BEHAVIORAL SCIENCES REGULATORY BOARD
BOARD MEETING MINUTES
July 8, 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, Denise Cyzman, Jill Flessing, Linda Heitzman-Powell, Jim Kilmartin, Richard Nobles, Andrea Perdomo-Morales, Cynthia Schendel, Laura Shaughnessy, and David Stevens. Donna Hoener-Queal was 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. Welcome New Board Member

A. Public Board Member Denise Cyzman. The Board welcomed new public Board member Denise Cyzman.

IV. Public Comment: None.

V. Minutes Approval: Cynthia Schendel moved to approve the minutes from the Board meetings on May 13, 2024. Jill Flessing seconded. The motion passed.

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

A. Outreach. On the BSRB YouTube channel, Board meetings current average about 80 views per meeting and Advisory Committee meetings get about 40 views. Additionally, the Executive Director for the BSRB plans to schedule informational meetings with educators and employers this fall before the Board's all-day planning meeting so that Board members can receive the feedback for discussion.

B. Behavioral Health Workforce Policy Academy (BHWPA). The BSRB partnered with representatives from the Kansas Department for Aging and Disability Services (KDADS) and the Board of Regents to apply for a grant from the National Academy for State Health Policy (NASHP) for assistance working on issues related to behavioral health workforce. Since the receipt of the grant, representatives have been meeting at least monthly to identify issues and collect research from Kansas and other states. At

these meetings, pathways that individuals can get into the mental health field and current licensure requirements were reviewed. There will be an in-person meeting with representatives from about five other states in September 2024.

C. **Expenditure and Revenue.** As of the end of May 2024, the BSRB Fee Fund balance was $1,823,865. This is a decrease of about $269,000 since the start of the fiscal year. Through the end of May 2024, yearly revenues totaled about $700,000 and expenditures totaled about $956,000. At the next meeting, the Executive Director for the BSRB will provide the total revenue and expenditure amounts through the end of the fiscal year.

D. **Legislative Updates.** Several regulation changes were adopted by the Board at the May Board meeting and those changes became law on June 21, 2024.

E. **Kansas Behavior Analyst Association.** The Executive Director for the BSRB will be giving a presentation to the Kansas Association for Behavior Analysts on July 25, 2024, which will include information on recent statute changes affecting the profession.

F. **Kansas Fights Addiction Grant Review Board (KFAGRB).** Jason Hess, the Board's appointee to the KFAGRB, provided a written report with updates.

G. **National Board for Certified Counselors (NBCC).** The Executive Director for the BSRB recently attended a conference for the National Board for Certified Counselors (NBCC). Notable topics discussed at the conference included Artificial Intelligence (AI) and multi-state compacts.

H. **American Association of State Counseling Boards (AASCB).** The Executive Director for the BSRB was appointed to serve on the Treasurer for the American Association of State Counseling Boards (AASCB), effective July 1, 2024.

VII. Staff Reports. The total number of licensees increased from 15,644 in May 2024 to 15,694 in July 2024. This number only includes permanent licenses, so the Executive Director for the BSRB is going to gather the number of community-based, student-temporary addiction counseling, and temporary licenses and bring that information to the next Board meeting.

VIII. Complaint Review Committee (CRC) Report. Cindy D'Ercole, Investigator for the BSRB, provided updates on the CRC. It was noted that the number of open cases has continued to rise.

IX. Professions Reports

A. **Licensed Psychology.** The Advisory Committee last met on June 11, 2024. The Advisory Committee discussed education requirement revisions, jurisprudence examination alternatives, and a survey for licensed psychologists. At the next meeting, the Advisory Committee will be recommending one new Advisory Committee member and start discussing AI. The next meeting is August 13, 2024, at 6 pm.

B. Social Work. The Advisory Committee last met on June 18, 2024. The Advisory Committee recommended three new Advisory Committee members and continued reviewing survey results. The Advisory Committee began discussing AI. The next meeting is August 13, 2024, at 10 am.

C. Professional Counseling. The Advisory Committee last met on June 3, 2024. The Advisory Committee discussed updates to the multi-state compact for professional counselors, a questionnaire to be sent out to all licensed professional counselors, board-approved supervisors, AI, and recommended three new Advisory Committee members. The next meeting is August 5, 2024.

D. Master's Level Psychology. The Advisory Committee last met on June 12, 2024. The Advisory Committee continued discussion on educational requirements, APA accreditation of master's level programs, possible surveys to be sent out to licensees and educators and selected two new Advisory Committee members. The Advisory Committee began discussing AI. At the next meeting, Brooke Mann from Fort Hays State University will be speaking with the Advisory Committee about APA accreditation for master's level programs. The Next meeting is August 7, 2024.

E. Marriage and Family Therapy. The Advisory Committee last met on June 14, 2024. The Advisory Committee continued discussion on educational requirements, potential survey questions, AI, and recommended two individuals for Advisory Committee membership. The next meeting is August 16, 2024, at 1 pm.

F. Addiction Counseling. The Advisory Committee last met on June 4, 2024. The Advisory Committee began reviewing applicants but tabled nominations until the next meeting to allow members sufficient time to review materials or the high number of applicants (19). The Advisory discussed a potential survey, the possibility of student-temporary addiction counseling licenses for master's level students, AI, and recognized outgoing Advisory Committee members. The next meeting is September 24, 2024.

G. Behavior Analyst. The Advisory Committee last met on June 14, 2024. The Advisory Committee discussed potential survey questions. At the next meeting, the Advisory Committee will review applicants for Advisory Committee membership and start discussing AI. The next meeting is August 9, 2024, at 1 pm.

10-Minute Break

X. Old Business

A. Continued Discussion on Jurisprudence Examination Alternative Proposal. Rather than requiring that licensees and applicants pay a fee to take a jurisprudence examination, the Executive Director for the BSRB proposed to each of the Advisory

Committees creating quarterly optional interactive webinars on jurisprudence topics that, if completed, would count as one hour of continuing education. All Advisory Committees supported this idea. The goal is to launch this initiative in the late fall.

B. Continued Discussion on Draft Language from Behavior Analyst Advisory Committee on Location of Practitioner. This item was tabled until a future Board meeting.

XI. New Business

A. Election of Board Chair. The Board Chair recommended David Anderson to serve as the new Board Chair. Cynthia Schendel moved to nominate David Anderson as the new Board Chair. David Stevens seconded. The motion passed.

B. Election of Board Vice-Chair. The Board Chair moved to nominated Laura Shaughnessy to serve as the new Board Vice Chair. David Stevens seconded. The motion passed.

C. Appointment of Complaint Review Committee (CRC) Members. The Board Chair reappointed herself as Chair of the CRC, as well as all current members for the next two fiscal years, including Andrea Perdomo-Morales, Richard Nobles, Donna Hoener-Queal, and Jim Kilmartin.

D. Appointment of Denise Cyzman as Public Member on Addiction Counseling Advisory Committee and Behavior Analyst Advisory Committee. The Board Chair appointed Denise Cyzman to serve as a public Board member on the Addiction Counseling Advisory Committee and the Behavior Analyst Advisory Committee.

E. Appointment of New Advisory Committee Members. The Board Chair appointed the following individuals to serve as Advisory Committee members:

i. **Marriage and Family Therapy Advisory Committee**
   1. Betsy Henderson
   2. Dianne Seibel

ii. **Master's Level Psychology Advisory Committee**
   1. Ginger Hill
   2. Sarah McMillen

iii. **Professional Counseling Advisory Committee**
   1. Samantha Holloway
   2. Mahsa Maghsoudi
   3. Amanda Wade

iv. **Social Work Advisory Committee**
   1. Jasmine Cohen-Young
   2. Yelando Johnson
   3. Christy Sanders

F. Appointment of Board Members to Hearing Panels for Addiction Counseling License Hearing and Professional Counseling License Hearing. Two applicants requested hearings before the Board, one being an addiction counseling applicant, and the other being a professional counseling applicant. The Board members who volunteered to serve on the panels are include Jill Flessing, Laura Shaughnessy, Denise Cyzman, Richard Nobles, David Anderson, Mary Jones, Jim Kilmartin, Cynthia Schendel, and Andrea Perdomo-Morales.

G. **Appointment of Commissioner to Social Work Multi-State Compact.** During the 2024 legislative session, sufficient states enacted the model language, so each state was asked to appoint a commissioner so those individuals could begin to meet to work on the rules for implementing the compact. The first meeting is scheduled for September 17, 2024. The Executive Director for the BSRB expressed his willingness to serve as the state's commissioner for the social work compact, to assist with establishing the rules and other working processes for the compact. The Executive Director currently serves as the commissioner for the multi-state compact for psychologist, PSYPACT, and expressed a proposal to move that role to a psychologist Board member, if one would like to take over that position. The Board Chair expressed her support for the Executive Director for the BSRB serving as the state representative for the social work multi-state compact. Jim Kilmartin moved to appoint the Executive Director for the BSRB as the Kansas Commissioner for the social work multi-state compact. Cynthia Schendel seconded. The motion passed. At the next meeting, the Board will discuss selecting a new representative for as Compact Commissioner for the PSYPACT multi-state compact.

H. **Review of New Language in Advisory Committee Policy Based on Board Action on May 13, 2024.** At the last Board meeting, the Board changed the length of service on Advisory Committees. The previous standard was a maximum of eight years. Under the new policy, Advisory Committee members can serve eight years followed by a gap in service of at least two years, then eligibility for eight additional years of service. The Executive Director for the BSRB provided new language to the Board to reflect this change. This new language also makes clarification that this policy only applies to non-Board member Advisory Committee members. It is possible that an individual could serve on an Advisory Committee for 16 years and then be appointed to the Board for up to eight years. It was the consensus to adopt this new language.

I. **Discussion on Listing Alias Information of Licensees that was Not Used When Licensed.** On the BSRB website, the license verification portal shows aliases that licensees have used. Recently, individuals have requested this information be removed from the portal in cases where they did not use that name while practicing, it was a matter of safety, or in situations when an individual changed their gender. The Executive Director for the BSRB asked the Board whether, in situations where someone can demonstrate that they never practiced under a previous name, there is an interest to keep that name on the website as an alias. The BSRB's legal counsel stated that in situations where there are protection and/or safety issues, the BSRB may not be required to release aliases. He also expressed that if a licensee previously practiced under the name, there may not be a basis to exclude it. The Board requested that the Executive Director for the BSRB contact other states to see if any have policies in place regarding this topic. Legal counsel for the BSRB will also review this topic for further discussion at the next Board meeting.

J. **Discussion on Advisory Committee Member Expectations.** The Executive Director noted the Advisory Committee Policy has a general statement that the same policies and procedures that apply to Board members should also apply to Advisory Committee members, however in certain cases, Advisory Committee member have a different set of expectations. The Expectations of Board Members Policy states Board members shall not have more than one unexcused absence per year, but it does not

define what an excused absence is. The Executive Director told the Board that it may be beneficial to add clarifying language to the Advisory Committee policy stating how many unexcused absences Advisory Committee members can have, as well as defining excused versus unexcused absences. Another potential item mentioned was whether it should be explicitly stated that Advisory Committee members must be licensees. The last potential item brought forth by the Executive Director for the BSRB was whether it should state in the policy that Advisory Committee members must live in Kansas. This is stated in the statute for Board members, but it is not explicitly stated in the Advisory Committee policy. The Board supported language addressing attendance expectations. The Executive Director for the BSRB is going to draft language regarding it being an expectation that Advisory Committee members miss no more than two meetings per year and, if unable to attend a meeting(s), Advisory Committee members are expected to communicate that with their Advisory Committee Chair and the Executive Director for the BSRB. On the topic of whether Advisory Committee members must be licensed, Board members expressed the value that individuals without licensees have brought to Advisory Committees. Due to this, there was not recommendation concerning Advisory Committee members being licensed. As to whether Advisory Committee members should live in Kansas, the Board supported an expectation that a majority of a licensee's practice should take place in Kansas.

K. Discussion on Draft Regulations on Continuing Education Requirements and Other Topics. All Advisory Committees have been reviewing continuing education regulations, and almost all had recommended changes. The Assistant Director for the BSRB asked that the Board allow her to go through all the continuing education regulations and present recommendations at a future meeting to make them more uniform between the professions, which the Board supported.

L. Items Referred to Advisory Committees for Discussion.

i. **Discussion on Possible By-Law Amendment from Texas Psychology Licensing Board Concerning Requirement of EPPP 2.** The Executive Director for the BSRB provided Board members with a letter from the president of the Association of State and Provincial Psychology Boards (ASPPB). To incorporate a standardized skills measurement into the EPPP, the ASPPB has developed the EPPP Part Two. ASPPB has decided that, as on January 1, 2026, any states that wish to continue using the EPPP as a licensing examination for psychologists must require passage of the EPPP Part One and EPPP Part Two. Texas and Louisiana have come out opposing this requirement, as they believe that their legislature would look at this as two separate required examinations and they would be unable to amend their statutes to add an additional test. Texas recently drafted a proposed bylaw amendment to the bylaws of ASPPB allowing states the flexibility to require passage of the EPPP Part 2 or solely passage of the EPPP Part 1. Texas is considering offering this language as a proposed bylaw amendment at the annual ASPPB annual meeting taking place October 31, 2024, to November 2, 2024. The Executive Director for the BSRB noted that it is his understanding that passage of the EPPP Part 2 would also be a requirement for states who license psychologists at the master's level. The LMLP and

LP Advisory Committees are going to discuss this topic, and then it will be brought back to the Board to see whether the Board should recommend Kansas take a position on the bylaw amendment proposal. The Executive Director for the BSRB is going to research the states that are or have voluntarily made the passage of the EPPP Part One and EPPP Part Two a requirement and will bring any gathered information back to the Board. A concern brought forth by Board members was whether this requirement would make getting licensed both more difficult and more expensive.

XII. **Dates for Next Regular Board Meetings:** The Board elected not to hold the regular September Board meeting on the second Monday of the month, but to move the meeting to Sunday, September 29, 2024, to begin the Board's annual Off-Site Planning meeting with a business meeting on Sunday evening, followed by the All-Day Planning Meeting on Monday, September 30, 2024, in Lawrence, KS. The Executive Director for the BSRB send a poll to Board members to identify a date and time availability for the November Board meeting, to avoid conflicts with Veteran's Day.

XIII. **Adjournment.** The meeting was adjourned.