

JOINT COMMITTEE ON ADMINISTRATIVE RULES AND REGULATIONS  
AGENCY FOLLOW UP INFORMATION  
JULY 2, 2024

Members of the Committee,

On February 2, 2024, representatives from the Behavioral Sciences Regulatory Board (BSRB) provided testimony on proposed changes to permanent regulations for the BSRB, which would include modifications to regulations K.A.R. 102-2-6, K.A.R. 102-3-3a, K.A.R. 102-4-3a, K.A.R. 102-5-3, K.A.R. 102-5-7b, K.A.R. 102-5-10, K.A.R. 102-7-3, K.A.R. 102-7-4, K.A.R. 102-7-5, K.A.R. 102-7-7, and K.A.R. 102-7-8. Following that meeting, it was requested that the BSRB provide a response to recommendations and comments made by the Committee.

These proposed changes to permanent regulations were held open for 60 days and a public meeting was held on March 26, 2024, to receive additional public comments. Over this time period, the BSRB did not receive public comments on the proposed changes. On May 13, 2024, the Board voted to formally adopt the proposed changes to the permanent regulations, with post-hearing changes that are described later in this report. The permanent regulations were published in the Kansas Register on June 6, 2024, and they became effective on June 21, 2024.

Following the JCARR meeting on February 2, 2024, the Committee requested the BSRB define “*synchronous videoconferencing*” for purposes of rules and regulations and ensure the term was used uniformly within its rules and regulations. The Board greatly values the recommendations from the Committee and made post-hearing changes in support of the Committee’s recommendations to assist members of the public in better understanding new language added to the regulations. The Board’s original proposed changes added “*synchronous videoconferencing*” to four regulations, K.A.R. 102-3-3a, K.A.R. 102-5-3, K.A.R. 102-2-6, and K.A.R. 102-7-3 to assist applicants for license who received their education from non-accredited programs, by providing more flexibility to applicants attempting to meet the alternate educational requirements for licensure. The language of “*synchronous videoconferencing*” was originally added as an alternative to the previous standard of requiring certain coursework to be completed by the applicant while physically at the school, in face-to-face contact with core faculty. Under the new standard in the proposed changes to regulations, applicants could meet the coursework standard of being face-to-face either physically at the school or by synchronous videoconferencing. The term “synchronous” is not unique to the mental health profession, and the Board had intended its use to be the common definition of simultaneous/real-time. Therefore, in response to the Committee’s recommendation, the Board adopted as a post-hearing change, replacing the term “*synchronous videoconferencing*” with “*synchronous, real-time videoconferencing*” in K.A.R. 102-3-3a, K.A.R. 102-5-3, K.A.R. 102-2-6, and K.A.R. 102-7-3. The Board believes this modification, in response to the recommendation by the Committee, is a natural extension of the original proposed regulations and better clarifies the intention of the Board.

Following the JCARR meeting on February 2, 2024, the Committee recommended the BSRB define “*biopsychosocial*” in K.A.R. 102-7-3 and asked why the term “*substance use*” was removed from paragraph (c)(2) and replaced with “*biopsychosocial needs*.” The Committee expressed concern that the modification of this education requirement may result in students completing less coursework specific to addiction and substance use. The Board values the recommendations of the Committee and wishes to make changes in support of the Committee’s recommendation to assist members of the public in understanding new language added to the regulations. The Board’s greatly values the recommendations and comments by the Committee

and the Board recommended post-hearing changes in response to the Committee's comments. The Board understands that Kansas, and perhaps all of the nation, is experiencing a workforce crisis, especially in the area of mental health professions. One of the main reasons the Board originally proposed changes to the educational requirements for addiction counseling licensure was in an effort to update and modernize the requirements in a way that would enable more individuals to meet the requirements for licensure, while also ensuring the public protection mission of the Board was still upheld. Compared to the other professions, licensure for addiction counseling lacks the same level of consistent criteria between states, so the Board asked experts in the addiction counseling profession, including representatives from academic institutions in Kansas, to review the required coursework in the regulations and to consider possible changes. K.A.R. 102-7-3(c)(2) previously included the assessment of the "*substance use*" of a person, however replacement with the term "*biopsychosocial needs*," is a more holistic term, commonly used in the mental health professions today when assessing an individual and would not only include assessing for substance use disorder but also other disorders. "*Biopsychosocial*" as a term originated in 1977 and simply means biological, psychological, and social. Also, within context of the regulations, the required coursework in K.A.R. 102-7-3(c)(2) has a greater emphasis on the educational requirement for individual counseling, as the next required course in the regulation focuses on education in group counseling.

The Board understands the concern of the Committee, regarding a reduction in addiction-specific coursework, however the substitution of the term "*biopsychosocial*" in K.A.R. 102-7-3(c)(2) does not diminish the necessary education, as the term is still inclusive of assessing for substance use disorders while also assessing for other disorders. Further, K.A.R. 102-7-3(c) includes many other courses specific to addictions or substance use, such as required courses in introduction to addictions, addiction pharmacology, co-occurring disorders (specifically focusing on substance use disorders), addiction services coordination, and didactic learning that is related to substance use disorders. Additionally, before qualifying for licensure, all applicants must pass an addiction-specific license examination, which further verifies applicants have received sufficient education in addiction topics.

The Committee requested the BSRB define the term "*biopsychosocial*," so in response to this recommendation, the Board adopted as a post hearing change replacing "*biopsychosocial needs*" with "*biopsychosocial or the biological, psychological, and social needs*" to better clarify the use of this term within the regulations. The Board believes this modification, in response to the recommendation by the Committee, is a natural extension of the original proposed regulations and better clarifies the intention of the Board.

If you have any additional questions, please let me know.

Thank you,



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