

**PROPONENT TESTIMONY ON SB 387
SENATE PUBLIC HEALTH AND WELFARE COMMITTEE
FEBRUARY 9, 2022**

Mister Chairman and Committee Members,

Thank you for the opportunity to testify today as a proponent of SB 387. I am David Fye, the Executive Director of the Behavioral Sciences Regulatory Board (BSRB). SB 387 was requested on behalf of the BSRB, including three Board recommended statutory changes for the professions regulated by the BSRB.

The BSRB is the licensing body for most of the state's mental health professionals, including Licensed Psychology, Master's Level Psychology, Social Work, Professional Counseling, Marriage and Family Therapy, Addiction Counseling, and Behavioral Analysis. Currently, there are more than 14,300 active permanent licenses in the professions we regulate. Our mission is to protect the public's health, safety, and welfare from unlawful or unprofessional practitioners who fall under the Board's jurisdiction. We have defined statutory credentialing qualifications, as well as minimal educational and experiential requirements that applicants must satisfy before being granted licensure.

Section 1 (pages 1 - 4) of SB 387 includes language to address the unintended consequences of an amendment which was added to enacted 2021 Senate Sub. for HB 2208. During the 2021 Legislative session, the BSRB requested introduction of HB 2208, which included several changes for the professions under the BSRB. When that bill was heard in committees, an amendment was added to the bill, deleting a requirement of 350 hours of direct client hours within a clinical practicum, as part of the requirements to become a Licensed Specialist Clinical Social Worker. However, the amendment struck the entire phrase "*with not less than 350 hours of direct client contact **or additional postgraduate supervised experience as determined by the Board***." Prior to the amendment, the BSRB could evaluate applicants who had undergone a different type of practicum, such as an administrative practicum, so long as other requirements were met. Legal counsel for the Board has determined that with the additional language struck from statute, the Board is no longer able to evaluate candidates who have undergone such practicums, so the effect of the amendment went beyond striking the requirement of 350 hours of direct client contact. We do not believe the intent of the amendment was to be limiting for applicants in this way, therefore SB 387 adds back the phrase "*or additional postgraduate supervised experience as determined by the Board*." If SB 387 is enacted, the Board may pursue clarifying language in regulation to enable additional applicants to become Licensed Specialist Clinical Social Workers.

Section 2 (pages 4 – 7) includes language to enable additional individuals a path to become Licensed Addiction Counselors under the BSRB. Current statutes under the BSRB allow most master's level or clinical level practitioners under the BSRB to use those qualifications to take the test to become a Master's Level Addiction Counselor. Applicants have requested the flexibility to take the lower-level test to become a Licensed Addiction Counselor instead, however the BSRB lacks the ability to permit that flexibility without statutory changes. SB 387 would allow these current practitioners to be able to

test for a Licensed Addiction Counselor license, increasing the number of Addiction Counselors and enabling additional services to be provided to the citizens of Kansas. The Board believes this statutory change will allow additional applicants to become licensed as Addiction Counselors more quickly, without sacrificing protection of the public.

Section 3 (page 7) includes language that within the 50 continuing education hours Licensed Psychologists must obtain each license period, practitioners would be required to attain 3 hours of continuing education in the areas of Diversity, Equity, and Inclusion (DEI). Currently, Licensed Psychologists are required to obtain 3 hours of continuing education in ethics and 6 hours of continuing education in diagnosis and treatment each license period. SB 387 provides flexibility to allow practitioners to satisfy these current requirements and the new 3-hour requirement in DEI at the same time, if 3 hours of ethics or 3 of the 6 hours of diagnosis and treatment also involve the topics of DEI. If SB 387 is enacted, a definition of DEI will be set by the Board in regulation and this new requirement would begin in June of 2024.

As a public protection agency, the BSRB requires practitioners to be properly educated and trained; and the agency expects practitioners to provide appropriate services to assist diverse populations within the state. The Board's position is consistent with the recommendation from the Licensed Psychology Advisory Committee of the Board and a request from advocates of the Kansas Psychological Association. Nine states (Arizona, Connecticut, Maryland, Mississippi, New Jersey, New Mexico, Ohio, Rhode Island, and Texas) currently require Licensed Psychologists to take continuing education hours focused on diversity and cultural competency. The American Psychological Association has stressed the value of practitioners being trained to assist diverse populations. The Association of State and Provincial Psychology Boards was contacted regarding whether other states were pursuing similar measures. Five other states (California, Indiana, Nevada, Oregon, and Washington) had either recently enacted legislation or were pursuing regulations on continuing education requirements in cultural competency or DEI topics.

In summary, Mister Chairman and members of the Committee, we believe the provisions of SB 387 will allow additional qualified mental health professionals to obtain licensure in Kansas without sacrificing public protection. With that, I would be happy to answer any questions the Committee members might have.