

**BEHAVIORAL SCIENCES REGULATORY BOARD
LMLP/LCP ADVISORY COMMITTEE
Wednesday, June 22, 2022**

You may view the meeting on the BSRB YouTube channel: <https://youtu.be/Lx0WdcJ1Qec>

To join the meeting by conference call: 877-278-8686 (Pin #327072)

Due to the COVID-19 pandemic, 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 a Zoom platform and broadcast to the public using the BSRB YouTube channel. If there are any technical issues during the meeting, you may call the Board office at 785-296-3240 or send an e-mail to BSRB@ks.gov. The Advisory Committee may take items out of order as necessary to accommodate the time restrictions of Advisory Committee members and visitors. All items are subject to change.

Wednesday, June 22, 2022, 12:00pm

- I. Call to Order and Roll Call**
- II. Approval of Agenda or Additions to the Agenda**
- III. Review and Approval of Minutes from Advisory Committee Meeting on April 20, 2022**
- IV. Executive Director's Report**
- V. Old Business**
 - A. Continued Discussion on Unprofessional Conduct Regulations**
- VI. New Business**
 - A. Adding New Members to Advisory Committee**
 - B. Consideration of Changes to "In Residence" Requirement in K.A.R. 102-4-3a**
 - C. 988 National Suicide Prevention Hotline Rollout**
 - D. Information on Disciplinary Actions Relevant to the Profession**
- VII. Possible Additional Agenda Items**
- VIII. Next Meeting: Date to be Determined, August, at Noon**
- IX. X. Adjournment**

**Behavioral Sciences Regulatory Board
Masters Level Psychology Advisory Committee
April 20, 2022, Minutes
DRAFT Minutes**

- I. Call to Order.** The meeting was called to order by David Anderson, Chair of the Advisory Committee, at 10:00 a.m.

Master's Level Psychology Advisory Committee Members. Advisory Committee Members who participated by Zoom or phone were David Anderson, Donna Hoener-Queal, Rebecca Jabara, Iris Pauly, Joshua Tanguay, and Kari Wold.

BSRB Staff. BSRB staff members who participated by Zoom included David Fye and Leslie Allen.

Guests. None

- II. Approval of the Agenda.** Donna Hoener-Queal moved to approve the agenda with the addition of adding an item under new business for the Advisory Committee to discuss whether to recommend BSRB pre-approved continuing education providers and pre-approved continuing education classes for the profession. Kari Wold seconded. The motion passed.
- III. Review and Approval of Minutes.** Kari Wold moved to approve the minutes from the Advisory Committee meeting on February 10, 2022. Joshua Tanguay seconded. The motion passed.
- IV. Executive Director's Report.** David Fye, Executive Director for the BSRB, reported on the following items:
- A. BSRB Staff Update.** The BSRB is still under most of the Governor's pandemic directions, including the limitation on in-person meetings, so the agency is unable to hold Board or Advisory Committee meetings in person currently. Most staff are working in the office full-time, though the two investigators are using a telework hybrid model, working in the office three days each week and utilizing the BSRB Telework Pilot two days each week.
- B. 2022 Legislative Session.** The Executive Director provided a brief summary of the legislative process to enact a bill, including legislative deadlines. The Legislature is currently on a three-week break, before returning and wrapping up most items during the legislative Omnibus period. The appropriations bill (House Substitute for Substitute for Senate Bill (SB) 267) was passed by the Legislature and is pending review and action by the Governor. The Executive Director provided a summary of legislative action on the Board's recommendations, beginning with the introduction of SB 387, the hearing and Senate Committee discussion on that bill, Amended SB

387 being passed out of the Senate Committee after the Senate Committee voted to remove the licensed psychology Board recommendation, SB 387 dying on the Senate calendar, follow up efforts to have Amended SB 387 reintroduced, heard, and worked in a House Committee, and the activities in Legislative conference committees. Ultimately, two Board recommendations were passed in the final version of SB 453. The final bill included Board recommendations for the addiction counselor profession and the social work profession, but not the Board's recommendation concerning continuing education changes for the Licensed Psychology profession. Another bill relevant to the BSRB is House Bill (HB) 2087, which was passed with the previous contents of Substitute for SB 34. HB 2087 requires all agencies to submit a report to the Joint Committee on Rules and Regulations, for all agency regulations, explaining if each regulation is necessary for the implementation of state law. There are over 120 regulations for the BSRB, so creation of this report will necessitate the agency diverting staff time from regular duties and will likely cause licensing delays or lead the agency to hire additional part-time staff.

- C. March Board Meeting.** The Executive Director provided updates from the Board meeting on March 14, 2022. Most full Board meetings will begin at 9am, at least while meetings are held remotely. The Board is reviewing the Investigation Policy for the Board, which was last updated in 2009. The Executive Director will be presenting a report to the Board with proposed changes to the Policy at the May Board meeting. Certain statutes and regulations state authority for actions as “the Board,” but some of these tasks have been delegated over the years to the BSRB, the Executive Director, the Complaint Review Committee, etc. The Executive Director noted he will bring sections of statutes and regulations before the Board to clarify delegation authority and possibly have the Board vote to renew some of these delegations. The Board discussed Board-approved supervisor training and if there are adequate opportunities for supervisor trainings. In future meetings, the Board intends to discuss impaired provider programs, telehealth standards, and other topics.
- D. April Board Meeting.** On April 15, 2022, a special Board meeting was held for the Board to discuss language added and passed by the Legislature in SB 453, concerning graduates of an online Master's of Social Work program at Fort Hays State University. This program is in candidacy for accreditation through the national accrediting body for social work, the Council on Social Work Education (CSWE), but does not expect to reach full accreditation until February 2023. Under the licensure statutes and regulations of the BSRB, if applicants obtained their education from schools not accredited by CSWE, then those applicants alternatively must meet separate requirements in the regulations. One such regulation requires half of the coursework to be completed “in residence,” while the applicant was physically present at the school. Graduates of an online program would not be able to meet this standard. The language added by the Legislature directed the BSRB to treat graduates from this online Fort Hays State program as if they had graduated from a CSWE accredited school, for the purpose of fulfilling licensure requirements (retroactively for past graduates and for future graduates through the end of FY 2023). The Board expressed interest in re-examining licensure requirement which require a physical

presence while obtaining coursework and also the creation of a new provisional/temporary license for applicants who graduated from a school while their program is in candidacy for CSWE accreditation.

- E. Conferences.** The Executive Director will be attending upcoming conferences for the Association of State and Provincial Psychology Boards (ASPPB) and the Association of Social Work Boards (ASWB) later this month and will provide a report on any items relevant to the Advisory Committee.

V. Old Business

- A. Continued Review of Possible Regulation Changes to K.A.R. 102-4-3a.** Leslie Allen, Assistant Director and Licensing Manager for the BSRB, provided a draft copy of K.A.R. 102-4-3a reflecting changes recommended by the Advisory Committee at the previous Advisory Committee meeting. The Advisory Committee previously recommended removing the term “in residence” from K.A.R. 102-4-3a(f)(2) and recommended changing the definition of “core faculty” to “faculty” in K.A.R. 102-4-3a(a)(1) with other associated changes in K.A.R. 102-4-3a(a)(1)(A) and striking K.A.R. 102-4-3a(1)(B) and (C), to allow adjunct faculty to be able to fulfill certain educational requirements. Advisory Committee members noted with these changes, the definition of “Primary Professional Employment” could be struck in K.A.R. 102-4-3a(a)(3), as the definition was previously used in the definition of a core faculty member. By consensus, the Advisory Committee recommended striking the definition of Primary Professional Employment as well. The Advisory Committee recommended changing the reference of “core faculty” in K.A.R. 102-4-3a(f)(8) to “faculty,” for the ratio of students to faculty members requirement. The Advisory Committee approved the draft language.

VI. New Business

- A. Advisory Committee Members' Expectations for Next Term.** The Executive Director provided information on adding structure to Advisory Committee terms, including expectations of attendance. All members that are up for reappointment were contacted by the Executive Director to see if they wished to be reappointed to Advisory Committee. The Chair of the Board has authority to reappoint Advisory Committee members to new terms, so members should be reappointed at either the Board’s meeting in May or July of 2022.
- B. Adding New Members to Advisory Committee.** The Advisory Committee was supportive of adding one new member to the Advisory Committee. The Committee asked the Executive Director to contact previous applicants to see if those individuals were still interested in serving on the Advisory Committee.

C. Unprofessional Conduct Regulations. Advisory Committee members received a copy of the unprofessional conduct regulations for the professions (K.A.R. 102-4-12) at the previous Advisory Committee meeting and were asked to discuss whether any changes were needed. Members of the Advisory Committee discussed the following items:

- K.A.R. 102-4-12(b)(2)(D) concerning notifying the Board after conviction of a crime. The Executive Director noted other professions include a similar regulation, but reference reporting felonies, rather than all crimes;
- K.A.R. 102-4-12(b)(7) including knowingly aiding or abetting anyone not credentialed to represent that person as credentialed. The Advisory Committee discussed whether to continue to include the term “credentialed,” rather than “licensed.” Advisory Committee members discussed whether the term “credentialed” would be more relevant to the insurance community, rather than discussions by a regulatory board;
- K.A.R. 102-4-12(b)(10) offering to perform or performing services clearly inconsistent or incommensurate with one’s training, education, or experience or with accepted professional standards. Advisory Committee members discussed whether to add language to this regulation specifically to address providing services via tele-health;
- K.A.R. 102-4-12(b)(12) involving discriminating against any client, student, or supervisees. The Advisory Committee discussed whether to add additional categories, such as gender identity and sexual orientation;
- K.A.R. 102-4-12(b)(13) and (14) as they relate to new standards for telehealth services;
- K.A.R. 102-4-12(b)(19), (22), and (23) as the regulations relate to a standard for confidentiality, given telehealth services in the home, rather than services being provided in an office;
- K.A.R. 102-4-12(b)(24) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation. Advisory Committee members discussed whether language “including billing practices and advertising” should be changed to “including, but not limited to billing practices and advertising;”
- K.A.R. 102-4-12(b)(27) involving making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been one’s client. The Advisory Committee discussed whether to add “student” and “supervisee” in addition to client;
- K.A.R. 102-4-12(b)(36) involving maintaining records for clients. The Advisory Committee discussed whether telehealth language should be added;
- K.A.R. 102-4-12(b)(45) involving supervising in a negligent manner. The Advisory Committee discussed whether to change the term “negligent” to “harmful;” and
- K.A.R. 102-4-12(b)(49) involving failing to inform the proper authorities as required by K.S.A. 39-1402, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to a resident, as defined by K.S.A. 39-1401(a) and amendments thereto: change to failing to file a

report. The Advisory Committee discussed whether to add electrotonic PHI and encryption for personal client information.

- The Advisory Committee expressed it intends to continue discussion on the unprofessional conduct regulations at the next meeting.

D. Authority to Administer and Sign Off on Assessments. Advisory Committee members discussed authority of Master's Level Psychologists to perform certain functions, noting that some functions involved whether billing could be done for those services, such as assessments. It was noted that this topic may not be under the jurisdiction of the BSRB, but billing matter would likely be under the Kansas Department of Health and Environment or the Kansas Department for Aging and Disability Services.

E. Pre-Approved Providers for Continuing Education. The BSRB currently offers optional pre-approved status for continuing education providers and continuing education programs for the social work profession (social work was the profession that had requested this ability previously). The Executive Director discussed the benefits and drawbacks involved in this process, for the providers and for the staff of the BSRB. At the last Board meeting, Advisory Committees were asked to discuss whether the BSRB should pursue similar language for their professions. The Advisory Committee expressed support for allowing this option for the Master's Level Psychology profession.

VII. Next Meeting: Wednesday, June 22, 2022, from noon to 2 pm

VIII. Adjournment. Joshua Tanguay moved to adjourn the meeting. Kari Wold seconded. The meeting was adjourned.

102-4-12. Unprofessional conduct.

- (a) Any license may be suspended, limited, conditioned, qualified, restricted, revoked, not issued, or not renewed upon a finding of that unprofessional conduct has occurred.
- (b) Any of the following acts by a licensed master's level psychologist, a licensed clinical psychotherapist, or an applicant for licensure at the master's level of psychology shall constitute unprofessional conduct:
- (1) Obtaining or attempting to obtain a license or registration for oneself or another by means of fraud, bribery, deceit, misrepresentation, or concealment of a material fact;
 - (2) except when such information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that any person regulated by the board or applying for a license or registration, including oneself, has met any of the following conditions:
 - (A) Had a professional license, certificate, permit, registration, certification, or professional membership granted by any jurisdiction, professional association, or professional organization that has been limited, conditioned, qualified, restricted, suspended, revoked, refused, voluntarily surrendered, or allowed to expire in lieu of or during investigatory or disciplinary proceedings;
 - (B) has been subject to any other disciplinary action by any credentialing board, professional association, or professional organization;
 - (C) has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance;
 - (D) has been convicted of a crime; or
 - (E) has practiced the licensee's or registrant's profession in violation of the laws or regulations regulating the profession;
 - (3) knowingly allowing another person to use one's license or registration;
 - (4) impersonating another person holding a license or registration issued by this or any other board;
 - (5) having been convicted of a crime resulting from or relating to the licensee's practice of master's level psychology;
 - (6) furthering the licensure or registration application of another person who is known or reasonably believed to be unqualified with respect to character, education, or other relevant eligibility requirements;
 - (7) knowingly aiding or abetting anyone who is not credentialed by the board to represent that individual as a person who is credentialed by the board;
 - (8) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;
 - (9) failing or refusing to cooperate in a timely manner with any request from the board for a response, information, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the board. Any person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner;
 - (10) offering to perform or performing services clearly inconsistent or incommensurate

with one's training, education, or experience or with accepted professional standards;

- (11) treating any client, student, or supervisee in a cruel manner;
- (12) discriminating against any client, student, or supervisee on the basis of color, race, gender, religion, national origin, or disability;
- (13) failing to advise and explain to each client the respective rights, responsibilities, and duties involved in the professional relationship;
- (14) failing to provide each client with a description of what the client can expect in the way of services, consultation, reports, fees, billing, therapeutic regimen, or schedule, or failing to reasonably comply with the description;
- (15) failing to provide each client with a description of the possible effects of the proposed treatment when the treatment is experimental or when there are clear and known risks to the client;
- (16) failing to inform each client, supervisee, or student of any financial interests that might accrue to the master's level psychologist or clinical psychotherapist from referral to any other service or from the use of any tests, books, or apparatus;
- (17) failing to inform each client that the client is entitled to the same services from a public agency if one is employed by that public agency and also offers services privately;
- (18) failing to provide each client or the client's legal representative with access to the client's records following the receipt of a formal written request, unless the release of this information is restricted or exempted by law, or when the disclosure of this information is precluded for a sufficiently compelling reason;
- (19) failing to inform each client, supervisee, or student of the limits of client confidentiality, the purposes for which the information is obtained, and the manner in which the information may be used;
- (20) revealing information, a confidence, or secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records, except when at least one of these conditions is met:
 - (A) Disclosure is required or permitted by law;
 - (B) failure to disclose the information presents a clear and present danger to the health or safety of an individual or the public; or
 - (C) the master's level psychologist or clinical psychotherapist is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of psychology, in which case disclosure is limited to that action;
- (21) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of the following actions:
 - (A) Electronically recording sessions with that client;
 - (B) permitting a third-party observation of their activities; or
 - (C) releasing information concerning a client to a third person, except as required or permitted by law;
- (22) failing to protect the confidences of, secrets of, or information concerning other persons when providing a client with access to that client's records;
- (23) failing to exercise due diligence in protecting the information regarding and the confidences and secrets of the client from disclosure by other persons in one's work or practice setting;
- (24) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;

- (25) using alcohol or illegally using any controlled substance while performing the duties or services of a master's level psychologist or clinical psychotherapist;
- (26) making sexual advances toward or engaging in physical intimacies or sexual activities with one's client, supervisee, or student;
- (27) making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been one's client;
- (28) exercising undue influence over any client, supervisee, or student, including promoting sales of services or goods, in a manner that will exploit the client, student, or supervisee for the financial gain, personal gratification, or advantage of oneself or a third party;
- (29) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for the referral of the client or in connection with the performance of psychological or other professional services;
- (30) directly receiving or agreeing to receive a fee or any other consideration from a client or from any third party for or in connection with the performance of psychological services, other than from an authorized employer in an employment situation as specified in this act;
- (31) soliciting or assuming professional responsibility for clients of another agency or colleague without attempting to coordinate continuity of client services with that agency or colleague;
- (32) making claims of professional superiority that one cannot substantiate;
- (33) guaranteeing that satisfaction or a cure will result from the performance of psychological services;
- (34) claiming or using any secret or special method of treatment or techniques that one refuses to disclose to the board;
- (35) continuing or ordering tests, procedures, or treatments or using treatment facilities or services not warranted by the condition, best interests, or preferences of the client;
- (36) failing to maintain a record for each client that conforms to the following minimal requirements:
 - (A) Contains adequate identification of the client;
 - (B) indicates the client's initial reason for seeking the master's level psychologist's or clinical psychotherapist's services;
 - (C) contains pertinent and significant information concerning the client's condition;
 - (D) summarizes the intervention, treatment, tests, procedures, and services that were obtained, performed, ordered, or recommended and the findings and results of each;
 - (E) documents the client's progress during the course of intervention or treatment provided by the master's level psychologist or clinical psychotherapist;
 - (F) is legible;
 - (G) contains only those terms and abbreviations that are comprehensible to similar professional practitioners;
 - (H) indicates the date and nature of any professional service that was provided; and
 - (I) describes the manner and process by which the professional relationship terminated;
- (37) taking credit for work not personally performed, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;

- (38) if engaged in research, failing to fulfill these requirements:
- (A) Consider carefully the possible consequences for human beings participating in the research;
 - (B) protect each participant from unwarranted physical and mental harm;
 - (C) ascertain that the consent of each participant is voluntary and informed; and
 - (D) preserve the privacy and protect the anonymity of each subject of the research within the terms of informed consent;
- (39) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading;
- (40) failing to notify the client promptly when termination or interruption of service to the client is anticipated;
- (41) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care;
- (42) abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer;
- (43) failing to terminate the master's level psychology or clinical psychotherapy services when it is apparent that the relationship no longer serves the client's needs or best interests;
- (44) if the master's level psychologist or clinical psychotherapist is the owner or custodian of client records, failing to retain those records for at least two years after the date of termination of the professional relationship, unless otherwise provided by law;
- (45) supervising in a negligent manner anyone for whom one has supervisory responsibility;
- (46) failing to inform a client if master's level psychology or clinical psychotherapy services are provided or delivered under supervision;
- (47) engaging in a dual relationship with a client, student, or supervisee;
- (48) failing to inform the proper authorities as required by K.S.A. 38-2223, and amendments thereto, that one knows or has reason to believe that a client has been involved in harming or has harmed a child, whether by physical, mental, or emotional abuse or neglect or by sexual abuse;
- (49) failing to inform the proper authorities as required by K.S.A. 39-1402, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to a resident, as defined by K.S.A. 39-1401(a) and amendments thereto:
- (A) Has been or is being abused, neglected, or exploited;
 - (B) is in a condition that is the result of abuse, neglect, or exploitation; or
 - (C) is in need of protective services;
- (50) failing to inform the proper authorities as required by K.S.A. 39-1431, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to an adult, as defined in K.S.A. 39-1430 and amendments thereto:
- (A) Is being or has been abused, neglected, or exploited;
 - (B) is in a condition that is the result of abuse, neglect, or exploitation; or
 - (C) is in need of protective services;
- (51) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing of a report or record required by state or federal law, or inducing another person to take any of those actions;

- (52) offering to perform or performing any service, procedure, or therapy that, by the accepted standards of professional practice in the community, would constitute experimentation on human subjects without first obtaining the full, informed, and voluntary written consent of the client or the client's legal representative or representatives;
 - (53) practicing master's level psychology or clinical psychotherapy in an incompetent manner;
 - (54) practicing as a master's level psychologist or clinical psychotherapist after one's license expires;
 - (55) using without a license, or continuing to use after the expiration of a license, any title or abbreviation prescribed by law for use solely by persons currently holding that type or class of license;
 - (56) offering to provide or providing services in an employment situation other than that which is permitted by K.S.A. 74-5362, and amendments thereto, as an independent, contract, or private provider of psychological services;
 - (57) practicing without adequate direction from a person authorized in K.S.A. 74-5362 and amendments thereto; and
 - (58) violating any provision of this act or any regulation adopted under the act.
- (Authorized by K.S.A. 2007 Supp. 74-7507; implementing K.S.A. 74-5362 and K.S.A. 2007 Supp. 74-5369; effective Dec. 19, 1997; amended Jan. 9, 2004; amended Aug. 8, 2008.)

Advisory Committee Policy

Adopted by the Board on January 10, 2022

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 Chair or the Executive Director. A Committee may suggest issues it believes the Board should consider by referring those through the Chair 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: Chairs of Advisory Committees will be members of the Board. If the profession is represented on the Board, the Chair of the Advisory Committee will be a Board member licensed in the discipline of the committee and appointed by the Governor to represent that discipline on the Board. Any other Board members appointed by the Governor to represent that discipline on the Board will serve as a member of that advisory committee. A public member of the Board will also be a member. There will be a minimum of three and a maximum of ten additional members appointed. The Executive Director will be a non-voting, ex officio member. The Assistant Director or Licensing Manager is encouraged to attend. The Assistant Attorney General representing the Board should attend meetings when their attendance is requested.

Terms for Advisory Committee members will be two years. They will be appointed by the Chair of the BSRB and can serve up to four terms. Appointments to the committee should be staggered to avoid having too many members of the Advisory Committee reach their maximum length of service at the same time. The policies and procedures under which the BSRB Board Members are expected to operate will apply also to the Advisory Committee Members. The Chair 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 diverse representation including, but not limited to, geographic setting, gender, culture, and ethnicity. Members should provide representation of the levels of licensing for that discipline and those members should be selected from among public and private practitioners and educators.

The Committee as a whole discusses nominations and reaches recommendations on new members. 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 Chair of the Committee will submit the Committee's recommendations for new members to the BSRB Board Chair. The Chair will review the recommendations and may request input before making a decision, which will be announced at a Board meeting.

After the appointment has been approved the Executive Director will inform the Advisory Committee appointee by letter or e-mail. 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.

102-4-3a. Educational requirements. To academically qualify for licensure as a master's level psychologist or a clinical psychotherapist, the applicant's educational qualifications and background shall meet the applicable requirements specified in the following subsections.

(a) Definitions.

(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 physical proximity and face-to-face contact.

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

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

(1) The applicant received a master's degree in psychology based on a program of studies that is substantially equivalent to the coursework requirements provided in subsection (c) if the degree was earned before July 1, 2003 or subsection (e) if the degree was earned on or after July 1, 2003.

(2) The applicant received a master's degree in psychology and has completed the coursework requirements provided in either subsection (c) if the degree was earned before July 1, 2003 or subsection (e) if the degree was earned on or after July 1, 2003.

(3) The applicant passed comprehensive examinations or equivalent final examinations in a doctoral program in psychology and has completed the coursework requirements provided in either subsection (c) if the program was completed before July 1, 2003 or subsection (e) if the program was completed on or after July 1, 2003.

(c) Coursework requirements for applicants who earned a psychology degree before July 1, 2003.

(1) Each applicant shall have satisfactorily completed at least 36 discrete and unduplicated graduate semester credit hours, or the academic equivalent, of

formal, didactic academic coursework that is distributed across the coursework areas as specified in this paragraph (c)(1), subject to the restrictions set out in subsection (d). This coursework shall have been completed at the time of application as a part of or in addition to the coursework completed for the graduate degree requirements:

(A) A minimum of six semester credit hours, or the academic equivalent, in psychotherapy that includes an in-depth study of the major theories, principles, and clinical methods and techniques of psychotherapy with individuals, groups, or families. These courses shall be completed while in residence;

(B) a minimum of six semester credit hours, or the academic equivalent, in psychological testing that includes studies in the selection, administration, scoring, and interpretation of objective and projective diagnostic tests as indicators of intelligence and scholastic abilities or as screening devices for organic pathologies, learning disabilities, and personality disturbances. These courses shall be completed while in residence;

(C) a minimum of 12 semester credit hours, or the academic equivalent, in any of the following psychological foundation courses:

(i) The philosophy of psychology, which may include studies that introduce the fundamental philosophical, conceptual, theoretical, or applied processes of psychology and the issues central to professional orientation, role development, ethical and legal standards, and professional responsibility;

- (ii) the psychology of perception, which may include studies of memory, language, speech, sensory functioning, motor functioning, reasoning, decision making, problem solving, and other cognitive processes;
 - (iii) learning theory, which may include studies pertaining to the fundamental theoretical assumptions about and applied principles of learning, conditioning, concept formation, and behavior;
 - (iv) the history of psychology, which may include studies that trace and analyze the historical development and contemporary evolution of the concepts and theories in psychology;
 - (v) motivation, which may include studies of the concepts, principles, and empirical findings concerning the innate, biological, and acquired factors that underlie human motivation; or
 - (vi) statistics, which may include studies in the theory, analysis, and interpretation of statistics, and the manual or computerized application of statistical measures; and
- (D) a minimum of 12 semester credit hours, or the academic equivalent, in professional core courses. (i) The professional core courses shall include a minimum of three semester credit hours, or the academic equivalent, in psychopathology, which may include studies that examine the theories, definitions, and dynamics of the diagnostic classifications, and differentiation among diagnostic classifications. This subcategory may also include studies in abnormal psychology or studies that examine the etiological factors, clinical

course, and clinical and psychopharmacological approaches to the treatment of mental, behavioral, and personality disorders. The remaining nine semester credit hours, or the academic equivalent, may consist of any of the following professional core courses:

- (i) Personality theories, which may include studies that seek to explain or to compare and contrast the major theories of normal and abnormal personality development, functioning, adaptation, and assessment;
- (ii) developmental psychology, which may include psychological or biologically based studies that provide a comprehensive overview of the biopsychosocial factors, determinants, and stages that pertain to and impact the physical, emotional, intellectual, and social development and adaptation of humans from infancy through senescence;
- (iii) research methods, which may include studies in the principles, techniques, and ethics of research, as well as studies about the identification of research problems, selection of research designs, measurement strategies, sampling techniques, and methods of evaluating the results;
- (iv) social psychology, which may include studies of the interactive and influencing effects of social, cultural, and ecological factors upon the emotions, beliefs, attitudes, expectations, roles, behaviors, and interactional dynamics of individuals, families, groups, organizations, and the larger society; or
- (v) additional coursework in psychotherapy or psychological testing as specified in this subsection.

(2) In addition to or as a part of the 36 semester hours specified in paragraph (c)(1), each applicant for a clinical psychotherapist license shall have completed 15 graduate semester credit hours, or the academic equivalent, supporting diagnosis or treatment of mental disorders using the "diagnostic and statistical manual of mental disorders" as specified in K.A.R. 102-4-15. Three of the 15 semester credit hours, or the academic equivalent, shall consist of a discrete academic course with the primary and explicit focus of psychopathology and the diagnosis and treatment of mental disorders as classified in the "diagnostic and statistical manual of mental disorders." The remaining 12 semester credit hours, or the academic equivalent, shall consist of academic courses with the primary and explicit focus of diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches, and professional ethics or other coursework that specifically contains identifiable, equivalent instruction. The 15 semester credit hours shall be subject to the restrictions set out in subsection (d).

(d) The following activities shall not be substituted for or counted toward any of the educational coursework requirements set out in subsection (c):

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

(2) independent study courses, whether or not such coursework is taken for academic credit, unless the independent study course clearly occurred as a didactic course formally established and designed by the program to provide the student with specifically identified, organized, and integrated course content;

- (3) thesis or independent research courses;
 - (4) academic courses that, by their experiential rather than didactic nature and content, are designed to precede, satisfy, or augment the practicum activities required for the graduate psychology degree;
 - (5) academic coursework that has been audited rather than graded;
 - (6) academic coursework for which the applicant received an incomplete or failing grade;
 - (7) graduate or postgraduate coursework or training provided by colleges, universities, institutes, or training programs that do not meet the requirements in subsections (f) and (g); and
 - (8) continuing education, in-service, or on-the-job training activities or experience.
- (e) Coursework requirements for applicants who earn a psychology degree on or after July 1, 2003.
- (1) As a part of or in addition to the coursework completed for the graduate degree requirements, each applicant shall have satisfactorily completed at least 60 discrete and unduplicated graduate semester credit hours, or the academic equivalent, of formal, didactic academic coursework in psychology or a related field.
 - (2) Thirty-six of the 60 required graduate semester credit hours, or the academic equivalent, shall be distributed across the coursework areas as specified in

paragraph (c)(1). The coursework specified in paragraphs (c)(1)(A) and (c)(1)(B) shall be completed while the student is in residence.

(3) Of the remaining 24 required graduate semester credit hours, a maximum of six semester credit hours, or the academic equivalent, may be attained through independent study courses or independent research courses, and a maximum of 10 semester credit hours, or the academic equivalent, may be attained through thesis preparation.

(4) In addition to or as a part of the 60 semester hours specified in paragraph (e)(1), each applicant for a clinical psychotherapist license shall have completed 15 graduate semester credit hours, or the academic equivalent, supporting diagnosis or treatment of mental disorders using the "diagnostic and statistical manual of mental disorders" as specified in K.A.R. 102-4-15. Three of the 15 semester credit hours, or the academic equivalent, shall consist of a discrete academic course with the primary and explicit focus of psychopathology and the diagnosis and treatment of mental disorders as classified in the "diagnostic and statistical manual of mental disorders." The remaining 12 semester credit hours, or the academic equivalent, shall consist of academic courses with the primary and explicit focus of diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches, and professional ethics or other coursework that specifically contains identifiable, equivalent instruction. The 15 semester credit hours, or the academic equivalent, shall be subject to the restrictions set out in paragraph (e)(5).

(5) The following activities shall not be substituted for or counted toward any of the educational coursework requirements set out in this subsection:

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

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

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

(D) graduate or postgraduate coursework or training provided by colleges, universities, institutes, or training programs that do not meet the requirements in subsections (f) and (g); and

(E) continuing education, in-service, or on-the-job training activities or experience.

(f) Program requirements. In order for the applicant to qualify for licensure, the educational program completed by the applicant shall meet all of the following conditions:

(1) The program has formally established program admission requirements that are based upon objective measures.

(2) The program requires and provides an established curriculum that encompasses a minimum of two years of graduate study and that includes two contiguous semesters of enrollment, or the academic equivalent, attended and completed by the student in residence at the same college or university granting the degree.

- (3) The program has clear administrative authority and formal responsibility within the program for the core and specialty areas of training in psychology.
 - (4) The program has an established, organized, and comprehensive sequence of study that is planned by administrators who are responsible for providing an integrated educational experience in psychology.
 - (5) The program is chaired or directed by an identifiable person who holds a graduate degree that was earned from a regionally accredited college or university following that person's actual completion of a formal academic training program in psychology.
 - (6) The program has an identifiable, full-time, professional faculty whose members hold earned graduate degrees in psychology.
 - (7) The program has an identifiable and formally enrolled body of students.
 - (8) The ratio of students to core faculty members does not exceed 15 students to one core faculty member.
 - (9) The program conducts an ongoing, objective review and evaluation of each student's learning and progress, and the program reports this evaluation in the official student transcripts.
- (g) College or university requirements. In order for the applicant to qualify for licensure, the college or university at which the applicant completed the degree requirements shall meet all of the following requirements.
- (1) The college or university is institutionally accredited to award the graduate degree in psychology.

- (2) The college or university is regionally accredited by an accrediting body substantially equivalent to those agencies that accredit the universities in Kansas.
- (3) The college or university documents in its official publications, including course catalogs and announcements, the program description and standards and the admission requirements of the psychology education and training program.
- (4) The college or university identifies and clearly describes in pertinent institutional catalogs the coursework, experiential, and other academic program requirements that must be satisfied before the conferral of the graduate degree in psychology.
- (5) The college or university clearly identifies and specifies in pertinent institutional catalogs its intent to educate and train psychologists.
- (6) The college or university has clearly established a psychology education and training program as a recognized, coherent organizational entity within the college or university that, at the time the applicant's degree requirements were satisfied, met the program standards as provided in subsection (f).
- (7) The college or university has conferred the graduate degree in psychology on the applicant, or has advanced the applicant to doctoral candidacy status, following the applicant's successful completion of an established and required formal program of studies. (Authorized by K.S.A. 2005 Supp. 74-7507; implementing K.S.A. 74-5363; effective Dec. 19, 1997; amended Aug. 13, 2004; amended Oct. 27, 2006.)