

**BEHAVIORAL SCIENCES REGULATORY BOARD
PROFESSIONAL COUNSELOR ADVISORY COMMITTEE MEETING
DECEMBER 12, 2024**

DRAFT Minutes

- I. Call to Order.** Laura Shaughnessy, Chair of the Advisory Committee, opened the meeting and called roll.

Advisory Committee Members: Advisory Committee members who participated by Zoom were Laura Shaughnessy, Jim Kilmartin, Harriet Bachner, Michael Countryman, Bob Kircher, Mahsa Maghsoudi, Vanessa Perez, Andrew Secor, Edil Torres Rivera, and Amanda Wade. Melissa Briggs and Samantha Holloway were absent.

BSRB Staff: David Fye was present by Zoom.

- II. Agenda Approval.** Michael Countryman moved to approve the agenda. Edil Torres Rivera seconded. The motion passed.
- III. Review and Approval of Minutes from Previous Advisory Committee Meeting on October 7, 2024.** Harriet Bachner moved to approve the minutes from October 7, 2024. Bob Kircher seconded. The motion passed.
- IV. Executive Director's Report.** David Fye, Executive Director for the Behavioral Sciences Regulatory Board (BSRB) provided updates on agency operations, actions from recent Board meetings, and legislative updates.
- V. Updates on Professional Counseling Multi-State Compact.** The Executive Director and Chair of the Advisory Committee provided updates on the multi-state compact. It was noted the next meeting of the Commission would be on February 12, 2025. The Executive Director explained that when the Compact legislation was passed, it was unclear how state Compact membership would be funded, so language was added to the bill to allow Kansas to charge up to a \$25 home-state privilege to practice fee to in-state licensees wishing to practice under the Compact. However, the Compact Commission decided to pass the operating cost to individuals obtaining the privileges, rather than charge states a flat fee or an assessment based on the number of individuals in the state seeking a privilege, so the Executive Director noted the Board may wish to set the home-state privilege to practice fee at zero, but authorize a different amount for an out-of-state privilege fee for individuals from other states seeking a privilege in Kansas. It was noted that the Compact was expected to become operational in the late summer or fall of 2025. Members of the Advisory Committee requested additional detailed information on the progression of the Compact, so the Executive Director for the BSRB will reach out to the Executive Director for the Counseling Compact to obtain more detailed information on the progress of the Compact towards operational status.

VI. Annual Training for Board Members and Advisory Committee Members. The Executive Director provided the first half of an annual training over the Expectations for Board Members policy, the Advisory Committee Policy, and Guidance for Public Attendees of Meetings. The second half of the training will take place at the following Advisory Committee meeting.

VII. Old Business

A. Continued Discussion of Adding Description of Each Profession to BSRB Website to Inform Public of the Differences Between the Professions. The Executive Director noted that the BSRB was seeking general language to add to the agency's website to describe the professions regulated by the BSRB, as this language will be helpful for members of the public to better understand the differences between the professions and levels of license.

B. Continued Discussion on the Regulation of Artificial Intelligence. The Executive Director noted the Board asked each Advisory Committee to discuss regulation of artificial intelligence. Advisory Committee members noted the American Counseling Association (ACA) had a task force looking at this topic and a document would be made available to the members of the Advisory Committee for review. Edil Torres Rivera noted that he would reach out to a potential speaker to see if he could present information at a future meeting.

VIII. New Business

A. Discussion on Possible Changes to Continuing Education Regulation. The Executive Director noted each Advisory Committee reviewed and made recommendations on changes to their continuing education regulation. It was noted that some other professions are adjusting the total number of continuing hours required, based on comparison to the total hours required in other states. Advisory Committee members asked whether language should be modified

B. Update and Discussion on Supervision. The Executive Director noted the Board recommended the past recommendation by the Advisory Committee, to allow half supervision hours to be completed, upon request, by someone who was a Board-approved supervisor, but from a different profession, so long as they held a sufficient level of license. Advisory Committee members discussed students providing telehealth services in a school setting and who would be responsible for student conduct if negative conduct was found to have occurred. Liability of supervisors or instructors was discussed. Additionally, questions were asked whether the BSRB had jurisdiction over a student from another state providing telehealth services into Kansas. The Executive Director explained that the issue is complex, because there is a regulation which involves providing inappropriate or inadequate supervision, so a licensee could be held accountable if they were supervising a student. However, the practice act for the professional counseling profession exempts certain students in a school setting from needing to be licensed under the BSRB, so they would not be under the jurisdiction of the BSRB. Further complicating matters is the scenario if a person teaching students was not licensed by the BSRB, so that person may not be under the jurisdiction of the BSRB. It was noted that if a student in another state was providing services

into Kansas, the language in the construction of act statute would not apply to them, so the BSRB could pursue a complaint regarding unlicensed practice into Kansas. It was clarified that any change for Kansas students would require a change in law.

C. Discussion on Date and Time for Advisory Committee Meetings in 2025.

Advisory Committee discussed possible standard dates for meetings. While a poll would be sent out to identify the date of the February 2025 Advisory Committee meeting (due to conflicts), the standard date and time for Advisory Committee meetings would be the first Thursday of the month at 10am.

D. Discussion on Possible Topics for 2025. Advisory Committee members were asked to think about topics for meetings in 2025.

E. Thank You to Members. The Chair of the Advisory Committee thanked the members of the Advisory Committee and the Executive Director for their hard work during the past year.

IX. Next Meeting. Wednesday, February 19, 2025, at 10am (remote meeting)

X. Adjournment. Michael Countryman moved to adjourn. Harriet Bachner seconded. The motion passed.