

**BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING AGENDA
July 12, 2021**

Due to COVID-19, the Board office is practicing social distancing. The office space does not allow for a meeting while practicing social distancing, therefore, the meeting will be conducted virtually on the Zoom platform.

You may view the meeting here:

<https://youtu.be/Qjs2Y6nJ2WU>

**To join the meeting by conference call: 877-278-8686
The pin: 327072**

If there are any technical issues during the meeting, you may call the Board office at, 785-296-3240.

The Behavioral Sciences Regulatory Board may take items out of order as necessary to accommodate the time restrictions of Board members and visitors. All times and items are subject to change

Monday, July 12, 2021

10:00 a.m. Call to order and Roll Call

I. Opening Remarks, Board Chair

II. Agenda Approval

III. Election of Board Chairperson and Vice-Chairperson

IV. Minutes Approval for Previous Meeting: May 10, 2021

V. Executive Director's Report

VI. Staff Reports

VII. New Business

a. Danielle Johnson Resigned from Board on June 25, 2021

b. Assistant Attorney General Janet Arndt is Retiring from the Attorney General's Office on August 6, 2021

c. Review of Regulatory Language Relating to Passage of HB 2208

i. Extenuating Circumstances (102-3-1a)

ii. Direct Client Contact (102-3-1a)

iii. Post-Grad Supervision Regulations (102-2-12)

iv. Definition of an Hour (102-3-1a)

v. Definition of a Half-Hour (102-3-1a)

vi. Licensed Psychology Regulation Expanding Supervision by Televideo

- vii. Consideration of Setting Amount of One-Time Fee in Regulations for Board-Approved Clinical Supervisors for Marriage and Family Therapy and Professional Counseling and PC**
- d. Selecting Representative for Overdose Fatality Review Board**
- e. Selecting Representative for Kansas Fights Addiction Grant Review Board**
- f. Setting for Board Meetings Going Forward – In-Person, Remote, or Hybrid**
- g. Recruitment of Advisory Committee Members**
- h. Board Governance Policy from 2011 Distributed for Review at a Future Meeting**
- i. Aligning Expiration Dates for Multiple Licenses Under the BSRB**

VIII. Executive Session

IX. Consideration of Service Agreement with Office of Administrative Hearings for FY 2022

X. Old Business

- a. Licensing Database Agreement for FY 2022**
- b. Review of Legislation and Considerations for Implementation**
 - i. HB 2066 – Bill Concerning Licensure of Military Servicemembers, Military Spouses, and Others**
 - ii. SB 170 – Bill Concerning PSYPACT**
 - 1. Determining Amount of Fee for Licensee Participation in PSYPACT**
 - 2. Selecting Representative for PSYPACT Commission**
- c. Update on Contracting with Licensure Review Company**

XI. Complaint Review Committee Report

XII. Professions Reports

- a. Psychology**
- b. Social Work**
- c. Professional Counseling**
- d. Master’s Level Psychology**
- e. Marriage and Family Therapy**
- f. Addiction Counseling**
- g. Behavior Analysis**

XIII. Adjournment

Behavioral Sciences Regulatory Board
Election of Chair and Vice-Chair

K.S.A. 74-7501(c) - The board shall organize annually at its first meeting subsequent to June 30 and shall select from its members a chairperson and a vice-chairperson. Other meetings shall be held as the board designates. A majority of members appointed to the board shall constitute a quorum for the transaction of business.

Behavioral Sciences Regulatory Board
Board Meeting
DRAFT MINUTES
May 10, 2021

Call to Order. The meeting was called to order by Chair Deb Stidham at 10:00 a.m.

I. Roll Call.

Board Members. Board Members present by Zoom: Deb Stidham, Leslie Sewester, David Anderson, Danielle Johnson, Mary Jones, Jacqueline Lightcap, Johnna Norton, Bruce Nystrom, Andrea Perdomo-Morales, Laura Shaughnessy, Ric Steele, and Carolyn Szafran.

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

Guests. Cheri Koochel and Tammi Lee

II. Agenda Approval. Leslie Sewester motioned to approve agenda as written. David Anderson seconded. The motion passed.

III. Minutes Approval from previous meetings on March 8, 2021; March 10, 2021; March 15, 2021; and April 2, 2021.

- Deb Stidham, Chair of the Board, noted a typographical error in the minutes from the Board meeting on March 8, 2021. Mary Jones moved to approve the minutes with an amendment to correct the error and Jacqueline Lightcap seconded. The motion passed to approve the minutes as amended.

- Mary Jones moved to approve the March 10, 2021 minutes as written and Johnna Norton seconded. The motion passed.

- Mary Jones moved to approve the March 15, 2021 minutes as written. Andrea Perdomo-Morales seconded. The motion passed.

- Leslie Sewester moved to approve the April 2, 2021 minutes as written. Carolyn Szafran seconded. The motion passed.

IV. Public Comments. Cheri Koochel, President of the Kansas School Social Work Association (KSSWA), provided public comment regarding concerns about certain school districts hiring unlicensed persons functioning in a social work role, hiring Licensed Bachelor Social Workers performing functions outside their scope of practice, and title protection for social workers. Ms. Koochel requested a letter be drafted by the BSRB on behalf of the Board and that this letter be provided to the Kansas State Department of Education on the topic of scope of practice of social workers and title protection, recommending that a master’s level social work degree be recommended as an entry level qualification for a school social worker positions and that certain levels of social workers be hired for certain types of roles. Leslie Allen, Assistant Director for the

BSRB, noted that the social work statutes do not specify which roles can be performed by which type of social work licensee, other than regarding diagnosis and training, so the statutes are silent regarding some of the recommended content in the letter requested by Ms. Koochel. After extensive discussion on several issues, members of the Board did not direct staff to draft a letter, but discussed that Ms. Koochel may want to consider working with an association, such as the National Association of Social Workers, to see if that entity might wish to address these topics with their members.

V. Consideration of Proposal for Application Review Services. Tammi Lee, Vice President for Credentialing and Education Business Services and Partnership Division, presented information about the Center for Credentialing and Education (CCE) performing the review of non-Center for Accreditation of Counseling and Related Educational Programs (CACREP) applicants, reviewing materials of applicants, and submitting recommendations to the Board.

VI. Executive Session. Mary Jones moved that pursuant to K.S.A. 75-4319(b)(2), the Board recess into executive session for 45 minutes and reconvene the open meeting at 11:55 a.m. The meeting will be reconvened remotely by conference call at 1-877-278-8686, PIN 327072, and at the link to the Board's YouTube channel as stated in the notice of meeting that was sent to individuals who requested notice and published on the Board's website: ksbsrb.ks.gov. The justification is consultation with the Board's legal counsel, Assistant Attorneys General Janet Arndt and Laine Barnard, that would be deemed privileged in the attorney-client relationship. The subjects to be discussed in the executive session concern issues with proposed contracts and requirements for post-graduate supervision hours. Board staff who are included as the client in the executive session are David Fye and Leslie Allen. Laura Shaughnessy seconded. The motion passed.

The Board meeting was reconvened after the conclusion of the Executive Session.

VII. Executive Director Reports. David Fye, Executive Director for the BSRB, reported on the following items:

- **BSRB YouTube Channel.** The BSRB YouTube channel was launched in January of 2021 to provide increased public access to meetings of the Board and Advisory Committees in a more secure manner. Currently, 18 videos have been streamed or uploaded on the BSRB YouTube channel, which have been viewed a combined 322 times.
- **Agency Revenue and Expenditures Update.** The fiscal year will end June 30, 2021. Overall, revenue appears to be coming in close to previous estimates. Expenditures are projected to be higher than revenue for the year, partially due to Board's previous action to lower licensure fees in an effort to decrease the ending balance of the fee fund. Expenditures are estimated to be lower than previously estimated, partially due to savings related to the pandemic. Given the projected balance in the agency fee fund, the agency is financially secure.

- **COVID-19 Vaccines for BSRB Staff Members.** COVID-19 vaccines were made available to all state employees and the vaccine is still available for all staff that would like to receive it.
- **Technology Upgrades.** Due to the age of existing equipment, we replaced three computers in the office with new laptops and docking stations. Additionally, work cell phones were purchased for the Executive Director and Assistant Director, and staff members now have the ability to call applicants while working from home through their computers using Jabber Technology.
- **Legislative Updates.**
 - o **BSRB Budget.** The agency's budget was approved by the Legislature for FY 2021, FY 2022 and FY 2023.
 - o **HB 2066 – New Licensing Specialist Position.** In accordance with the passage of HB 2066, the Legislature increased the agency's expenditure authority to allow for the hire of a half-time staff member in FY 2022 to assist with reviewing licensure applications. While the agency requested this expenditure authority and position going forward after FY 2022, the Omnibus appropriations bill did not include the expenditure authority or the part-time position for FY 2023, so the agency will need to request this funding and position as a supplemental request for FY 2023 when the revised budget estimate is submitted in mid-September.
- **Regional and National Meetings and Speaking Engagements.** The Executive Director noted, in an effort to become more educated on state and national issues affecting the professions regulated by the BSRB, he has been attending as many regional and national meetings from professional associations as his schedule will allow. He noted his attendance at meetings on March 17, March 25, March 26, April 9 and 10, April 15, April 22, April 23, April 30, and May 1. The Executive Director took part in speaking engagements on March 9, April 20, and April 28. More information on the specific meetings and events is included in the official Executive Director's report in the Board meeting packet.
- **Multi-State Compacts.** The Executive Director noted he has become aware of a proposed multi-state compact for professional counselors which was reviewed at a recent Professional Counselor Advisory Committee meeting. Also, on May 20, a kickoff meeting has been scheduled to begin the work on a compact for social work, which the Executive Director has registered to attend.
- **Training for New Board Members.** The Association of Social Work Boards (ASWB) is offering training for new Board members on June 10 and 11.
- **Off-Site Board Planning Meeting.** The annual off-site Board meeting is scheduled to take place on September 26 and 27, 2021, in Olathe, KS. Rooms have been blocked and confirmations will be made closer to the date of the meetings.

VIII. Staff Reports. None.

IX. New Business.

- **Governor's Executive Order 21-22 Concerning Expiration of Occupational Licenses.** The Executive Director stated that during the pandemic, a state of emergency was declared and the Governor issued a series of executive orders which

required regulatory boards to delay enforcement of expiration of professional licenses which had expired during the pandemic. After the most recent extension was put into place, the Governor issued an executive order providing more flexibility for agencies to begin enforcing the expiration of these licenses, if 15-day notice is provided. The extension of the state of emergency is set to expire May 28, 2021. The Executive Director stated that while delaying the enforcement of expired licenses was helpful for licensees during the early stages of the pandemic, he has heard that other regulatory agencies are requesting authority to return to enforcing expired licenses. He noted that licensees have experienced confusion in knowing when they need to renew their licenses, when to obtain continuing education hours, and there is value in consistent collection of revenue to ensure the agency can fulfill its' statutory duties. The Executive Director asked if the Board would like to return to enforcing expiration of licenses after March 28 and if the Board could clarify that this would continue even if the disaster was extended past that date. Ric Steele moved that pursuant to Executive Order 20-22, the Board instructs BSRB staff to notify licensees whose licenses expired during the pandemic that their licenses would be officially expired after May 28, 2021 and they would remain expired even if the disaster was extended past May 28, 2021. Mary Jones seconded. The motion passed.

- **Person-to-Person Supervision Attestation During the Pandemic.** Mary Jones motioned that the Board direct staff at BSRB to change the attestation under the new requirements in accordance with HB 2208 for all applications on or after May 6, 2021. David Anderson seconded. The motion passed.
- **Temporary Regulations in Accordance with HB 2208.** Mary Jones motioned that the Board direct staff to begin the process of working on temporary regulations in consideration of HB 2208 for all necessary changes on or after May 6, 2021. David Anderson seconded. The motion passed.
- **Consideration of Continuing Education Requirements in Diversity, Equity and Inclusion.** The Executive Director noted that this topic has been discussed by several of the professions at national association meetings. Several states are considering statutory changes to include a certain number of continuing education hours in diversity, equity, and inclusion. Several advisory committee chairs indicated their advisory committees discussed this topic and noted support for making changes in this area. The Executive Director noted a change to continuing education would require statutory changes so the earliest this change could take place would be following the next legislative session if this is something they plan to include in continuing education requirements. Advisory committees were asked to continue discussion on this topic and the Board members noted plans to discuss this topic further at the off-site Board meeting in September.
- **Review and Consideration of Continuation of Licensing Database Agreement.** Mary Jones moved to direct the Executive Director to work on the terms of the agreement and to grant authority for the Executive Director to execute the agreement on behalf of the Board. Leslie Sewester seconded. The motion passed.
- **Consideration of Contract with Licensing Review Company.** The Chair asked if the Board wished to consider discussion on potentially contracting with a company for the review of certain licensure applications. Jan Arndt, Assistant Attorney General, noted the Board may be able to move forward with the review of some

applications in a closed session under the Kansas Administrative Procedures Act (KAPA). Leslie Sewester moved to amend the agenda to add a discussion item of consideration of further contract negotiations with a company to perform reviews of certain licensure applications. Mary Jones seconded the motion. The motion passed and the agenda was amended. The Chair asked if the Board wished to consider possible action regarding an agreement with the company which provided information to the Board on application review services. Board members discussed whether the method described by the company would be sufficient for the Board's consideration of applicants. The contract currently being reviewed would be limited to professional counselor licensees. Leslie Sewester moved to direct BSRB staff to move forward with contract negotiations to attempt to reach an agreement in consultation with legal counsel for the Board. Mary Jones seconded the motion. The motion passed.

X. Old Business.

- **Records of Deceased Practitioners.** The Executive Director noted that the statutes and regulations of the BSRB do not include language mandating that solo practitioners have a plan in place for who would become custodian of their records should a solo practitioner pass away unexpectedly. Chairs of several of the advisory committees noted that their advisory committees had discussed this topic, including the benefit of asking practitioners to identify who would assume responsibility for their records, should they pass away unexpectedly and there is not a facility or other entity who would maintain their records. Board members discussed that several advisory committees planned to continue discussions on this topic at their upcoming meetings and it was also noted that this subject could be a topic for discussion at the September off-site Board meeting in Olathe.
- **Consideration of Changes to “In Residence.”** The Executive Director noted the Board has received questions from individuals asking if the Board would consider making changes to statutes and regulations on residence requirements relating to educational qualifications for the professions under the BSRB. The Executive referenced past Board direction to request feedback from representatives from Kansas colleges and universities on the topic of whether changes should be made on the topic of residence requirements. The Executive Director referenced a packet of material included Board meeting materials, which included feedback from several individuals at colleges and universities. The Chair noted that Board members should review this information and this subject would be a good discussion topic for the off-site Board meeting in Olathe in September.
- **Review of Legislation and Considerations for Implementation.**
 - a. **HB 2208 General Provisions** – The Executive Director noted HB 2208 was originally requested by the BSRB and the final version of the bill included 5 or 6 other bills amended into it. In conference committee, the implementation date was changed to be upon publication of the Kansas Register, and the bill was published in the Kansas Register on May 6, 2021. The bill changes the statutes, but regulations will need to be modified. The Executive Director received confirmation from the Board that, consistent with the direction of the Board when similar changes were made to the social work profession following the 2019

Legislative session, approved training plans will not need to be modified in response to the reduction in hours in HB 2208. Staff of the BSRB were directed to send an email to licensees and post a message to the Board's website summarizing the provisions in HB 2208 and explaining how implementation of HB 2208 will affect licensees and individuals seeking licensure.

- b. **HB 2208 Out-of-State Temporary Permits** – The Executive Director summarized the changes made to out-of-state temporary permits including in HB 2208. The Executive Director asked the Board, given the significant changes between the previous approval process and the new terms for these permits, whether individuals with an existing permit would automatically qualify for the additional days under the new out-of-state temporary permit. The Board discussed that the approval process and terms of the out-of-state temporary permits had changed so significantly, that individuals currently authorized for an out-of-state temporary permit would practice under the original terms through the end of the year, but if those individuals wished to practice under the new terms, and receive the new benefits under HB 2208, those individuals would need to submit materials to meet the new qualifications and pay the new fee for the permit.
- c. **HB 2208 Extenuating Circumstances.** The Executive Director noted that HB 2208 authorizes the BSRB to waive the face-to-face supervision requirement “upon a finding of extenuating circumstances.” It was noted that a definition of extenuating circumstances already exists in the application regulations, but clarity was sought from the Board whether that definition should apply to the licensure regulations. The Board discussed that extenuating circumstances could be determined prior to needing to waive the face-to-face requirement or later if extenuating circumstances existed due to an emergency and therefore had not been pre-approved. The Board delegated to the Executive Director the authority to determine what would qualify as an extenuating circumstance. The Board directed the Assistant Director to draft language on the definition of extenuating circumstances for this context for consideration at the next Board meeting.
- d. **HB 2066** – The Executive Director noted HB 2066 concerns expedited licensure of military servicemembers, military spouses, and other select individuals. The bill is effective upon publication in the statute book, which is anticipated to be in July. The Executive Director noted he is working with representatives from the Board of Healing Arts to ensure that the requested data in the bill will be tracked and noted that more information on HB 2066 will be brought to the Board at the next meeting.
- e. **SB 170 (Previously HB 2209)** – The Executive Director provided an update on SB 170, which includes a multi-state compact for licensed psychologists known as PSYPACT. The bill passed the Legislature with an effective date of January 1, 2022. The bill is currently awaiting action by the Governor. The Executive Director referenced a question previously asked of BSRB staff, seeking the average amount of BSRB staff time to investigate and handle a complaint against a licensed psychologist. Upon examination of recent complaints, investigatory staff of the BSRB reported an average complaint against a licensed psychologist takes about 9 hours to investigate.

- XI. Complaint Review Committee Report.** The Complaint Review Committee met in April. Bruce Nystrom, Chair of the Complaint Review Committee (CRC), provided a brief report on the number of Reports of Alleged Violations (RAVs).
- XII. Professions Reports.**
- A. Psychology.** Ric Steele noted that the committee met April 13, 2021 and discussed a continuing education requirement on diversity, equity and inclusion, disposal or archiving of records following death, and changes to supervision regulations.
 - B. Social Work.** Next meeting scheduled for May 18, 2021.
 - C. Professional Counseling.** None.
 - D. Master's Level Psychology.** David Anderson, Chair of the advisory committee, noted that the committee met and discussed a possible interstate compact and changes to post-graduate supervision. The advisory committee Chair and the Executive Director spoke on a panel at a recent symposium for the Kansas Association of Master's of Psychology (KAMP). The advisory committee also discussed adding another committee member. Next meeting is scheduled for June 17, 2021.
 - E. Marriage and Family Therapy.** Mary Jones, Chair of the advisory committee, noted the committee met April 30, 2021, and discussed changes in supervision hours, continuing education requirements, and terms of committee members. Next meeting scheduled for June 25, 2021.
 - F. Addiction Counseling.** Deb Stidham, Chair of the advisory committee, noted that the committee will meet next June 18, 2021.
 - G. Behavior Analysis.** None.
- XIII. Information on July Board Elections.**
- The Chair of the Board stated she will not be seeking re-election as Chair at the meeting in July. Leslie Sewester, the current Vice-Chair for the Board, was noted as willing to serve as the next Chair of the Board. The next Chair and Vice-Chair for the Board will be determined per statutory direction, at the July meeting.
- XIV. Adjourn.** Mary Jones motioned to adjourn the meeting. Carolyn Szafran seconded. The motion passed.

Executive Director's Report

Agency Update

- BSRB YouTube Channel
- Logistics for In-Person Meetings / Hybrid Meetings

Operations Update

- Hiring Part-time Licensing Specialist in Conjunction with Approval of Substitute for HB 2066
- Mid-Year Performance Review Check-In Meetings
- Started tracking daily functions of staff, divided by time

Budget Update

- Update on Revenues and Expenditures at Conclusion of FY 2021
- Update on Balance in BSRB Fee Fund

Advisory Committees / Other Committees Facilitated

- May 18 - Licensure Application Review Meeting under the Kansas Administrative Procedure Act (KAPA)
- May 18 – Social Work Advisory Committee Meeting
- June 7 – Professional Counseling Advisory Committee Meeting
- June 8 – Licensed Psychology Advisory Committee Meeting
- June 9 – Hearing
- June 14 – Complaint Review Committee Meeting
- June 17 – Master's Level Psychology Advisory Committee Meeting
- June 18 – Addiction Counselor Advisory Committee Meeting
- June 22 - Licensure Application Review Meeting under the Kansas Administrative Procedure Act (KAPA)
- June 25 – Marriage and Family Therapy Advisory Committee Meeting

Meeting Attended / To Be Attended

- May 20, 2021 – Attended ASWB Social Work Compact Kickoff Meeting
- July 6, 2021 – Attended Overdose Fatality Review Board (OFRB) Introductory Meeting
- August 4-6, 2021 – Will Attend National Board for Certified Counselors Conference in Denver, Co.

Behavioral Sciences Regulatory Board Fee Fund

	Actual FY 2020	Legislative Approved FY 2021	Actual FY 2021 ¹	Legislative Approved FY 2022 ²	Legislative Approved FY 2023
Beginning Balance ³	\$ 2,267,082	\$ 2,163,754	\$ 2,202,679	\$ 1,897,196	\$ 1,680,940
Revenue ⁴	743,767	691,713	731,933	764,739	683,800
<i>Funds Available</i>	\$ 3,010,849	\$ 2,855,467	\$ 2,934,612	\$ 2,661,935	\$ 2,364,740
Expenditures	\$ 847,095	\$ 958,271	\$ 856,008	\$ 980,995	\$ 967,062
Ending Balance	\$ 2,163,754	\$ 1,897,196	\$ 2,078,604	\$ 1,680,940	\$ 1,397,678

¹ Actual FY 2021 revenue and expenditures as of July 7, 2021. Certain funding was encumbered for anticipated expenditures prior to the end of the fiscal year, so actual expenditures could increase if this funding is spent.

² The difference between the Legislative Approved FY 2021 beginning balance and the Actual FY 2021 beginning balance is due to past encumbrances being released, which had previously been counted as expenditures.

³ FY 2022 Expenditures include \$22,850, all from the BSRB Fee Fund, for a part-time licensing specialist position in accordance with the passage of HB 2066. These expenditures are not reflected in the budget for FY 2023.

⁴ Revenue is reflected as the amount of revenue deposited in the BSRB Fee Fund after the statutory reduction of 10.0 percent is deposited into the State General Fund for administrative and other services from the state.

Behavioral Sciences Regulatory Board

Total Permanent Licenses as of July 1, 2021

	<u>July 2021</u>		<u>July 2021</u>
LP	988	Total LPs	988
LASW	9		
LBSW	1,466		
LMSW	3,970		
LSCSW	2,474	Total SWs	7,919
LPC	937		
LCPC	843	Total PCs	1,780
LMLP	294		
LCP	282	Total LMLPs/LCPs	576
LMFT	335		
LCMFT	681	Total MFTs	1,016
LAC	578		
LMAC	427		
LCAC	570	Total ACs	1,575
LaBA	12		
LBA	263	Total BAs	275
Total Permanent		Total Permanent	
Licenses	<u>14,129</u>	Licenses	<u>14,129</u>

Danielle Johnson
Wichita Habitat for Humanity
130 E. Murdock, Suite 102
Wichita, KS 67214
316-269-0755
danielle@wichitahabitat.org

June, 25, 2021

To David Fye, Executive Director BSRB

I am submitting my letter of resignation due to the time conflicts of my new position as I'm the new executive director for Habitat for Humanity. Due to a drastic change in my schedule I will not be able to make regular board and committee meetings. I understand the importance of this work as well as the importance of you all reaching quorum. Thank you for this opportunity and very positive experience. David thank you for your time and all the work you are doing to streamline processes. It's been a pleasure working alongside you. I learned so much by serving and I know that you all will continue to uphold the ethics and polices that the BSRB stands for.

If you have any questions please do not hesitate to contact me at 316.293.8441 or danielle@wichitahabitat.org.

Sincerely,



Danielle Johnson

102-1-5a. Supervised experience and supervisor qualifications. (a) Each applicant for licensure as a psychologist shall demonstrate satisfactory completion of two years of supervised experience in the practice of psychology, one year of which may be predoctoral supervised experience and at least one year of which shall be postdoctoral supervised experience, unless the applicant meets the criteria in paragraph (b)(2).

(b) Predoctoral supervised experience.

(1) The year of predoctoral supervised experience shall meet the internship requirements specified in K.A.R. 102-1-12(b)(11).

(2) This year of predoctoral supervision may be completed on a postdoctoral basis if the applicant completes the predoctoral supervision in the course of successfully completing a program that meets both of the following requirements:

(A) Prepares the applicant to practice in an area of emphasis that is different than the area of emphasis the applicant originally completed at the time the applicant received the doctoral degree; and

(B) substantially complies with the program requirements of K.A.R. 102-1-12.

(c) Postdoctoral supervised experience. The postdoctoral supervised experience shall meet the following requirements:

(1) The supervised experience shall be attained in a public or private setting, institution, or organization that provides the supervisee with contact with other disciplines, the opportunity to utilize a variety of theories, and the opportunity to work with a broad range of populations and techniques

(2) At least 900 hours per year of supervised experience shall be spent providing clinical psychological services.

(3) At least 180 hours per year of supervised experience shall be spent providing general or nonclinical psychological services.

(4) The supervised clinical experience shall be consistent with the supervisee's educational background and with the area of emphasis in which the applicant intends to offer services to the public. At least one-half of the supervisee's general training experience shall be relevant to the supervisee's emphasis area, which may include clinical psychology, counseling psychology, school psychology, industrial psychology, or organizational psychology.

(d) Supervisor qualifications. Each supervisor of a person who is obtaining the supervised experience required to become licensed as a psychologist shall meet the following criteria:

(1) If providing general training supervision, be a licensed or certified provider of a health-related service at the time the supervision occurred or, if the experience occurs in a state or jurisdiction without a provision for licensing or certifying that health-related profession, have attained the appropriate degree or training in the topic area in which supervision is provided;

(2) if providing supervision for the predoctoral supervised experience, be licensed at the doctoral level in psychology;

(3) if providing supervision for the postdoctoral supervised experience, have at least two years of experience that includes the clinical practice of psychology after the date of licensure at the doctoral level in psychology;

(4) meet at least one of the following conditions:

(i) Be a staff member of the practice setting or have an understanding of the practice

setting's organization and administrative policies and procedures; or

(ii) be vested by the agency with authority over the supervisee's professional contacts with each of the supervisee's clients or patients. This authority shall be focused on the supervisee's skills as well as the welfare of those clients or patients whose treatment the supervisor is reviewing;

(5) if the supervisor is not employed by the public or private institution or agency that employs the supervisee, ensure that the scope of the supervisor's own responsibility and authority in that practice setting has been clearly and expressly defined;

(6) not have a familial or harmful dual relationship with the supervisee;

(7) not be under sanction from a disciplinary proceeding, unless this prohibition is waived by the board for good cause shown by the proposed supervisor; and

(8) use forms supplied by the board and submit information that is sufficiently detailed regarding the supervisee's application for psychology licensure to enable the board to evaluate the extent and quality of the supervisee's supervised experience.

(e) Supervised experience requirements.

(1) For predoctoral psychology experience settings, the supervisor shall provide one hour of individual clinical supervision for every 10 hours during which the supervisee has direct patient or client contact.

(2) For postdoctoral supervised experience settings, the supervisor shall provide one hour of individual clinical supervision for every 20 hours during which the supervisee has direct patient or client contact.

(3) The supervisor, in addition to meeting the requirements listed in subsection (d), shall perform the following:

(A) Provide individual face to face supervision by meeting in person or if confidentiality is technologically protected, by televideo with the supervisee. The means of supervision must have the ability to include ,discussion, observation, and review of documentation. When meeting in person face-to-face is not practical due to an emergency, geographic distance, or other exigent extenuating circumstances, telephonic supervision may be approved by the board ~~the supervisor may meet with the supervisee by interactive video or other electronic or telephonic means of communication. The supervisor and supervisee may use any electronic or telephonic means of communication that protects the confidentiality of their supervision. The use of these means of communication shall not exceed one out of every four supervisory sessions;~~

(B) be available to the supervisee at the points of decision making regarding the diagnosis and treatment of clients or patients;

(C) conduct supervision as a process that is distinct from providing personal therapy, didactic instruction, or consultation;

(D) in conjunction with the supervisee, review and evaluate the psychological services delivered and procedures used;

(E) ensure that each client or patient knows that the supervisee is practicing psychology under supervision;

(F) be available to the supervisee for emergency consultation and intervention; and

(G) maintain documentation of the supervision that details each type of the psychological services and procedures in which the supervisee engages and the supervisee's competence in each.

(f) Supervisee requirements. Each person attaining the supervised experience

necessary for licensure as a psychologist shall meet the following criteria:

- (1) Fully participate in the supervisory process in a responsible manner; and
- (2) inform, in writing, each client or patient for whom the supervisee is practicing psychology of the name of and the means to contact the supervisor. (Authorized by K.S.A. 2005 Supp. 74-7507; implementing K.S.A. 74-5310 and 74-5317; effective Oct. 27, 2000; amended March 10, 2006.)

102-2-12. Licensed specialist clinical social work licensure requirements.

(a) Educational requirements. In order for an applicant who earns a degree before July 1, 2003 to qualify for licensure as a licensed specialist clinical social worker, the applicant shall meet, as a part of or in addition to the educational requirements provided in K.S.A. 65-6306, and amendments thereto, the following educational requirements:

(1) Satisfactory completion of at least three graduate academic hours in a discrete academic course whose primary and explicit focus is upon psychopathology and the diagnosis and treatment of mental disorders classified in the diagnostic manuals commonly used as a part of accepted social work practice;

(2) satisfactory completion of a graduate-level, clinically oriented social work practicum that fulfills these requirements:

(A) Is taken after completion of the graduate-level, clinically focused academic courses that are prerequisite to entering the clinical practicum;

(B) is an integrated, conceptually organized academic experience and is not an after-the-fact tabulation of clinical experience;

(C) occurs in a practice setting that, by its nature and function, clearly supports clinical social work practice and consistently provides opportunities for the supervised application of clinical social work practice knowledge, skills, values, and ethics; and

(D) provides training and close supervision in a wide range of clinical social work practice activities with a population of clients presenting a diverse set of problems and backgrounds.

(b) Each applicant for licensure as a specialist clinical social worker who earns a degree on or after July 1, 2003 shall meet the following requirements:

(1) Satisfactory completion of 15 graduate-level credit hours supporting diagnosis or treatment of mental disorders using the diagnostic and statistical manual of mental disorders as specified in K.A.R. 102-2-14. Three of the 15 credit hours shall consist of a discrete academic course whose primary and explicit focus is upon psychopathology and the diagnosis and treatment of mental disorders as classified in the diagnostic and statistical manual of mental disorders. The 15 graduate-level credit hours shall be from a social work program accredited by the council on social work education or a social work program in substantial compliance as prescribed in K.A.R. 102-2-6 and approved by the board; and

(2) ~~completion of one of the following experience requirements:~~

~~(A) A Satisfactory completion of a graduate-level, supervised clinical practicum of professional experience that includes psychotherapy and assessment. The practicum shall integrate diagnosis and treatment of mental disorders with use of the diagnostic and statistical manual of mental disorders as identified in K.A.R. 102-2-14 and shall include not less than 350 hours of direct client contact; or~~

~~(B) postgraduate supervised experience including psychotherapy and assessment. The experience shall integrate diagnosis and treatment of mental disorders with use of the diagnostic and statistical manual of mental disorders, as specified in K.A.R. 102-2-14. The experience shall consist of not less than 700 hours of supervised experience, including not less than 350 hours of direct client contact. This experience shall be in addition to the 4,000 hours of postgraduate, supervised experience required for each licensed specialist clinical social worker, as specified in subsection (c). The applicant shall provide documentation of this postgraduate experience on board approved forms. The supervision shall comply with K.A.R. 102-2-8 and K.A.R. 102-2-12(c) and shall be in addition to the supervision requirements in K.A.R. 102-2-12(c)(4).~~

(c) Each applicant for licensure as a specialist clinical social worker shall fulfill meet the following requirements:

(1) Develop and co-sign with the supervisor a clinical supervision training plan for the postgraduate supervised clinical experience required under K.S.A. 65-6306 and amendments thereto, on forms provided by the board. The applicant shall submit this plan to the board for consideration for approval before beginning clinical supervision. The clinical supervision training plan shall comply with K.A.R. 102-2-8 (d). If changes or amendments to the plan occur after initial board approval, these changes or amendments shall be submitted to the board for consideration for approval;

(2) complete, in not less than two years and not more than six years, a ~~minimum of 4,000~~ at least 3,000 hours of satisfactorily evaluated postgraduate, supervised clinical social work practice experience under the supervision of a qualified licensed specialist clinical social worker. ~~A minimum of 2,000 hours of the applicant's total postgraduate, supervised clinical experience shall consist of a combination of the following types of social work services:~~

~~(A) At least 1,500 hours of the applicant's total postgraduate, supervised clinical experience shall be direct client contact conducting psychotherapy and assessments with individuals, couples, families, or groups; and~~

~~(B) up to 500 hours of providing clinical social work practice services;~~

(3) complete all required practice under supervision in accordance with K.A.R. 102-2-8 (d); and

(4) participate in ~~a minimum of 100 supervisory meetings consisting of not less than 150~~ at least one continuous hour of supervision for each 15 hours of direct client contact to total 100 hours of clinical supervision. ~~A minimum of At least 75~~ 50 hours of the ~~150~~ 100 required hours of supervision shall be individual supervision, ~~of which at least 50 hours shall be obtained in person. The remainder of the 150 required hours may be obtained in person or, All~~ supervision shall be conducted face-to-face either in person or, if confidentiality is technologically protected, by synchronous videoconferencing. Each applicant using videoconferencing shall provide written verification of the technological security measure implemented. The supervision shall integrate the diagnosis and

treatment of mental disorders with the use of the diagnostic and statistical manual of mental disorders specified in K.A.R. 102-2-14. ~~A maximum of two hours of supervision shall be counted for each 20 hours of clinical social work practice.~~

(d) At the time of the individual's application for licensure as a specialist clinical social worker, the applicant's supervisor shall submit documentation that is satisfactory to the board and that enables the board to evaluate the nature, quality, and quantity of the applicant's supervised clinical social work experience. This documentation shall include the following information:

(1) A written summary of the types of clients and situations dealt with during the supervisory sessions;

(2) a written summary that addresses the degree to which the goals and objectives of supervision have been met;

(3) a written statement and supportive documentation that describes the applicant's practice setting and provides a summary of the applicant's practice activities and responsibilities that occurred while under supervision;

(4) a statement indicating whether or not the applicant merits the public trust; and

(5) an evaluation of the applicant's supervised clinical social work experience. (Authorized by K.S.A. 2019 Supp. 65-6306, K.S.A. 65-6308, and K.S.A. ~~2007 Supp.~~ 74-7507; implementing K.S.A. 2019 Supp. 65-6306 and K.S.A. 65-6308; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985;

amended May 1, 1987; amended Feb. 25, 1991; amended Oct. 24, 1997;

amended Aug. 4, 2000; amended July 7, 2003; amended April 22, 2005;

amended Feb. 13, 2009; amended P-_____.)

102-3-1a. Definitions. (a) "Academic equivalent of a semester hour," as used in K.A.R. 102-3-3a, means the prorated, proportionate credit for formal academic coursework when the coursework is completed on the basis of trimester or quarter hours rather than semester hours.

(b) "Board" means the behavioral sciences regulatory board.

(c) "Client" means a person who is a direct recipient of professional counseling services.

(d) "Client contact" means face-to-face interaction between the counselor and client or clients.

(e) "Clinical professional counselor practice" means the professional application of professional counseling theory and methods to the treatment and prevention of psychosocial dysfunction, disability, or impairment, including behavioral, emotional, and mental disorders. Clinical professional counseling shall include the following:

(1) Assessment;

(2) diagnosis of mental disorders;

(3) planning and treatment, which may include psychotherapy and counseling;

(4) treatment intervention directed to interpersonal interactions, intrapsychic dynamics, and life management issues;

(5) consultation; and

(6) evaluation, referral, and collaboration.

(f) "Clinical supervision training plan" means formal, written agreement that establishes the supervisory framework for postgraduate clinical experience and describes the expectations and responsibilities of the supervisor and the supervisee.

(g) "Consultation" means a voluntary, professional relationship in which the consultant offers the consultant's best advice and expertise that the consultee can either accept or reject and in which the objectives and requirements of supervision as established in K.A.R. 102-3-7a are lacking. Professional counseling consultation shall not be substituted for supervision.

(h) "Continuing education" means formally organized programs or activities that are designed to and have content intended to enhance the professional counselor's or clinical professional counselor's knowledge, skill, values, ethics, and ability to practice as a professional counselor or as a clinical professional counselor.

(i) "Dual relationship" means a professional relationship in which the objectivity or competency of the licensee is impaired or compromised because of any of the following present or previous relationships with the client or supervisee:

(1) Familial;

(2) sexual;

(3) emotional; or

(4) financial.

(j) "Extenuating circumstances" means any condition that is caused by any unexpected event that is beyond the individual's control.

(k) "Job orientation" or "on-the-job training" means a training program or presentation of information that is so specific to a particular job or employment position that it bears no generalization to any other work setting.

(l) "Malfeasance" means doing an act that a licensee should not do.

(m) "Merits the public trust" means that an applicant or licensee possesses the high standard of good moral character and fitness that is required to practice professional counseling as demonstrated by the following personal qualities:

(1) Good judgment;

(2) integrity;

(3) honesty;

- (4) fairness;
 - (5) credibility;
 - (6) reliability;
 - (7) respect for others;
 - (8) respect for the laws of the state and nation;
 - (9) self-discipline;
 - (10) self-evaluation;
 - (11) initiative; and
 - (12) commitment to the professional counseling profession and its values and ethics.
- (n) "Misfeasance" means the improper performance of a lawful act by a licensee.
- (o) "Nonfeasance" means the omission of an act that a licensee should do.
- (p) "One year of professional experience" means a total of 2,000 clock hours of postgraduate supervised experience in professional counseling.
- (q) "Practice setting" means any public or private counseling service agency or delivery system within which professional counseling is practiced or professional counseling services are delivered.
- (r) "Practicum" or "internship" means a formal component of an academic curriculum in the professional counseling program that engages the student in supervised, professional counseling practice and provides opportunities to apply classroom learning to actual practice situations in a field setting.
- (s) "Professional counseling supervision" means a formal relationship between the supervisor and supervisee that promotes the development of responsibility, skill, knowledge, attitudes, and ethical standards in the practice of professional counseling.
- (t) "Prior-approved continuing education" means any of the following forms of continuing education:
- (1) Any single-program material that has been submitted by a provider to the board, approved by the board, and assigned a continuing education number;
 - (2) any program offered by a provider with approved-provider status; or
 - (3) academic counseling courses audited or taken for credit.
- (u) "Semester hour," as used in K.A.R. 102-3-3a, means a minimum of 13 clock hours of formal didactic classroom instruction that occurred over the course of an academic semester and for which the applicant received formal graduate academic credit.
- (v) "Termination of the professional counseling relationship" means the end of the professional relationship resulting from any of the following:
- (1) The mutual consent of the counselor and the client;
 - (2) the completion of counseling services;
 - (3) dismissal of the counselor by the client;
 - (4) dismissal of the client by the counselor; or
 - (5) the transfer of the client to another professional for active treatment or therapy with the belief that treatment will continue.
- (w) "Under the direction" means the formal relationship between the individual providing direction and the licensed professional counselor in which both of the following conditions are met:
- (1) The directing individual provides the licensee, commensurate with the welfare of the client and the education, training, and experience of the licensee, with the following:
 - (A) Professional monitoring and oversight of the professional counseling services provided by the licensee;

(B) regular and periodic evaluation of treatment provided to clients by the licensee; and
(C) verification that direction was provided to the licensee.

(2) The licensee receiving direction provides the board with the following for each license renewal:

(A) The name, identifying information, and type of license of the directing individual;

(B) a description of the work setting and the professional counseling services conducted under direction; and

(C) documentation that direction was given, including dates, location, and length of time as verified by the directing individual.

(x) "Undue influence" means misusing one's professional position of confidence, trust, or authority over a client or supervisee, or taking advantage of a client's vulnerability, weakness, infirmity, or distress for either of the following reasons:

(1) To improperly influence or change the actions or decisions of a client or supervisee; or

(2) to exploit a client or supervisee for the counselor's or a third party's financial gain, personal gratification, or advantage. (Authorized by and implementing K.S.A. 1999 Supp. 74-7507; effective Dec. 19, 1997; amended Aug. 4, 2000.)

102-3-3a. Education requirements. To qualify for licensure as a professional counselor or a clinical professional counselor, the applicant's education shall meet the applicable requirements provided in the following subsections. (a) (1) "Core faculty member" means an individual who is part of the program's teaching staff and who meets the following conditions:

(A) Is an individual whose education, training, and experience are consistent with the individual's role within the program and are consistent with the published description of the goals, philosophy, and educational purpose of the program;

(B) is an individual whose primary professional employment is at the institution in which the program is housed; and

(C) is an individual who is identified with the program and is centrally involved in program development, decision making, and student training as demonstrated by consistent inclusion of the individual's name in public and departmental documents.

(2) "In residence," when used to describe a student, means that the student is present at the physical location of the institution for the purpose of completing coursework during which the student and one or more core faculty members are in face-to-face contact.

(3) "Primary professional employment" means at least 20 hours per week of instruction, research, any other service to the institution in the course of employment, and the related administrative work.

(b) At the time of application, each applicant shall have fulfilled the following requirements:

(1) Received either a master's or doctoral degree in counseling, or a related field from a program that meets one of the following requirements:

(A) Is not below the accreditation standards of the council for the accreditation of counseling and related educational programs; or

(B) meets the requirements in subsections (f) and (g); and

(2) as a part of or in addition to the coursework completed for the counseling, or related field, graduate degree, completed at least 60 graduate semester hours, or the academic equivalent, of which at least 45 graduate semester hours, or the academic equivalent, shall clearly satisfy the coursework requirements in subsection (c).

(c) Each applicant shall have satisfactorily completed formal academic coursework that contributes to the development of a broad conceptual framework for counseling theory and practice as a basis for more advanced academic studies. This formal academic coursework shall consist of at least 45 graduate semester hours, or the academic equivalent, that are distributed across the substantive content areas provided in this subsection. None of these credit hours shall be earned through independent study courses. There shall be at least two

discrete and unduplicated semester hours, or the academic equivalent, in each of the following substantive content areas:

(1) Counseling theory and practice, which shall include studies in the basic theories, principles, and techniques of counseling and their applications to professional settings;

(2) the helping relationship, which shall include studies in the philosophical bases of helping relationships and the application of the helping relationship to counseling practice, as well as an emphasis on the development of practitioner and client self-awareness;

(3) group dynamics, processes, and counseling approaches and techniques, which shall include studies in theories and types of groups, as well as descriptions of group practices, methods, dynamics, and facilitative skills;

(4) human growth and development, which shall include studies that provide a broad understanding of the nature and needs of individuals at all developmental levels and in multicultural contexts;

(5) career development and lifestyle foundations, which shall include studies in vocational theory, the relationship between career choice and lifestyle, sources of occupational and educational information, approaches to career decision-making processes, and career development exploration techniques;

(6) appraisal of individuals and studies and training in the development of a framework for understanding the individual, including methods of data

gathering and interpretation, individual and group testing, and the study of individual differences;

(7) social and cultural foundations, which shall include studies in change processes, ethnicity, subcultures, families, gender issues, the changing roles of women, sexism, racism, urban and rural societies, population patterns, cultural mores, use of leisure time, and differing life patterns. These studies may come from the behavioral sciences, economics, political science, and similar disciplines;

(8) research and evaluation, which shall include studies in the areas of statistics, research design, development of research, development of program goals and objectives, and evaluation of program goals and objectives;

(9) professional orientation, which shall include studies codes of ethics, legal considerations, standards of preparation and practice, certification, licensing, and the role identities of counselors and others in the helping professions; and

(10) supervised practical experience, which shall include studies in the application and practice of the theories and concepts presented in formal study. This experiential practice shall be performed under the close supervision of the instructor and on-site supervisor with the use of direct observation and the preparation and review of written case notes. Direct observation may include the use of one-way mirrors in a counseling laboratory, the use of videotaped or

audiotaped sessions, or the use of real-time video conferencing or similar synchronous communication devices.

(d) Each applicant for licensure as a clinical professional counselor whose master's or doctoral degree is earned before July 1, 2003 shall have earned the graduate degree in accordance with subsections (b) and (c).

(e) Each applicant for licensure as a clinical professional counselor whose master's or doctoral degree is earned on or after July 1, 2003 shall meet the following education requirements:

(1) Have earned a graduate degree in accordance with subsections (b) and (c);

(2) in addition to or as a part of the academic requirements for the graduate degree, have completed 15 graduate semester credit hours, or the academic equivalent, supporting diagnosis and treatment of mental disorders using the "diagnostic and statistical manual of mental disorders" as specified in K.A.R. 102-3-15. The 15 graduate semester credit hours, or the academic equivalent, shall include both of the following:

(A) The applicant shall have satisfactorily completed two graduate semester hours, or the academic equivalent, of discrete coursework in ethics and two graduate semester hours, or the academic equivalent, of discrete coursework in psychopathology and diagnostic assessment, including the study of the latest edition of the "diagnostic and statistical manual of mental disorders" and assessment instruments that support diagnosis.

(B) The applicant shall have satisfactorily completed coursework addressing treatment approaches and inter-disciplinary referral and collaboration; and

(3) ~~completion of a graduate-level, supervised clinical practicum pursuant to K.S.A. 65-5804a(c)(1)(C), and amendments thereto.~~ completion of one of the following experience requirements:

(A) Satisfactory completion of a graduate-level, supervised clinical practicum of professional experience that includes psychotherapy and assessment. The practicum shall integrate diagnosis and treatment of mental disorders with use of the diagnostic and statistical manual of mental disorders as identified in K.A.R. 102-3-15 and shall include not less than 280 hours of direct client contact; or

(B) additional direct client contact hours providing psychotherapy and assessment as part of the postgraduate supervised experience. The experience shall consist of the number of hours that the applicant was lacking to attain 280 hours of direct client contact during the practicum. The postgraduate hours and the practicum hours completed shall total at least 280 hours. This experience shall be in addition to the 4,000 3,000 hours of postgraduate, supervised experience required for each licensed clinical professional counselor as required in K.A.R. 102-3-7a.

(f) In order to be approved by the board, each educational program in professional counseling, or a related field, shall meet the following requirements:

(1) Have established program admission requirements that are based, in part or in full, on objective measures or standardized achievement tests and measures;

(2) require an established curriculum that encompasses at least two academic years of graduate study;

(3) have clear administrative authority and primary responsibility within the program for the core and specialty areas of training in professional counseling;

(4) have an established, organized, and comprehensive sequence of study that is planned by administrators who are responsible for providing an integrated educational experience in professional counseling;

(5) engage in continuous systematic program evaluation indicating how the mission objectives and student learning outcomes are measured and met;

(6) be chaired or directed by an identifiable person who holds a doctoral degree in counseling that was earned from a regionally accredited college or university upon that person's actual completion of a formal academic training program;

(7) have an identifiable, full-time, professional faculty whose members hold earned graduate degrees in professional counseling or a related field;

(8) have an established, identifiable body of students who are formally enrolled in the program with the goal of obtaining a degree;

(9) require an appropriate practicum, internship, or field or laboratory training in professional counseling that integrates didactic learning with supervised clinical experience;

(10) conduct an ongoing, objective review and evaluation of each student's learning and progress, and report this evaluation in the official student transcripts;

(11) require that at least 30 graduate semester credit hours, or the academic equivalent, of coursework be completed "in residence" at one institution and require that the practicum or internship be completed at the same institution; and

(12) require that the number of graduate semester hours, or the academic equivalent, delivered by adjunct faculty does not exceed the number of graduate semester hours, or the academic equivalent, delivered by core faculty members.

(g) In order for an applicant to qualify for licensure, the college or university at which the applicant completed the counseling, or related field, degree requirements shall meet these requirements:

(1) Be regionally accredited, with accreditation standards equivalent to those met by Kansas colleges and universities;

(2) document in official publications, including course catalogs and announcements, the program description and standards and the admission requirements of the professional counseling education and training program;

(3) identify and clearly describe in pertinent institutional catalogs the coursework, experiential, and other academic program requirements that must be satisfied before conferral of the graduate degree in counseling;

(4) clearly identify and specify in pertinent institutional catalogs its intent to educate and train professional counselors;

(5) have clearly established the professional counselor education program as a coherent entity within the college or university that, when the applicant's graduate degree was conferred, met the program standards in subsection (f); and

(6) have conferred the graduate degree in counseling upon the applicant's successful completion of an established and required formal program of studies.

(h) The following types of study shall not be substituted for or counted toward the coursework requirements of subsections (b), (c), (d), and (e):

(1) Academic coursework that the applicant completed as a part of or in conjunction with the undergraduate degree requirements;

(2) academic coursework that has been audited rather than graded;

(3) academic coursework for which the applicant received an incomplete or failing grade;

(4) coursework that the board determines is not closely related to the field or practice of counseling;

(5) graduate or postgraduate coursework or training provided by any college, university, institute, or training program that does not meet the requirements of subsections (f) and (g); and

(6) any continuing education, in-service activity, or on-the-job training.

(i) The following types of study may be counted toward the 60 graduate semester hours required under paragraph (b)(2):

(1) No more than six graduate semester hours of independent study that is related to the field or practice of counseling, except that independent study shall not be used to meet any of the substantive content area requirements specified in subsection (c); and

(2) no more than four graduate semester hours for thesis research and writing. (Authorized by K.S.A. 2014 Supp. 65-5804a and 74-7507; implementing K.S.A. 2014 Supp. 65-5804a; effective Dec. 19, 1997; amended July 19, 2002; amended Aug. 8, 2003; amended Oct. 27, 2006; amended Dec. 12, 2014.)

102-5-7a. Professional postgraduate supervised experience requirement for a clinical marriage and family therapist. In order to be approved by the board for licensure as a clinical marriage and family therapist, the applicant's postgraduate supervised professional experience of marriage and family therapy, totaling ~~4,000~~ 3,000 hours of professional experience inclusive of 1,500 hours of direct client contact, shall meet all of the following standards:

(a) ~~Except as provided in subsection (b),~~ absent extenuating circumstances approved by the board, clinical supervision shall be ~~provided~~ conducted face-to-face, either in person, or if confidentiality is technologically protected, through synchronous videoconferencing throughout the entirety of the postgraduate supervised professional experience, as specified below:

(1) At least 50 hours of ~~one-on-one,~~ individual clinical supervision occurring with the supervisor and supervisee ~~in the same physical space;~~

(2) ~~at least 100~~ up to 50 hours of clinical supervision with one supervisor and no more than six supervisees ~~in the same physical space, except when not practical due to an emergency or other exigent circumstances, at which time person to person contact by interactive video or other telephonic means maintaining confidentiality shall be allowed;~~

(3) at least one hour session or two half hour sessions of clinical supervision ~~during each week in which the applicant has~~ for each 15 ~~or more~~ hours of direct client contact; and

(4) at least two separate clinical supervision sessions per month, at least one of which shall be ~~one-on-one,~~ individual supervision.

(5) Telephonic clinical supervision may be allowed under extenuating circumstances approved by the board.

(b) Each applicant with a doctor's degree in marriage and family therapy or a related field as defined in K.A.R. 102-5-1 shall complete a minimum of one-half of the postgraduate supervised professional experience requirements as specified below:

(1) At least At least 50 hours of ~~one-on-one~~, individual clinical supervision occurring with the supervisor and supervisee ~~in the same physical space~~;

(2) ~~at least 50~~ up to 25 hours of clinical supervision with one supervisor and no more than six supervisees ~~in the same physical space, except when not practical due to an emergency or other exigent circumstances, at which time person to person contact by interactive video or other telephonic means maintaining confidentiality shall be allowed~~; and

(3) at least two separate supervisory sessions per month, at least one of which shall be ~~one-on-one~~, individual supervision.

(c) The clinical supervisor of a person attaining the ~~4,000~~ 3,000 hours of postgraduate supervised professional experience required for licensure as a clinical marriage and family therapist, at the time of providing supervision, shall meet one of the following qualifying provisions:

(1) The clinical supervisor shall be a clinical marriage and family therapist who is licensed in Kansas or is registered, certified, or licensed in another jurisdiction and, beginning July 1, 2003, who has engaged in the independent practice of clinical marriage and family therapy, including the diagnosis and treatment of mental disorders, for at least two years beyond the supervisor's registration, certification, or licensure date as a clinical marriage and family therapist.

(2) If a licensed clinical marriage and family therapist is not available, the clinical supervisor may be a person who is registered, certified, or licensed at the graduate level to practice in one of the behavioral sciences, and whose authorized scope of practice permits the diagnosis and treatment of mental disorders. The qualifying individual shall not have had less than two years of professional experience in the independent practice of

clinical marriage and family therapy beyond the date of the supervisor's registration, certification, or licensure.

(d) In addition to the requirements of subsection (c), each clinical supervisor shall meet these requirements:

(1) Have professional authority over and responsibility for the supervisee's clinical functioning in the practice of marriage and family therapy;

(2) not have a dual relationship with the supervisee;

(3) not be under any sanction from a disciplinary proceeding, unless the board waives this prohibition for good cause shown by the proposed supervisor;

(4) have knowledge of and experience with the supervisee's client population;

(5) have knowledge of and experience with the methods of practice that the supervisee employs;

(6) have an understanding of the organization and the administrative policies and procedures of the supervisee's practice setting; and

(7) be a member of the practice setting staff or meet the requirements of subsection (e).

(e) If a qualified clinical supervisor is not available from among staff in the supervisee's practice setting, the supervisee may secure an otherwise qualified clinical supervisor outside the practice setting if all of the following conditions are met:

(1) The supervisor has a solid understanding of the practice setting's mission, policies, and procedures.

(2) The extent of the supervisor's responsibility for the supervisee is clearly defined in terms of client cases to be supervised, role in personnel evaluation within the practice setting, and other aspects of the clinical supervision training plan.

(3) The responsibility for payment for supervision is clearly defined.

(4) If the supervisee pays the supervisor directly for the supervision, the supervisor maintains responsibility to the client and to the practice setting.

(f) Each clinical supervisor shall perform the following duties:

- (1) Provide oversight, guidance, and direction of the supervisee's clinical practice of marriage and family therapy by assessing and evaluating the supervisee's performance;
- (2) conduct supervision as a process distinct from personal therapy, didactic instruction, or marriage and family therapy consultation;
- (3) provide documentation of supervisory qualifications to the supervisee;
- (4) periodically evaluate the supervisee's clinical functioning;
- (5) provide supervision in accordance with the clinical supervision training plan;
- (6) maintain documentation of supervision in accordance with the clinical supervision training plan;
- (7) provide the documentation required by the board when a supervisee completes the postgraduate supervised professional experience. The supervisor shall submit this documentation on board-approved forms and in a manner that will enable the board to evaluate the extent and quality of the supervisee's professional experience and assign credit for that experience;
- (8) provide a level of supervision that is commensurate with the education, training, experience, and ability of both the supervisor and the supervisee; and
- (9) ensure that each client knows that the supervisee is practicing marriage and family therapy under supervision.

(g) Each supervisor and supervisee shall develop and co-sign a written clinical supervision training plan on forms provided by the board at the beginning of the supervisory relationship. The supervisee shall submit this plan to the board and shall receive board approval of the plan before any supervised professional experience hours can begin to accrue. This plan shall clearly define and delineate the following items:

- (1) The supervisory context;
- (2) a summary of the anticipated types of clients and the services to be provided;
- (3) the format and schedule of supervision;
- (4) a plan for documenting the following information:
 - (A) The date of each supervisory meeting;
 - (B) the length of each supervisory meeting;
 - (C) a designation of each supervisory meeting as an individual or group meeting;
 - (D) a designation of each supervisory meeting as conducted in the same physical space or otherwise, in the case of emergency; and
 - (E) an evaluation of the supervisee's progress under clinical supervision;
- (5) a plan to notify clients of the following information:
 - (A) The fact that the supervisee is practicing marriage and family therapy under supervision;
 - (B) the limits of client confidentiality within the supervisory process; and
 - (C) the name, address, and telephone number of the clinical supervisor;
- (6) the date on which the parties entered into the clinical supervision training plan and the time frame that the plan is intended to encompass;
- (7) an agreement to amend or renegotiate the terms of the clinical supervision training plan, if warranted, including written notification of these changes to the board office, as provided in subsection (h);

(8) the supervisee's informed consent for the supervisor to discuss supervision or performance issues with the supervisee's clients, the supervisee's other marriage and family therapy or employment supervisors, the board, or any other individual or entity to which either the supervisee or the supervisor is professionally accountable; and

(9) a statement signed by each supervisor and supervisee acknowledging that each person has read and agrees to the postgraduate supervised professional experience requirements set forth in this regulation.

(h) All changes to the clinical supervision training plan shall be submitted by the supervisee to the board for its approval. The changes shall be submitted no more than 45 days after the date on which the changes took effect. If the supervisee fails to submit the changes to the board within that 45-day period, no supervised hours of practice shall be accrued or credited for any practice, beginning on the date the changes took effect through the date on which the changes to the plan are approved by the board.

(Authorized by K.S.A. 74-7507; implementing K.S.A. 65-6404; effective April 17, 1998; amended Oct. 22, 1999; amended Aug. 4, 2000; amended July 7, 2003; amended Aug. 13, 2004.)

Behavioral Sciences Regulatory Board

Setting One-Time Fee in Regulations for Board-Approved Clinical Supervisor for Professional Counseling

K.S.A. 65-5818. Postgraduate clinical supervision of professional counselors; requirements. On and after July 1, 2017, all licensees providing postgraduate clinical supervision for those working toward clinical licensure must be board-approved clinical supervisors.

(a) Applications for a board-approved clinical supervisor shall be made to the board on a form and in the manner prescribed by the board. Each application shall be accompanied by the fee fixed under K.S.A. 65-5808, and amendments thereto.

K.S.A. 65-5808. (a) The board may fix the following fees, and any such fees shall be established by rules and regulations adopted by the board:

...

(12) for application as a board-approved clinical supervisor, not more than \$50.

Setting One-Time Fee in Regulations for Board-Approved Clinical Supervisor for Marriage and Family Therapy

K.S.A. 65-6414. Postgraduate clinical supervision of marriage and family therapists; requirements. On and after July 1, 2017, all licensees providing postgraduate clinical supervision for those working toward clinical licensure must be board-approved clinical supervisors.

(a) Applications for board-approved clinical supervisor shall be made to the board on a form and in the manner prescribed by the board. Each application shall be accompanied by the fee fixed under K.S.A. 65-6411, and amendments thereto.

K.S.A. 65-6411. (a) The board may fix the following fees, and any such fees shall be established by rules and regulations adopted by the board:

...

(12) for application as a board-approved clinical supervisor, not more than \$50.

Division of Public Health
Curtis State Office Building
1000 SW Jackson St., Suite 230
Topeka, KS 66612-1368



Phone: 785-296-8916
www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

May 24, 2021

The Kansas Department of Health and Environment (KDHE) is planning to implement an Overdose Fatality Review Board (OFRB) in Kansas and is currently gauging interest to identify potential partners to participate in a planning meeting for this initiative. This KDHE initiative is funded through a grant from the Centers for Disease Control, called Overdose Data to Action (OD2A). This funding is intended to reduce substance use disorder and overdose death in Kansas.

The OFRB will review overdose cases to identify risk factors and potential points of intervention and prevention to reduce the number of overdose fatalities in the state. In addition, the OFRB will strengthen communication and collaboration between agencies to develop a comprehensive and systemic response to overdose fatalities, as well as to develop and implement prevention strategies.

Confidentiality agreements will be developed for each participating member of the OFRB to ensure the case information and data is handled with the utmost care to protect our communities and citizens. KDHE-OD2A staff will support OFRB efforts to establish: the development of a protocol describing the OFRB case review process; development of case selection criteria; recruitment of OFRB team members; establishment of the OFRB governance structure; and the role of participating partners.

If your agency, or a member of your agency, would be willing to participate in this statewide effort to reduce overdose death in Kansas, please contact:

Julia Baughman
Opioid/SUDORS Program Coordinator
Bureau of Health Promotion
Kansas Department of Health & Environment
1000 SW Jackson, Suite 230 | Topeka, KS 66612
Phone: 785-368-7289
Julia.N.Baughman@ks.gov

Sincerely,

Ryan Lester, MPH
Director, Bureau of Health Promotion

Lee A. Norman, M.D. *ALN*
Secretary

Behavioral Sciences Regulatory Board
Kansas Fights Addiction Grant Review Board
(Information Below Includes Partial Summary Obtained from the
Kansas Legislative Research Department 2021 Summary of Legislation)

Summary of Kansas Fights Addiction Act Information Included in HB 2079

HB 2079 creates the Kansas Fights Addiction Act, which addresses the use of funds received from opioid litigation and establishes limits on future opioid litigation by municipalities, amends law to transfer certain duties from the Secretary of State to the Attorney General, and amends law related to notices offering help to victims of human trafficking.

Kansas Fights Addiction Act

New Funds for Abatement of Substance Abuse or Addiction

The bill establishes in the State Treasury the Kansas Fights Addiction Fund (KFA Fund) and the Municipalities Fight Addiction Fund (MFA Fund), administered by the Attorney General. The bill requires the Attorney General to remit to the State Treasurer all moneys received by the State pursuant to opioid litigation in which the Attorney General is involved that is dedicated by the terms of such litigation for the abatement or remediation of substance abuse or addiction.

The bill requires 75 percent of these moneys to be credited to the KFA Fund and 25 percent to be credited to the MFA Fund and specifies how expenditures are to be made from each fund.

The bill also establishes in the State Treasury the Prescription Monitoring Program Fund (PMP Fund), administered by the President of the State Board of Pharmacy (President) or the President's designee.

Kansas Fights Addiction Fund. The bill requires moneys in the KFA Fund to be expended for grants approved by the Kansas Fights Addiction Grant Review Board (Board), as created by the bill, to qualified applicants for projects and activities that prevent, reduce, treat, or mitigate the effects of substance abuse and addiction.

Such grants may not supplant any other source of funding and no moneys from the KFA Fund may be used for litigation costs, expenses, or attorney fees related to opioid litigation. [Note: See the section titled "Prescription Monitoring Program Fund" for provisions related to the transfer of moneys from the KFA Fund to the PMP Fund.]

Municipalities Fight Addiction Fund. The bill requires moneys in the MFA Fund to be expended subject to an agreement among the Attorney General, the Kansas Association of Counties (KAC), and the League of Kansas Municipalities (LKM), for projects and activities that prevent, reduce, treat, or mitigate the effects of substance abuse and addiction, or to reimburse a municipality for expenses related to previous substance abuse mitigation or arising from covered conduct, which is defined to include any conduct covered by opioid litigation that resulted in payment of moneys into the KFA Fund. Moneys in the MFA Fund may also be used to reimburse municipalities for payment of litigation costs, expenses, or attorney fees related to opioid litigation, after the municipality has first sought payment from applicable outside settlement sources or settlement fee funds. The bill requires an agreement among the Attorney

General, KAC, and LKM to determine the method for disbursing moneys from the MFA Fund. The bill requires that moneys be disbursed to municipalities that have not filed opioid litigation and municipalities that have filed opioid litigation but have entered into an agreement with the Attorney General prior to January 1, 2022, to release the municipality's legal claims arising from covered conduct to the Attorney General and assign any future legal claims arising from covered conduct to the Attorney General.

Prescription Monitoring Program Fund. The bill creates law in the Prescription Monitoring Program Act to establish the PMP Fund and requires all expenditures made from the PMP Fund to be approved by the President or the President's designee and for the purpose of operating the Prescription Monitoring Program (K-TRACS).

Expenditures from the PMP Fund are to be made in accordance with appropriation acts upon warrants of the Director of Accounts and Reports issued pursuant to vouchers approved by the President or the President's designee. The bill requires, on July 1 of each year or as soon as moneys are available, the Director of Accounts and Reports to transfer \$200,000 from the KFA Fund to the PMP Fund, except no transfer is made for any fiscal year if there are insufficient unencumbered moneys in the KFA Fund.

Kansas Fights Addiction Grant Review Board

The bill establishes the Board under the jurisdiction of the Attorney General.

Membership. The bill requires at least one member of the Board to reside in each of Kansas' congressional districts. The Board consists of 11 members with expertise in the prevention, reduction, treatment, or mitigation of the effects of substance abuse and addiction, as follows:

- Two members appointed by the Attorney General, one of whom is designated as chairperson and at least one of whom is appointed by the Behavioral Sciences Regulatory Board;
 - One member appointed by the Governor;
 - One member appointed by the President of the Senate;
 - One member appointed by the Speaker of the House of Representatives;
 - One member appointed by the Minority Leader of the Senate;
 - One member appointed by the Minority Leader of the House of Representatives;
 - One member appointed by LKM;
 - One member appointed by KAC;
 - One member appointed by the Kansas County and District Attorneys Association;
and
 - One member appointed by the Association of Community Mental Health Centers of Kansas.
- Each member serves at the pleasure of the appointing authority.

Duties and operation. The bill requires the Board to receive and consider applications for grants of money from the KFA Fund and provides a list of five mandatory and three permissive factors to be considered or applied in awarding grants.

The affirmative vote of six members is required to approve a grant. The Board may adopt rules and procedures for its operation, conduct hearings, receive testimony, and gather information to assist in its powers, duties, and functions. Members do not receive compensation or expenses for serving on the Board, are required to file a statement of substantial interest, and are prohibited from participating in the consideration of any grant application for which such member has a conflict of interest.

The bill requires the Attorney General to provide administrative support for the Board and to administer, monitor, and assure compliance with grant conditions, and allows the Attorney General to enter into an agreement with the Sunflower Foundation to provide such support and administration. The bill establishes provisions regarding transfer of moneys, fees, and earnings on moneys that may be included in such agreement. The bill states the Attorney General may take any action necessary to ensure the greatest possible recovery from opioid litigation and to seek funds for the KFA Fund and the MFA Fund.

The bill requires, not later than March 1 of each year, the Board to submit to the Speaker of the House of Representatives, the President of the Senate, the Governor, and the Attorney General a report of the Board's activities during the prior calendar year, including:

- An accounting of moneys deposited into and expended from the KFA Fund;
- A summary of each approved grant, including certain specified details;
- An explanation of how the Board's actions during the year have complied with the bill's requirements; and
- Any other relevant information the Board deems appropriate.

Responsibility for Costs

The bill provides the Attorney General and each municipality is solely responsible for paying all costs, expenses, and attorney fees arising from opioid litigation brought under their respective authorities, including any attorney fees owed to private legal counsel, and may seek payment or reimbursement of such costs, expenses, and attorney fees from moneys not deposited in the KFA Fund.

Limitation on Municipal Litigation

The bill prohibits municipalities, on and after January 1, 2021, from filing or becoming a party to opioid litigation in any court without the prior approval of the Attorney General. The bill requires any municipality that filed opioid litigation on or after January 1, 2021, through the effective date of the Act to withdraw from such litigation, unless the municipality receives approval from the Attorney General to maintain such litigation. The bill specifies these provisions do not apply to or affect any municipality that filed or became a party to opioid litigation in court

prior to January 1, 2021.

Definitions

In addition to “covered conduct,” the bill defines other relevant terms, including “moneys that are received,” “opioid litigation,” and “qualified applicant.”

Adopted October 2011

Behavioral Sciences Regulatory Board

BOARD GOVERNANCE POLICY

I. Mission Statement

The mission of the BSRB, in accordance with the intent of the Kansas Legislature, is to protect and serve the consumers of mental health services and the professionals that offer them, through the issuance of licenses, resolution of complaints and the creation of appropriate regulations, accomplished through efficiency, fairness and respect to all those involved.

II. Guiding Principles

- A. Persons in Kansas shall expect that licensed mental health providers are qualified, competent, and professional.
- B. Persons regulated by the BSRB shall expect equitable and fair treatment in relation to licensing activities, disciplinary processes and administrative regulations.
- C. The BSRB shall provide all services in a manner that is timely, cost efficient, courteous and competent.
- D. The BSRB shall be guided and led by ethical principles, clear policies, progressive thinking and strategic decision making.
- E. The BSRB shall respect the dignity and worth of all individuals.

III. Services

- A. Process license applications, and license renewals in a timely manner as defined by pre-established performance goals. These goals are to be set by the Executive Director and communicated to applicants and licensees at the time they initiate a service request.
- B. Take disciplinary action when appropriate.
- C. Provide timely information to the Public (i.e., mailing lists, list of licensees, maintain current website)

D. Maintain Rules/Regulations and Statutes

IV. Code of Conduct

The purpose of the Code is to instill and assure the public's trust and confidence in its regulatory board for the licensed professions. That trust must embrace the people who serve on the board, including the qualifications for public service that attracted their appointment.

A. Integrity

1. A member of the BSRB shall have no criminal or professional misconduct record, nor is under any investigation of charges or complaints.
2. A member of the BSRB possesses sound moral principles, e.g. is upright, honest, sincere.
3. A member of the BSRB has courage of convictions to withstand pressures to be swayed from the public protection agenda.
4. A member of the BSRB is honest about personal agendas and leaves them outside the boardroom.
5. A member of the BSRB shall reveal any actual or perceived conflicts of interest and appropriately recuse themselves from decisions or actions in those areas of interest.
6. A member of the BSRB shall not represent their personal opinion as that of the Board.
7. A member of the BSRB shall be limited to one unexcused absence a year.

B. Conflict of Interest

A member of the BSRB shall guard against conflict of interests.

1. Compliance

Common components of conflicts of interest policies include, but are not limited to, some or all of the following:

- a. A member of the BSRB shall have no personal financial benefit as a result of service to the BSRB except sustenance and mileage;
- b. A member of the BSRB who may have a conflict of interest according to stated criteria shall refrain from voting on the matter;

- c. A member of the BSRB shall disclose any relationship with any other agency or individual involved with the BSRB and be excluded from matters involving such a conflict;
- d. A member of the BSRB serving as part of an organization working in any way with the BSRB shall inform the Board Chair;
- e. A member of the BSRB or staff shall not accept any gifts or promotional items received as part of their affiliation with the agency for personal use;
- f. A member of the BSRB or staff shall not use the agency's name or agency information for personal gain;

C. Definitions

- 1. Direct financial interest — is any situation that will result in a pecuniary benefit in the form of cash, salary, or property to the person or their spouse.
- 2. Indirect financial interest — is any situation that will result in a financial advantage to another person or organization with which a person has a relationship or association.
- 3. Pecuniary benefit — is any benefit in the form of property, but does not include:
 - 1. Property with a value of less than twenty dollars (\$20.00);
 - 2. Food or drink or entertainment authorized as a property deductible expense for income tax purposes under the U.S. Internal Revenue Code up to an amount of one hundred dollars (\$100.00) per year; or
 - 3. Contributions to a political campaign as a public servant.

D. Confidentiality

Board discussion involving any of the following matters shall remain confidential, unless the Board expressly agrees to the contrary:

- 1. Any discussion that occurs during executive session;
- 2. Any discussion concerning actual or potential litigation;

V. Board Meetings

A. Board Composition

Quote K.S.A.

B. Meeting Schedule and Agenda Formation

Board meetings shall take place the second Monday of each month, unless the Board determines otherwise.

1. The following items will always appear on the agenda:
 - a. Roll Call
 - b. Approval of Agenda

 - c. Approval of the Minutes
 - d. Public comments
 - e. Staff Reports
 - f. Complaint Review Committee (CRC) Report
 - g. Reports from Professional Board members

C. Chairman Authority/Responsibility

1. Chair — The Chair of the BSRB shall:
 - a. Preside at all meetings.
 - b. Appoint members of the Advisory Committees.
 - c. Appoint members of the CRC
 - d. Appoint members to other ad hoc committees
2. Vice-Chair — The Vice-Chair shall discharge the duties of the Chair in his/her absence, disability, resignation, or death.

D. Emergency Executive Succession

1. In the event that the Board Chair is unable to perform the duties of the Office discharge the duties of the Office to the Vice-Chair.
2. In the event that the Executive Director is unable to perform the duties of the office of Executive Director, the BSRB may request an interim Director. If the BSRB is unable to meet immediately, the Board Chair will seek an interim Director until the Board can meet.

VI. Board-Executive Director Relationship

A. Organizational Structure

1. Staff will communicate personnel issues to the Executive Director;
2. The Executive Director will communicate matters that should be addressed by the Board to the Chair of the Board;

3. The Chair of the Board will present these Board related issues to the Board;
4. The Executive Director will communicate to the staff the Board wishes, intentions, policies, etc.

B. Delegation to the Executive Director

1. The Executive Director shall be the administrative head of the organization, serving at all

times under the Board. The Executive Director will be responsible for implementing and executing the policies and activities approved by the Board. She/He shall assist in the developing of the over-all program and shall recommend policies and activities for consideration by the Board.

2. The Executive Director shall have sole authority to employ, eliminate, and fix the duties and salaries of other employees or independent contractors of the organization, subject to policies, regulations and limitations approved by the State of Kansas.

C. Executive Expectations

1. The Executive Director shall keep the Board advised of BSRB activities by issuing a monthly report to the Board, which summarizes pertinent information.
2. The Executive Director shall prepare the agenda for Board meetings in consultation with the Board Chair.
3. The Executive Director shall prepare the agenda in consultation with the Board Chair for an annual Board retreat which shall allow for issues before the Board that need in depth consideration.

D. Monitoring the Executive Director's Performance

1. The Board shall, when necessary, utilize executive session to discuss issues concerning the Executive Director. The Board shall also formally evaluate the Executive Director on an annual basis, with emphasis on whether set outcomes are attained.

VII. Advisory Committees

Purpose: A BSRB Advisory Committee, as a creation of the Board, has the purpose of supporting the Board in carrying out its mission to protect the public. Members serve at the pleasure of the Board. Actions pertaining to informing, licensing, and disciplining of those persons regulated by the Board are the methods for accomplishing the mission.

Process: An Advisory Committee fulfills its purpose by addressing issues referred to it by the Board through the Advisory Committee Chairperson or the Executive Director. A Committee may suggest issues it believes the Board should consider by referring those through the Chairperson of the Advisory Committee. When the latter occurs the Board has three courses of action from which to choose:

1. The Board can agree the issue needs to be addressed at the Board level.
2. The Board can agree the issue should be addressed and refer the matter to the appropriate person or committee for additional information, review, or analysis, which will then be brought back to the Board.
3. The Board can decide to not address the issue.

Structure of the Committee: The Chairperson of the Committee will be a Board member licensed in the discipline of the committee. A public member of the Board will also be a member. There will be a minimum of three additional members appointed. These members shall provide representation of the levels of licensing for that discipline. It is suggested that those members be selected from among public and private practitioners and educators. The Executive Director will be a non-voting, ex officio member. The Credentialing Specialist and the Assistant Attorney General representing the Board are encouraged to attend. Former BSRB Board members may serve on the Advisory Committee.

Terms for Advisory Committee members will be two years. They will be appointed by the Chairperson of the BSRB and can serve up to four terms. Appointments to the committee should be staggered so that approximately one third of the committee terms will be expiring each year. The policies and procedures under which the BSRB Board Members are expected to operate will apply also to the Advisory Committee Members. The Chairperson of the BSRB can remove members.

Selection: Members for the Committee may be nominated by anyone, including the public, committee members, members of a professional organization — either the discipline's own or other's — or through self-nomination. In reviewing nominations the Committee should work to ensure that there is representation based on geographical, gender, and public vs. private settings.

The Committee as a whole discusses nominations. The nominee's resume, a letter stating the reasons why he or she desires to be appointed, and a copy of the Board's mission and goals to which the nominee has indicated agreement, are reviewed. The Chairperson of the Committee will submit the names of the nominee(s) to the BSRB Board Chairperson at the Board meeting. The Chairperson will review the nominations and may request input before making a decision, which will be announced at the next Board meeting.

After the appointment has been approved the Executive Director will inform the Advisory

Behavioral Sciences Regulatory Board
Adopted October 2011

Committee appointee by letter. The Executive Director may assist the new member by providing information, which will help orient the member to the Board's, and Advisory Committee's, role and function.

VIII. Complaint Review Committee Policy

The CRC operates as part of the Investigations Policy document. That document is attached in Appendix A.



Reducing Regulatory Barriers. Increasing Access to Mental Health Care.

To Whom it May Concern:

For appointments to the PSYPACT Commission, PSYPACT legislation notes the following in Article X.B.1, this representative shall be empowered to act on behalf of the Compact State and shall be limited to:

1. Executive Director, Executive Secretary or similar executive; OR
2. Current member of the State Psychology Regulatory Authority of a Compact State; OR
3. Designee empowered with the appropriate delegate authority to act on behalf of the Compact.

In appointing your Commissioner, please consider the following:

1. **Availability of your Representative:** It is expected that there could be significant involvement with face-to-face meetings, conference calls, committee assignments and emails as the governing documents and implementation components for PSYPACT are created and updated.
2. **Ongoing Participation:** The Commission must meet at least once a year. As the Commission is an ongoing entity, providing continuity of representation will make this a more cohesive and functional group.
3. **Knowledge of State Statutes/Regulations and PSYPACT Legislation:** It will be helpful to have a working knowledge of your State Psychology Regulatory Authority Statutes, Regulations, and PSYPACT in order to assist the Commission in the development of governing documents and to guide the decision-making process regarding specific components of PSYPACT.
4. **Conflict of Interest:** A state should consider if any real or potential conflict of interest exists when selecting a Commissioner.

Please find the PSYPACT Commission Registration Form attached with this letter. Please complete the registration form and return it along with a formal letter of appointment signed by the appropriate representative of the State Psychology Regulatory Authority to me at jorwig@asppb.org. We look forward to working with you on this important initiative for the profession of psychology.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet Orwig".

Janet Orwig, MBA, CAE
Executive Director, PSYPACT
(678) 216-1188
jorwig@asppb.org

Psychology Interjurisdictional Compact (PSYPACT) www.psypact.org

210 Market Road • PO Box 849 • Tyrone, Georgia • 30290 • (678) 216-1175 •

FINAL RAV Statistics for FY 2021

July 2020	
Received	9
Closed	0
Total # of Cases	125

January 2021	
Received	4
Closed	4
Total # of Cases	88

August 2020	
Received	14
Closed	30
Total # of Cases	109

February 2021	
Received	12
Closed	9
Total # of Cases	81

September 2020	
Received	6
Closed	12
Total # of Cases	103

March 2021	
Received	9
Closed	0
Total # of Cases	90

October 2020	
Received	24
Closed	19
Total # of Cases	108

April 2021	
Received	3
Closed	15
Total # of Cases	78

November 2020	
Received	4
Closed	5
Total # of Cases	107

May 2021	
Received	9
Closed	2
Total # of Cases	85

December 2020	
Received	16
Closed	35
Total # of Cases	88

June 2021	
Received	22
Closed	32
Total # of Cases	75

Cases Open by FY

FY 2012	0	FY 2015	3	FY 2016	1
FY 2017	1	FY 2018	5	FY 2019	1
FY 2020	9	FY 2021	60		

FINAL RAV Statistics for FY 2021

June 2021

Cases Open by License FY 2021

Profession	# Open	Percentage
LP	6	8.00%
LMLP	1	1.33%
LCP	1	1.33%
LMFT	2	2.67%
LCMFT	4	5.33%
LPC	13	17.33%
LCPC	10	13.33%
LBSW	8	10.67%
LMSW	10	13.33%
LSCSW	9	12.00%
LAC	6	8.00%
LMAC	2	2.67%
LCAC	0	0.00%
LBA/LaBa	0	0.00%
No License	3	4.00%
Total	75	100.00%

Cases Received for FY 2021 by License

Profession	# Received	Percentage
LP	9	6.82%
LMLP	3	2.27%
LCP	7	5.30%
LMFT	3	2.27%
LCMFT	10	7.58%
LPC	14	10.61%
LCPC	10	7.58%
LBSW	20	15.15%
LMSW	16	12.12%
LSCSW	19	14.39%
LAC	7	5.30%
LMAC	2	1.52%
LCAC (only)	0	0.00%
LBA/LaBa	0	0.00%
No License	12	9.09%
Total	132	100.00%