

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

APPROVED MINUTES

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

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

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

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

- II. Agenda Approval.** Donna Hoener-Queal moved to approve the agenda. Cynthia Schendel seconded. The motion passed.

- III. Public Comment from Deborah Ramberg, Human Resources General Director, Topeka Public Schools, USD 501.** Ms. Ramberg informed the Board that Topeka Public Schools is considering possible salary adjustments for social workers that are licensed by the BSRB as Licensed Specialist Clinical Social Workers (LSCSW). A request was made for a letter of support from the Board including a statement that a LSCSW credential was comparable to a doctoral level degree for clinical social workers, concerning the possible salary adjustment in the school districts’ salary schedule. The Board did not take a position on this issue, although it was noted that if Board members wished to revisit this issue in the future, it could be discussed at a later time.

- IV. Minutes Approval:** Deb Stidham moved to approve the minutes from the Board meeting on January 6, 2023. Ric Steele seconded. The motion passed. Cynthia Schendel moved to approve the minutes from the Board meeting on January 18, 2023. Deb Stidham seconded. The motion passed. Donna Hoener-Queal moved to approve the minutes from the Board meeting on February 8, 2023. Deb Stidham seconded. The motion passed.

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

A. Outreach. The agency has been broadcasting Board meetings and Advisory Committee meetings on the BSRB YouTube channel since January of 2021. Currently 100 meetings have been broadcast and those meetings have been viewed over 3,343 times.

- B. Presentations.** The Executive Director and Assistant Director have been visiting schools remotely to present information to students on the licensure process and disciplinary process.
- C. Expenditure and Revenue.** At the end of February 2023, the net revenue for the BSRB was about \$565,000 after the 10.0 percent transfer to the State General Fund. The current balance in the BSRB Fee Fund is about \$2.2 million dollars. The agency's budget must be approved by the legislature every year. This year the agency submitted a revised budget estimate for Fiscal Year (FY) 2023 as well as a new budget request for FY 2024 and FY 2025. The House has passed the budget with a proviso for FY 2024 and FY 2025, prohibiting, as a condition of licensure, a requirement of continuing education in the area diversity or other similar topics. The approved budget was reported out of the House Appropriations Committee with no changes. The budget passed out of the Senate Ways and Means Committee with no proviso or other changes.
- D. Legislative Updates.** The BSRB House Bill (HB) 2340 was heard in the House Health and Human Services Committee. Several individuals provided testimony. There were 6 amendments that were made to the Bill when it was worked. It passed out of Committee favorably as amended and was passed on the House floor. HB 2340 has been assigned to the Senate Public Health and Welfare Committee. The hearing on HB 2340 is tentatively scheduled for Tuesday March 21, 2023.
- E. Kansas Fight Addiction Grant Review Board (KFAGRB).** Jason Hess serves as the Boards appointee for the KFAGRB. The KFAGRB has met twice, and Mr. Hess has provided the Board with a written update.
- F. Social Work Compact.** Drafters are still working on finalizing language for the compact and it is likely that the model language will be available for legislation next year. Information can be found on swcompact.org.
- G. Strengthening People and Revitalizing Kansas (SPARK) Funding.** The BSRB submitted two grant requests for federal funding to modernize technology. The agency recently received information that those submissions were approved, so the agency will be awarded over \$2,000 to purchase new equipment.

VI. Staff Reports. The Executive Director highlighted a report created by the BSRB, which shows historic totals of permanent licensees from 2015 to current. Trends differ by professions, but overall, the number of individuals with permanent licenses under the BSRB continues to increase.

VII. Complaint Review Committee (CRC) Report. Cindy D'Ercole, Lead Investigator for the BSRB, provided updates on the CRC. It was reported that as of the end of February 2023, the BSRB received 115 complaints this fiscal year. During FY 2022, the BSRB received a total of 205 complaints.

VIII. Professions Reports

- A. Licensed Psychology.** The Advisory Committee met on February 7, 2023, and continued discussion of the education regulation K.A.R. 102-1-12. In addition, the Advisory Committee discussed the EPPP-2.

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

IX. Old Business

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

X. New Business

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

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

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

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

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

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

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

Cynthia Schendel seconded. The motion passed by voice vote.

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

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