

Provider Disclosure

74-5374. Disclosure to client at beginning of client-therapist relationship; documentation. A licensee under K.S.A. [74-5361](#) et seq. and amendments thereto, at the beginning of a client-therapist relationship, shall inform the client of the level of such licensee's training and the title or titles and license or licenses of such licensee. As a part of such obligation, such licensee shall disclose whether such licensee has a masters degree or a doctoral degree. If such licensee has a doctoral degree, such licensee shall disclose whether or not such doctoral degree is a doctor of medicine degree or some other doctoral degree. If such licensee does not have a medical doctor's degree, such licensee shall disclose that the licensee is not authorized to practice medicine and surgery and is not authorized to prescribe drugs. As a part of such disclosure, such licensee shall advise the client that certain mental disorders can have medical or biological origins, and that the client should consult with a physician. Documentation of such disclosures to a client shall be made in the client's record.

History: L. 1999, ch. 117, § 31; July 1, 2000.

102-4-14. Licensee consult with physician when determining symptoms of mental disorders. (a) "Consult," as used in K.S.A. 74-5362 and K.S.A. 74-5363, and amendments thereto, shall be defined as contact made by the licensee with the appropriate medical professional for the purpose of promoting a collaborative approach to the client's care and informing the medical professional of the client's symptoms. This contact shall not be intended to accomplish confirmation of diagnosis. The timing of any such action by the licensee shall be managed in a way that enhances the progress of assessment, diagnosis, and treatment. This consult may or may not be completed in the initial session of service delivery.

(b) A consult with a client's physician or psychiatrist may occur through face-to-face contact, telephonic contact, or correspondence by the licensee with the physician, the physician's assistant, or designated nursing staff. When initiating this contact, the licensee shall not be responsible for the medical professional's response or for the client's compliance with any related intervention made by the medical professional.

(c) If a licensee is practicing in a setting or contract arrangement that involves a person licensed to practice medicine and surgery for review of mental health treatment, a physician consult may be completed through medical involvement completed in accordance with the established procedure of the setting or with the contract arrangement.

(d) A physician consult shall not be required beyond the procedures for medical involvement as established by the qualifying agency if a licensee is practicing in any of the following:

- (1) A licensed community mental health center or its affiliate;
- (2) an agency of the state that provides mental health, rehabilitative, or correctional services; or
- (3) an agency licensed by the state for providing mental health, rehabilitative, or correctional services.

(e) If a licensee is offering services that do not include diagnosis and treatment of a mental disorder, a physician consult shall not be required. (Authorized by K.S.A. 1999 Supp. 74-7507; implementing K.S.A. 1999 Supp. 74-5362, as amended by L. 1999, Ch. 117, Sec. 30 and K.S.A. 1999 Supp. 74-5363, as amended by L. 1999, Ch. 117, Sec. 32; effective Aug. 4, 2000.)