

May 17, 2021

Enactment of Senate Sub. for HB 2208

On behalf of the Behavioral Sciences Regulatory Board (BSRB), I am proud to announce the enactment of Senate Sub. for HB 2208. This bill was originally requested on behalf of the Board of the BSRB and includes many helpful statutory changes affecting current licensees and aspiring licensees while maintaining essential protection of the public. I have included a short summary of the changes in the bill which affect individuals under the jurisdiction of the BSRB. Unless otherwise noted, the provisions in Senate Sub. for HB 2208 will be effective immediately. Please note, if you meet the requirements for licensure under the new statutory requirements described below, you do not need to send an amended supervision plan, but you may immediately submit documentation to support satisfaction of the requirements for licensure and you may request your license. For other individuals still working towards satisfaction of these new requirements for licensure, you do not need to submit an amended supervision plan, but please use these new totals for satisfaction of the requirements for licensure.

Hours for Clinical Licensure

HB 2208 decreases the number of hours of required post-graduate supervised work experience towards a clinical license, from 4,000 hours to 3,000 hours, and lowers the total number of required direct supervision hours from 150 hours to 100 hours for the fields of master's level psychology, professional counseling, marriage and family therapy, and addiction counseling. (*Note:* These totals were decreased by the same amount for the social work profession during the 2019 Legislative session.) At least 50 hours of supervision should be individual supervision. As noted above, you do not need to submit a training plan amendment to use the new supervision totals.

Supervision by Televideo, Some Supervision by Telephone

HB 2208 authorizes all clinical supervision hours to be completed over televideo, rather than requiring hours to be in-person, by allowing all supervision to be face-to-face, rather than person-to-person, for the professions of master's level psychology, social work, professional counseling, marriage and family therapy, and addiction counseling. The bill adds language allowing for clinical supervision of licensees to be performed by telephone, when approved by the Board, in extenuating circumstances. (*Note:* The Board has determined that conditions related to the pandemic satisfy the requirement for extenuating circumstances.) Other jurisdictions outside of Kansas may not accept televideo or telephonic supervision, so when submitting your supervision hours to the BSRB, you are required to note which supervision hours were received in person, which hours were received through televideo, and which hours were obtained over the telephone. As noted above, you do not need to submit a training plan amendment to use the new supervision requirements.

Clinical Professional Counselor Direct-Client Contact Practicum Hours Decreased

HB 2208 decreases the number of direct client-contact practicum hours required for licensure as a clinical professional counselor from 350 hours to 280 hours. (*Note:* This requirement is only for the clinical professional counselor license.)

Clinical Social Work Direct-Client Contact Hours Eliminated

HB 2208 strikes statutory language previously requiring 350 hours of direct-client contact practicum hours required for licensure as a clinical social worker. Going forward, there is not a requirement for a specific number of hours of direct client contact as part of the clinical social work practicum.

Professional Counseling Temporary License Increased to One Year

HB 2208 increases the length of the professional counseling temporary license from six months to one year. Individuals who currently have a professional counseling temporary license will have their licenses extended an additional six months. Future individuals receiving a temporary license will receive a temporary license lasting one year.

Disciplinary Changes Concerning Eligibility for Licensure and Orders by the Board

HB 2208 adds language authorizing the Board to review disciplinary actions against any type of professional license held in another jurisdiction, when determining eligibility for licensure in Kansas. Additionally, the bill adds language that disciplinary action may be taken against a person who has violated any lawful order or directive of the Board.

Board-Approved Clinical Supervisors for Professional Counseling and Marriage and Family Therapy Fee

Previous statutory language stated the Board would charge a fee for approval as a Board-approved clinical supervisor for Professional Counseling or Marriage and Family Therapy, however the amount of this fee was not set in statute and regulation. HB 2208 establishes a cap on this one-time fee for approval as a Board-approved clinical supervisor for the fields of professional counseling and marriage and family therapy at \$50. The Board has provided direction to submit regulatory language to set the amount for this one-time fee at \$25, but this amount will not be enforced until the regulatory changes have gone through the approval process. The BSRB will make a future announcement when the amount of this fee will be enforced. Individuals already approved as Board-approved clinical supervisors for these professions would not have to pay the one-time fee.

Out-of-State Temporary Permits Changes

HB 2208 makes significant changes to the out-of-state temporary permits issued by the BSRB. The bill extends the number of days of in-state practice from 15 days to 30 days, changes the expiration date from the end of the calendar year for which it was approved to one-year after issuance, adds a prerequisite that applicants must have two years of clinical practice in the relevant profession in their home jurisdiction during the two-years immediately preceding application for a temporary out-of-state permit, and requires quarterly reports to the Board on the total number of days of practice in Kansas. Also, the bill changes the process for individuals seeking subsequent temporary out-of-state permits, indicating that, under emergency circumstances, the Board may extend the temporary out-of-state permit for not more than one additional year, which would entitle the permit-holder to practice for an additional year and receive 30 additional days of practice, while providing quarterly reports to the Board on the number of days practice in Kansas. Given the significant changes in the temporary out-of-state permit process and the requirements to obtain a temporary out-of-state permit, individuals currently holding an out-of-state temporary permit for 2021 will be able to continue to use their existing permit under the previous statutory criteria (including 15 days of in-state practice, not needing to satisfy the requirement of two years of practice in the home jurisdiction in the two years prior to applying for a temporary permit, no reporting requirements, and the permit will expire at the end of calendar year 2021). Any individuals wishing to receive a temporary out-of-state permit under the new statutory criteria will be required to submit a new application for a temporary out-of-state permit, for which the new criteria will apply.

For any questions regarding these changes, please contact the BSRB office at BSRB@ks.gov or 785-296-3240.

Sincerely,



David B. Fye, J.D.
Executive Director
Behavioral Sciences Regulatory Board