for the Behavioral Sciences Regulatory Board, summarized the review and consideration of HB 2209, a bill concerning Psypact, by the Licensed Psychology Advisory Committee, the review and consideration of HB 2209 by the Board at the February 10, 2021, Board meeting; and information presented by representatives of Psypact and advocates for Psypact from the Kansas Psychological Association (KPA) at the Board meeting on March 8, 2021. The Executive Director noted that while a hearing on HB 2209 had not been scheduled by a Senate committee yet, this Board meeting of the BSRB was scheduled to allow the Board to consider whether the drafting and presentation of testimony would be desired at a future bill hearing, should the bill be scheduled for a hearing in the Senate Public Health and Welfare Committee this legislative session.

Members of the Board stated that the additional information provided by representatives from Psypact and the KPA was appreciated and helpful to address some of their questions and concerns, however members of the Board noted some remaining concerns that under Psypact, members of the public would have confusion on how to file complaints against out of state practitioners and noted a lack of clarity on the methodology for the investigative process under Psypact for complaints against out-of-state practitioners when coordinating between states. Members of the Board expressed dissatisfaction concerning the way the bill was presented to the Board, that the process felt rushed, and that the work on this bill did not feel like a collaborative process.

Regarding the bill’s estimated fiscal impact on the agency, the Executive Director indicated that he continues to believe that some practitioners who live out of state and

currently purchase a Kansas license may discontinue these licenses and instead use Psypact to practice telehealth services in Kansas, which will lead to a decrease in revenue for agency operations, especially relating to the funding to investigate complaints against practitioners. Additionally, as more individuals are providing services within the state, it is anticipated that the number of complaints will continue to increase, which will require more staff hours to investigate complaints. However, the Executive Director also noted that the exact fiscal effect to the BSRB cannot currently be estimated, due to the short period of time that Psypact has been in operation.

Members of the Board noted that they are not opposed to progressive solutions to remove barriers for individuals to receive services and that they are in favor of creative ideas on issues relating to the practices under the BSRB, however support for new measures cannot come at the cost of protection of the public, which is the Board's primary charge. The Board requested the Executive Director draft and present neutral testimony on any bill hearings on HB 2209, noting the primary concern relates to the fiscal impact on the agency, but that there remains to be concerns on the issues previously expressed by the Board on the complaint reporting process and the investigative process.

**IV. Adjourn.** Mary Jones motioned to adjourn. Ric Steele seconded. The motion passed.