BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING MINUTES
March 11, 2024

APPROVED MINUTES

I. Call to Order and Roll Call. The Board meeting was called to order by Board Chair Mary Jones at 10:00 a.m.

Board Members. Board members in attendance were Mary Jones, David Anderson, Jill Flessing, Linda Heitzman-Powell, Jacqueline Lightcap, Richard Nobles, Cynthia Schendel, Laura Shaughnessy, and David Stevens. Donna Hoener-Queal, Jim Kilmartin, and Andrea Perdomo-Morales were absent.

Staff. BSRB Staff in attendance included David Fye, Leslie Allen, and Cindy D'Ercole. Legal counsel for the Board, Attorney Tim Resner, was present.

Guests. None

II. Agenda Approval. David Anderson moved to approve the agenda. Cynthia Schendel seconded. The motion passed.

III. Presentation on Enterprise Licensing Solution by Representatives from John Thomas and Eddie Hunt, Accela. Based on legislation passed during the 2023 legislative session, Accela was provide a state contract to offer licensing systems to state agencies that chose to opt-in to the service. Representatives from Accela provided an overview and demonstration on their licensing system and answered questions from Board members. It was noted that their system would integrate many processes and could incorporate both licensing and disciplinary processes. Per representatives from Accela, training for agency staff members utilizing the system typically lasts one to two weeks.

IV. Public Comment. None.

V. Minutes Approval: Richard Nobles moved to approve the minutes from the Board meetings on January 12, 2024, and February 12, 2024. Laura Shaughnessy seconded. The motion passed.

VI. Executive Director's Report. David Fye, Executive Director for the BSRB, reported on the following topics:

A. Operations. The BSRB is in the process of getting a new website through Granicus.

B. Outreach. Since launching the BSRB YouTube channel in January of 2021 to provide better access for individuals to follow the work of the Board and Advisory Committees, 146 meetings have been broadcast, viewed 5,897 times. It was noted that Board meetings are being viewed more than 80 times per meeting. The Executive Director

and Assistant Director of the BSRB have given several presentations to students at different schools about the licensing process, disciplinary issues, and resources that the BSRB provides. The Executive Director also provided a presentation to the Kansas Counseling Association that highlighted the state of the BSRB, as well as recent statute changes.

C. Expenditure and Revenue. The Executive Director provided a history of the balance in the BSRB Fee Fund. From 2016 to 2019, the balance in the Fund was growing. In 2019, in an effort to reduce the balance in the Fund responsibly over time, the Board lowered application fees and license renewal fees for most professions by $50 each, then lowered all temporary license fees to $50 in 2023 and chose to absorb the cost of two new licensing specialist positions in 2023 without considering raising fees. The result of these changes is that the balance in the Fund has decreased from a high of $2.3 million in 2019 to $1,920,000. It was noted that the balance in the Fund has decreased over $150,000 since the start of the fiscal year. The Executive Director noted he provided a report back to the House Higher Education Budget Committee concerning the Board's action from the February 2024 Board meeting to lower license renewal fees for behavior analysts and assistant behavior analysts (to make the decreases consistent with fee decreases for other professions) and that the Board will be collecting additional information to consider possible further fee decreases to lower the balance in the BSRB Fee Fund, prior to submitting the agency's budget request in September 2024.

D. Social Work Survey. There are currently 8,288 licensed social workers, and nearly 2,800 responded to the survey. Following the conclusion of the survey, the Executive Director created a 62-page report summarizing the survey findings, which is posted on the BSRB website on the Social Work Advisory Committee page. Notable findings from the survey included that more individuals receiving supervision are moving towards tele-supervision and the response to receiving remote supervision has been very positive. In terms of interest in moving to a multi-state license under the social work multi-state compact (if HB 2484 passes during the 2024 legislative session), master's level and clinical level social workers were very interested in moving to a multi-state license, and the percent of bachelor's level social workers interest in moving to a multi-state license was a little under 50%.

E. Staffing Updates. The Executive Director noted he has been working on professional development with staff members, to assist them with tracking and presenting information for the license types that they work with at monthly staff meetings.

F. Legislative Updates. Neither the House nor the Senate made changes to the Governor's recommendation for the BSRB's expenditure limit for FY 2024 or FY 2025. However, Representative Brenda Landwehr made an amendment in the House Appropriations Committee to add a proviso for fiscal year 2024-2025, that would prohibit the BSRB from enforcing a current "in residence" requirement for applicants from non-accredited social work programs. The Executive Director noted he believes there is confusion on this item, but he has already reached out to leadership from House Appropriations and he will have further conversations to see if this proviso can be

lifted. He summarized the recent proposed regulatory changes, which are intended to assist with more applicants meeting requirements for licensure. The proposed regulation changes were reviewed by members of the Joint Committee on Administrative Rules and Regulations (JCARR) and members of that Committee requested a definition of "Synchronous" in terms of synchronous conferencing, as well as a definition of "Biopsychosocial," a new item to be added to the education regulation for addiction counseling. There will be a public meeting on the proposed changes to the regulations on March 26, 2024, at the BSRB office for the 10 regulations in public comment.

i. **House Bill 2484 – Social Work Multi-State Compact Bill.** HB 2484 passed in the House and is now in the Senate Public Health and Welfare Committee. Two significant changes were made to the Bill in the House; the original draft of the Bill included language for the BSRB to be able to set a limit for fees associated with multi-state licenses (for each level of licensing separately), but the Committee removed that language and changed it to a $25 privilege to practice fee. The second change added language to require all social workers to get a background check either upon initial licensure or renewal rather than only social workers wanting to practice under the multi-state compact. The Executive Director noted that the change to the fee structure is problematic, as this compact is organized differently than previous compacts and a $25 fee would mean the agency would experience a significant decrease in revenue from losing out-of-state licensees. He will be attempting to meet with members of the legislature to see if this issue can be improved.

G. Association Updates. The Executive Director attended a conference for states that regulate behavior analysts with Linda Heitzman-Powell, and discussed topics including continuing education, supervision requirements, ethics codes compared to unprofessional conduct standards, and legislative topics. There are 37 states that currently license the profession.

H. Kansas Fights Addiction Grant Review Board (KFAGRB). Jason Hess, the Board's appointee to the KFAGRB, was appointed by the Board for two fiscal years, concluding at the end of June 2024. The Executive Director asked the Board to consider whether they wish to reappoint him as the Board's appointee to the Committee. Discussion on this topic will take place at the May 2024 Board meeting.

I. PSYPACT. PSYPACT is a multi-state compact for the licensed psychology profession that became effective in Kansas in January of 2022. Kansas currently has 97 psychologists practicing under PSYPACT authority for telehealth practice in other states, and eight psychologists practicing under PSYPACT authority for a limited number of days of in-state services in other compact states. PSYPACT's mid-year meeting will take place on July 15, 2024.

J. ASWB. A mid-year meeting for the Association of Social Work Boards (ASWB) will be the first week in May 2024, and it is expected that a notable discussion topic will be around the association redesigning their licensing examination. Additionally, the Executive Director noted he was recently appointed to serve on the ASWB Finance Committee.

K. ASPPB. The Association of State and Provincial Psychology Boards (ASPPB) will hold a mid-year meeting at the end of April 2024. The Executive Director noted he has been asked to serve as a member of their Research Committee.

L. AMFTRB. For the Association of Marriage and Family Therapy Regulatory Boards, the Executive Director was appointed to serve as a member of the Elections Committee.

M. AASCB. For the American Association of State Counseling Boards (AASCB), the Executive Director is now serving as a co-facilitator of monthly meetings for executive director and board members from other states.

VII. Staff Reports. As of the beginning of March 2024, the BSRB oversees 15,570 permanent licenses across the seven professions, which is an overall increase of 117 licenses over the past two months. Since March 2023, the overall number of permanent licenses has increased by 723 licenses.

VIII. Complaint Review Committee (CRC) Report. Cindy D'Ercole, Investigator for the BSRB, provided updates on the CRC.

IX. Professions Reports

A. Licensed Psychology. The Advisory Committee last met on February 12, 2024. They discussed creating a survey for psychologists, which the Advisory Committee will talk about in more detail at their next meeting. They also continued discussion on unprofessional conduct regulation revisions and on lowering the continuing education hour requirements. At their next meeting, they will begin discussing continuing education documentation and educational requirements for those who graduated from unaccredited institutions. The next meeting is April 9, 2024, at 6 p.m.

B. Social Work. The Advisory Committee last met on February 13, 2024. They received an update from representatives from ASWB on changes to the license examination and associated efforts to assist applicants. The Advisory Committee reviewed and discussed the results of the survey of social workers, which almost 2,800 licensees completed. The next meeting is April 9, 2024, at 10 a.m.

C. Professional Counseling. The Advisory Committee last met on February 5, 2024. They received an update from the National Counselor Examination (NCE), as well as discussed multi-state compact updates and takeaways from the AASCB annual conference. Other discussion topics included the jurisprudence examination,

supervision, and a potential survey to be sent out to licensees. The next meeting is April 1, 2024.

D. Master's Level Psychology. The Advisory Committee met on February 7, 2024. They continued discussion on when applicants could take the licensing examination (EPPP), but are waiting on further guidance from representatives of ASPPB. The Advisory Committee also reviewed educational requirements are looking to seek feedback from university staff regarding this topic. Discussion was started on potentially developing a survey, as well as on the possibility of recognizing both the American Psychological Association (APA) and the Psychological Clinical Science Accreditation System (PCSAS) as accrediting bodies. The next meeting is April 3, 2024.

E. Marriage and Family Therapy. The Advisory Committee met on February 9, 2024. They discussed the AASCB conference, as well as educational equivalency requirements and the potential development of a survey. The next meeting is April 12, 2024.

F. Addiction Counseling. The Advisory Committee meets on March 29, 2024. Several Advisory Committee member's terms are expiring, so there will be a discussion on new members.

G. Behavior Analyst. The Advisory Committee met on February 9, 2024. They discussed regulations concerning unprofessional conduct, social media, and dual relationships. Future discussion topics will include license reinstatements and location of client. The next meeting is April 1, 2024.

10-Minute Break

X. Old Business

A. Update on Agreement with CE Broker. The Executive Director provided an update on negotiations with representatives from CE Broker and noted two items are close to being finished concerning this agreement, one being a data sharing agreement and the other being a Master Service Agreement.

B. Continued Discussion on Requiring Background Checks for Licensees. Compacts require background checks to practice under them, and most states require background checks for licensure. To perform the background check, there would be an additional cost of about $50 that licensees would pay to the Kansas Bureau of Investigation for KBI's services with the background checks. It is likely that as background checks are implemented, the BSRB will be investigating more complaints. Board members asked how much time background checks would affect the normal duties of licensing staff members. The Executive Director will contact surrounding states that require background checks to get an idea of how much staff time they take up.

XI. New Business

A. Discussion on Possible New Licensing System. The BSRB is currently receiving licensing services through an agreement with the Board of Healing Arts, which costs about $73,000 annually. A new system with Accela would require a $200,000 one-time cost for implementation, and a yearly cost of around $30,000. The Assistant Director explained that, based on conversations with other vendors, this specific licensing system vendor is more affordable. This system would provide greater tools to ensure that applicants submit a complete application and integrates other functions, such as payments, which would save BSRB staff quite a bit of time, as they spend a lot of time following up with applicants. Concerns were raised about the amount of time it would take for staff to be trained on the new system. Board members requested more information on training time frames and other experiences, so the Executive Director is going to contact Accela and request agencies who use their system as references. There will be a follow-up discussion on this topic at the next Board meeting.

B. Board Discussion on "Other Related Fields" for Doctoral Programs. Due to time constraints, this item was not discussed.

C. Possible Delegation Motion on Practicum References (See K.A.R. 102-5-4a as Example). Due to time constraints, this item was not discussed.

D. Possible Update to Investigation Policy and Possible Delegation Motion on Individuals who may Sign Subpoenas. K.S.A. 74-7508 gives the Board authority to issue subpoenas. Section 4(H) states that investigative subpoenas will be signed by the Chair of the CRC or another member of the CRC if the Chair is unavailable, but there may be times where it would be helpful for another individual, such as the Executive Director or Board Chair, to sign them. David Anderson made the following delegation motion: *I move that, for the purposes of signing subpoenas on behalf of the Complaint Review Committee, section 4(H) will be amended to not only allow the Chair of the Complaint Review Committee or another member of the Complaint Review Committee if the Chair is unavailable, but to add authorization for the Executive Director for the BSRB to sign subpoenas on behalf of the Complaint Review Committee. Further, I move that the purposes of subpoenas issued by the BSRB and unrelated to the Complaint Review Committee may be signed by the Chair of the Board or the Executive Director of the BSRB.* Laura Shaughnessy seconded. The motion passed.

E. Discussion on "Preparing for the Practice of Addiction Counseling" in K.S.A. 65-6616. This topic will be referred to the Addiction Counseling Advisory Committee for discussion.

F. Discussion on Jurisprudence Examinations. Due to time constraints, this item was not discussed.

G. Format and Location for Board's Out-of-Town Planning Meeting in October 2024. The Executive Director will send a poll on potential dates for the meeting.

XII. Possible Executive Session. David Anderson made the following motion to enter executive session: *Pursuant to K.S.A. 75-4319, I move that the Board recess into executive session for 20 minutes and reconvene the open meeting at 12:54 pm. Justification for closure with legal counsel is communications that be attorney-client privileged. David Fye, Executive Director for the BSRB, Leslie Allen, Assistant Director and Licensing Manager for the BSRB, and Tim Resner, the Board's Legal Counsel, are to be included in the executive session. Subjects to be discussed in the executive session are attorney-client privilege communications.*

Cynthia Schendel seconded. The motion passed.

After the Executive Session ended, the Board reconvened the meeting.

Laura Shaughnessy moved to repeal the statute for board-approved supervision requirements for licensed professional counselors and marriage and family therapists. Jacqueline Lightcap seconded. The motion passed.

XIII. Date for Next Meeting: Monday, May 13, 2024.

XIV. Adjournment. Laura Shaughnessy moved to adjourn the meeting. Linda Heitzman-Powell seconded. The motion passed.