

BEHAVIORAL SCIENCES REGULATORY BOARD
MONDAY, JANUARY 13, 2025
DRAFT MINUTES

Monday, January 13, 2025

I. Call to Order and Roll Call. The meeting was called to order by Chair David Anderson at 10:00 am.

Board Members. David Anderson, Denise Cyzman, Jill Flessing, Linda Heitzman-Powell, Donna Hoener-Queal, Mary Jones, Jim Kilmartin, Richard Nobles, Andrea Perdomo-Morales, Cynthia Schendel, Laura Shaughnessy, and David Stevens were present. No members were absent.

BSRB Staff. BSRB Staff members David Fye, Leslie Allen, and Cindy D’Ercole were present. Tim Resner, the board’s legal counsel, also attended.

II. Agenda Approval. Mary Jones moved to approve the agenda. Laura Shaughnessy seconded. The motion passed.

III. Public Comment

A. Kaley Wajcman, Governmental Affairs Chair for the Kansas Art Therapy Association. Kaley Wajcman, Board Certified Art Therapist, shared her desire for Art Therapy to become a licensed profession in Kansas. She requested that the Board support a bill that would provide regulations and licensure for professional art therapists under the BSRB, explaining that it would further diversify the licensed services offered in Kansas.

IV. Review and Approval of Minutes from Previous Board Meetings. Jim Kilmartin moved to approve the minutes from the Board meetings on November 4, 2024, and December 16, 2024. David Stevens seconded. The motion passed.

V. Executive Director’s Report. David Fye, Executive Director for the BSRB, provided updates on the following topics:

A. Outreach. The BSRB YouTube channel was created in 2021. Since then, the BSRB has broadcast or uploaded 187 meetings that have been viewed over 10,000 times. Additionally, the Executive Director and Assistant Director have begun scheduling presentations for students getting close to graduation. The Executive Director also notified Board Members that all surveys for the professions will be sent out on January 14, 2025.

B. Revenue and Expenditures. The current balance in the BSBB Fee Fund is about \$1.9 million.

C. CE Broker. The BSRB implemented a partnership with CE Broker this past year, authorizing social work and professional counseling licensees on October 1, 2024; marriage and family therapy and master’s level psychology on November 5, 2024; and addiction counseling, behavior analysis, and licensed psychology on January 7, 2025, so all licensees under the BSRB should now be able to access free services through CE Broker. Overall, the feedback the BSRB has received from licensees has been positive.

D. Operations. In 2023, the Governor issued an executive order that mandated that all agencies create a Continuity of Operations Plan (COOP). The Executive Director for the BSRB worked

through this process and the BSRB has a plan in place that was approved by the Department for Emergency Management. The Executive Director worked with representatives of the state to update this plan in 2024. Additionally, BSRB Staff have been working with representatives from the Office Information Technology Services to begin the process of converting the licensing system to the Accela platform.

- E. Legislative Updates.** Previously, the Board discussed items to request in changes to legislation, including an item that would allow the BSRB to review an academic program independent of a specific applicant for licensure. This review would require a fee be paid to the BSRB prior to the program being reviewed. Originally, the proposal would have allowed the BSRB to continue to work with the program at no additional charge for one year, if the program made adjustments. The Executive Director asked the Board if they would support allowing these programs to be reevaluated at no cost if they request a reevaluation within two years of paying for their initial fee. Beyond two years, the program would have to pay the fee again. By consensus, the Board supported this change to the proposal.
- F. Professional Counseling Multi-State Compact.** The Professional Counseling Multistate Compact has the goal of being operational in late 2025. Board member Laura Shaughnessy, Compact Commissioner for Kansas, and the Executive Director, backup Commissioner for Kansas, will be attending the Compact Commission annual meeting in February 2025.
- G. Association of State and Provincial Psychology Boards (ASPPB).** At the annual ASPPB meeting in the fall of 2024, the ASPPB Board decided to reverse their previous decision, so as of January 1, 2026, states using the EPPP as a licensing examination will not need to require applicants take and pass the EPPP-2 as well. It was noted that a Task Force would be formed by ASPPB to attempt to merge the EPPP and EPPP-2 into one cohesive examination.
- H. Social Work Multi-State Compact.** The Social Work Multi-State Compact will be holding their annual meeting on February 4, 2025, in Lexington, Kentucky, which the Executive Director will be attending as Compact Commissioner for the state of Kansas.
- I. Association of Social Work Boards (ASWB).** The Executive Director attended the ASWB annual meeting with Cynthia Schendel in the fall of 2024. Representatives from ASWB have continued to work on improvements to the licensing examination for social work applicants.
- J. American Association of State Counseling Boards (AASCB).** The Executive Director and professional counseling Board member Laura Shaughnessy will be attending the annual AASCB meeting from February 9, 2025, to February 11, 2025. The AASCB also came out with a document that dealt with the safe and ethical use of artificial intelligence and mental health counseling. The Executive Director plans to hand out this document to Advisory Committee members to help guide them in their conversations about AI.
- K. PSYPACT.** The Executive Director attended the annual PSYPACT meeting as Compact Commissioner for Kansas, from November 17, 2024, to November 19, 2024. It was reported that the Compact is fully funded and the outlook on number of states that have joined the Compact and financial stability of the Compact are stable. Further, Board member Richard Nobles has begun serving as the new PSYPACT Compact Commissioner for the state of Kansas.

- VI. Presentation on the Kansas Fights Addiction Grant Review Board (KFAGRB) by Board Appointee Jason Hess.** Jason Hess, Board appointee to the KFAGRB, provided updates to the Board.

VII. Staff Reports

- A. Discussion on Possible Regulation for Alternative Standards to Meet Completion of Postgraduate Experience Requirements for a Clinical License.** Leslie Allen, Assistant Director and Licensing Manager for the BSRB, provided a summary of the requirements required to verify clinical hours. It was noted that a professor at a local university recently passed away and some individuals were having difficulty showing documentation of some of the hours they that attained. The Executive Director requested that the Board support adding language to regulations stating that, if a supervisor is unavailable because of death, incapacity, or some other reason, then the Board can consider other items. By consensus, the Board supported adding the proposed language to address this issue.

- VIII. Complaint Review Committee Report (CRC).** Cindy D’Ercole, Investigator for the BSRB, provided updates on the CRC. Members of the Board requested additional information on the length of time for cases, between when the Report of Alleged Violation is received and the last item is completed, including sending potential disciplinary orders to licensees. The Executive Director noted he would work on attempting to quantify this timeframe in a way for the Board to review.

IX. Professions Reports

- A. Licensed Psychology.** The Licensed Psychology Advisory Committee met on December 10, 2024. During this meeting, Advisory Committee members heard public comment from a representative of the Kansas Psychological Association (KPA), where he advocated for change to the postdoctoral requirement associated with LP licensure. Other discussion items included allowing other professions to supervise psychologists and the reversal of the EPPP-2 requirement by the ASPPB Board. Lastly, the Advisory Committee started the annual training. The Advisory Committee will next meet on February 11, 2025.
- B. Social Work.** The Social Work Advisory Committee met on December 10, 2024. Advisory Committee members discussed the ASWB annual meeting and the possible reversal of the changed language for clinical social work experience. The Advisory Committee also began their annual training and reviewed the social work supervision manual to check for any potential revisions. The Advisory Committee will continue their training and discussion of the supervision manual at their next meeting on February 18, 2025.
- C. Professional Counseling.** The Professional Counseling Advisory Committee last met on December 12, 2024. Advisory Committee members discussed the multi-state compact, AI and ethics, and supervision. The Advisory Committee will next meet on February 19, 2025.
- D. Master’s Level Psychology.** The Master’s Level Psychology Advisory Committee met on December 4, 2024, where they had their annual training. The Advisory Committee also discussed the education regulation. The Advisory Committee will next meet on February 7, 2025.
- E. Marriage and Family Therapy.** The Marriage and Family Therapy Advisory Committee met on December 13, 2024, where they completed their annual training. The Advisory Committee also discussed possible supervision changes, but they will not be recommending any change. The Advisory Committee also discussed AI and additional topics of interest for 2025. The Advisory Committee will next meet on February 14, 2025.
- F. Addiction Counseling.** The Addiction Counseling Advisory Committee met on December 4, 2024, where they welcomed three new Advisory Committee members. The Advisory Committee completed their annual training and discussed creating a student temporary license. The Advisory Committee will next meet in March.
- G. Behavior Analysis.** The Behavior Analysis Advisory Committee met on December 13, 2024, where they discussed the survey to be sent out to licensees. The Advisory Committee will next meet on February 14, 2025, where they will receive their annual training.

10-Minute Break

Old Business

H. Update on Proposed Changes to Regulations

- i. **Continuing Education.** The Executive Director noted three professions recommended reducing the total number of continuing education hours required for each renewal cycle (licensed psychology, master's level psychology, and social work), after comparing the required number of hours in Kansas to the average number of hours required for those professions in other states. There were also recommendations to updating outdated language, such as changing references from videotapes and audiotapes to video recordings and audio recordings. All Advisory Committees recommended removing self-directed learning projects from their regulations on continuing education. By consensus, the Board decided to approve the recommended changes and to move forward with all the proposed changes as changes to the relevant regulations.
- ii. **Unprofessional Conduct.** The Executive Director provided Board members with a packet of all recommended changes to the unprofessional conduct regulations from all Advisory Committees. The Executive Director asked Board members to review the materials prior to the next full Board meeting in March 2025, and consider whether the Board would approve different language based on profession, or if there should be an interest in uniform language for all professions. The Executive Director noted that the different professions' regulations have some inconsistencies, particularly related to recordkeeping, sexual relationships with clients, and the use of drugs or alcohol by a practitioner. The Executive Director asked Board members to be ready to discuss recommended changes or approval of the proposed recommendations at the next full Board meeting in March 2025.
- iii. **Expedited Application Review Process.** The Executive Director noted the BSRB has been working on developing an expedited application review process. After reaching out to other states, the Executive Director stated that it does not appear as though any similar agencies have an expedited application review process for mental health professions. Regulations will have to be drafted to describe the process for this item. The Executive Director proposed a model that would identify six different types of authorizations to practice (permanent license, temporary license, community-based license, temporary reinstatement license, student temporary license, and temporary out of state permits), as well as standards that would have to be met for an expedited application. By implementing this process, applications would need to be fully reviewed, and an answer given to applicants within 15 days of the application being received by the BSRB. Language would also be included to explain conditions in which applicants could not qualify for an expedited review process. The Board was supportive of the Executive Director's proposal on this topic, and he will bring language back to the Board meeting in March 2025 on this topic.
- iv. **Professional Counseling - Privilege Fee for Out-of-State Individuals Seeking to Practice Under Professional Counseling Multi-State Compact.** The Executive Director noted the bill adding Kansas to the Professional Counseling Multi-State Compact authorized Kansas to charge individuals with a Kansas home-state license a fee up to \$25 for the privilege of participating in the compact. However, the Compact Commission decided to not charge states a compact membership fee, and instead to collect a fee for operations from individuals seeking a privilege to practice. Therefore, the Executive Director asked the Board to set the home-state privilege fee at \$0 and asked the Board to use other language in the multi-state compact legislation to authorize a fee of \$25 for a privilege to practice in Kansas for individuals with a home-state license outside of Kansas. By consensus, the

Board agreed to establish a \$25 privilege fee for individuals with a home-state license outside of Kansas that are seeking a privilege to practice in Kansas under the compact.

X. New Business

A. Recommendations from Advisory Committees

i. Licensed Psychology Advisory Committee

1. K.A.R. 102-1-12 Educational Requirements

- a. Removing “in residence” definition, including specific language on format for taking certain coursework without using previous “in residence” definition.** “In residence” was previously defined as requiring an in-person component, however four professions recently changed their definition of “in residence” to also include courses that were taught face-to-face by screen, using synchronous video conferencing. This means that the BSRB is using the term of “in residence” to mean two different things, depending on the profession using that term. To resolve the issue, the Advisory Committee recommended striking the definition of “in residence” from their education regulation, but to include specific language for specific courses on which courses needed to be taught in-person. Also, rather than the traditional language of receiving certain education at “the physical location of the school,” the Advisory Committee recommended a change to allow the course to be taught at a “physical location identified by the school.” Altering the definition would allow online schools to provide a physical in-person alternative if the school does not have a physical campus. Put another way, it was recommended that, rather than saying “in residence,” the definition of the term will be used in its place. By consensus, the Board agreed to move forward with implementing the recommendations.

ii. Master’s Level Psychology Advisory Committee

1. K.A.R. 102-4-3a

- a. Removing “in residence” definition, allowing psychotherapy to be taught either in person or by synchronous video conferencing; including specific language on format for coursework on testing without using previous “in residence” definition.** The Master’s Level Psychology Advisory Committee recommended removing the definition of “in residence” and replacing it with the plain language that psychotherapy needed to be taught either in-person or by synchronous video conferencing and testing courses needed to be taught in-person at a physical location identified by the school. By consensus, the Board agreed to move forward with implementing the recommended changes.

- 2. Educational Standards to Take EPPP - Either Applicant for LCP or Holding Active License as an LMLP.** Currently, if someone pursuing a licensed clinical psychotherapist license scored a 400 or above on the EPPP licensing examination, but below a 500, and they met the other requirements, they could obtain a master’s level psychology license. To reach a clinical license, the licensed clinical psychotherapist license, applicants complete 3,000 post graduate hours while obtaining 100 hours of supervision. Advocates requested the ability for individuals to take the EPPP prior to waiting two years, as they argued the test results would be better if they wouldn’t have to wait 2 years. For individuals who have an active LCP

application, and for those that hold an active LMLP license, the recommendation is to allow individuals the ability to take the examination prior to receiving all clinical supervision hours associated with LCP licensure. The Executive Director noted that the marriage and family therapy examination works similarly to the EPPP, with different pass points by license type. By consensus, the Board supported moving forward with implementing a change for master's level psychology and marriage and family therapy examinations.

- B. Possible ASPPB By-Law Committee Request.** The Executive Director requested support from the Board for drafting and sending a letter to the Board of ASPPB, requesting the creation of a bylaw committee to make recommendations on proposed changes, given the issues this fall with the EPPP-2 and the proposed by-law amendment supported by the Board. The Executive Director noted that, if formed, he would like to serve on such committee. There was consensus by Board members to support the Executive Director in moving forward with supporting this proposal.
- C. Possible Change to Hold Applications Open for 24 months, rather than 12 Months.** BSRB licensing staff proposed that complete applications be help open for 24 months instead of 12. It was noted that some individuals were obtaining a temporary license even if they had no job, because it would hold open their window to take the test by 12 months. This change would not apply to incomplete applications. The Board discussed this option favorably and staff from the BSRB will research what steps are necessary to make this change.
- D. Discussion on Speaker Authorization for Legislative Testimony.** The Executive Director informed Board members that they can provide testimony and submit documentation on bills, but they must be clear in that they are not speaking on behalf of the Board. If a future Bill comes up that impacts the BSRB, a special meeting may need to be held.

XI. Possible Executive Session. None.

XII. Date for Next Regular Board Meeting: March 10, 2025, at 10am (Hybrid Meeting)

XIII. Adjournment. Jim Kilmartin moved to adjourn the meeting. Cynthia Schendel seconded. The meeting was adjourned.