

**Behavioral Sciences Regulatory Board - Master's Level Psychology Advisory Committee  
Recommended Changes to Unprofessional Conduct Regulations (K.A.R. 102-4-12)**

Current Regulation	Proposed Change
K.A.R. 102-4-12(b)(2)(D); (b) Any of the following acts by a licensed master’s level psychologist, a licensed clinical psychotherapist, or an applicant for licensure at the master’s level of psychology shall constitute unprofessional conduct: (2) except when such information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that any person regulated by the board or applying for a license or registration, including oneself, has met any of the following conditions: (D) has been convicted of a crime;	K.A.R. 102-4-12(b)(2)(D) The Executive Director noted other professions include a similar regulation, but reference reporting felonies, rather than all crimes. --> No recommended change.
K.A.R. 102-4-12(b)(7) knowingly aiding or abetting anyone who is not credentialed by the board to represent that individual as a person who is credentialed by the board;	K.A.R. 102-4-12(b)(7) The Advisory Committee discussed whether to continue to include the term “credentialed,” rather than “licensed.” Advisory Committee members discussed whether the term “credentialed” would be more relevant to the insurance community, rather than discussions by a regulatory board. Proposed change --> replace "credentialed" with "authorized to practice"
K.A.R. 102-4-12(b)(10) offering to perform or performing services clearly inconsistent or incommensurate with one’s training, education, or experience or with accepted professional standards;	K.A.R. 102-4-12(b)(10) Advisory Committee members discussed whether to add language to this regulation specifically to address providing services via tele-health. Proposed solution --> add additional language "including, but no limited to, telehealth practice."
K.A.R. 102-4-12(b)(13) and (14); (13) failing to advise and explain to each client the respective rights, responsibilities, and duties involved in the professional relationship; (14) failing to provide each client with a description of what the client can expect in the way of services, consultation, reports, fees, billing, therapeutic regimen, or schedule, or failing to reasonably comply with the description;	K.A.R. 102-4-12(b)(13) and (14) Advisory Committee members discussed the value of providing information on procedures, especially related to telehealth, including when technology fails. No official recommendation was made.
K.A.R. 102-4-12(b)(19), (22), and (23); (19) failing to inform each client, supervisee, or student of the limits of client confidentiality, the purposes for which the information is obtained, and the manner in which the information may be used; (22) failing to protect the confidences of, secrets of, or information concerning other persons when providing a client with access to that client’s records; (23) failing to exercise due diligence in protecting the information regarding and the confidences and secrets of the client from disclosure by other persons in one’s work or practice setting;	K.A.R. 102-4-12(b)(19), (22), and (23) The Advisory Committee discussed possible changes to these regulations related to a standard for confidentiality, given telehealth services in the home, rather than services being provided in an office. No official recommendation was made.

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<p>K.A.R. 102-4-12(b)(24) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;</p>	<p>K.A.R. 102-4-12(b)(24) Advisory Committee members discussed whether language "including billing practices and advertising" should be changed to "including, but not limited to billing practices and advertising;" Proposed change --&gt; referenced above.</p>
<p>K.A.R. 102-4-12(b)(27) making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been one's client;</p>	<p>K.A.R. 102-4-12(b)(27) involving making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been one's client. The Advisory Committee discussed whether to add "student" and "supervisee" in addition to client</p>
<p>K.A.R. 102-4-12(36) failing to maintain a record for each client that conforms to the following minimal requirements: (A) Contains adequate identification of the client; (B) indicates the client's initial reason for seeking the master's level psychologist's or clinical psychotherapist's services; (C) contains pertinent and significant information concerning the client's condition; (D) summarizes the intervention, treatment, tests, procedures, and services that were obtained, performed, ordered, or recommended and the findings and results of each; (E) documents the client's progress during the course of intervention or treatment provided by the master's level psychologist or clinical psychotherapist; (F) is legible; (G) contains only those terms and abbreviations that are comprehensible to similar professional practitioners; (H) indicates the date and nature of any professional service that was provided; and (I) describes the manner and process by which the professional relationship terminated;</p>	<p>K.A.R. 102-4-12(b)(36) involving maintaining records for clients. The Advisory Committee discussed whether telehealth language should be added. Proposed change --&gt; Under (H), indicate whether sessions were provided in-person or by another means, such as by telephone or other electronic method</p>
<p>K.A.R. 102-4-12(45) supervising in a negligent manner anyone for whom one has supervisory responsibility;</p>	<p>K.A.R. 102-4-12(b)(45) involving supervising in a negligent manner. The Advisory Committee discussed whether to change the term "negligent" to "harmful;" Proposed change --&gt; change "negligent" to "harmful"</p>
<p>(51) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing of a report or record required by state or federal law, or inducing another person to take any of those actions;</p>	<p>K.A.R. 102-4-12(b)(51) The Advisory Committee discussed whether the word "negligently" should be changed. The Advisory Committee expressed support for removing the terms "intentionally or negligently." Proposed change --&gt; Begin with "Failing to file a report..."</p>