BEHAVIORAL SCIENCES REGULATORY BOARD
SPECIAL BOARD MEETING MINUTES
SEPTEMBER 29 AND SEPTEMBER 30, 2024

APPROVED MINUTES

SUNDAY, SEPTEMBER 29, 2024, AT 5:30

I. Call to Order and Roll Call. The meeting was called to order by Chair Dave Anderson at 5:30 pm.

Board Members. David Anderson, Laura Shaughnessy, Jill Flessing, Linda Heitzman-Powell, Donna Hoener-Queal, Mary Jones, Richard Nobles, Andrea Perdomo-Morales, Cynthia Schendel, and David Stevens attended in person. Denise Cyzman and Jim Kilmartin were not present.

BSRB Staff. BSRB Staff members David Fye, Leslie Allen, Cindy D'Ercole, Sami Barksdale, Ashley VanBuskirk, and Tyla Wadsworth attended in person. Tim Resner, the board's legal counsel, also attended in person.

Other Attendees. Public attendees Ali Aeshliman and Amanda Sowers attended in person.

II. Agenda Approval. Mary Jones moved to approve the agenda as written. Cynthia Schendel seconded. The motion passed.

III. Public Comment on the EPPP Licensing Examination by Dr. Krista Edwards. The Executive Director noted written public comment from Dr. Krista Edwards on the EPPP Examination.

IV. Review and Approval of Minutes from Previous Board Meeting on July 8, 2024. Donna Honer-Queal moved to approve the minutes from July 8, 2024. David Stevens seconded. The motion passed.

V. Executive Director's Report.

A. Outreach. The Executive Director for the BSRB gave an update on views of Board meetings and Advisory Committee meetings broadcast on the Board's YouTube channel, which currently totals around 10,000 views. Additionally, the Executive Director for the BSRB has been addressing workforce shortages by utilizing educational resources and collaborating with representatives from the Kansas Department for Aging and Disability Services (KDADS) and the Board of Regents to identify creative solutions to address workforce shortages.

B. Forums. The Executive Director for the BSRB hosted the second annual informational forums for educators and employers on September 26 and 27, 2024. The forums were well received, and time for questions and comments was provided at the end of both forums. However, neither group of attendees provided any suggestions on requested changes the BSRB could pursue during the open comment periods at both meetings.

C. Student Outreach. The Executive Director and Assistant Director for the BSRB continue to meet with students at colleges and university in Kansas to explain the licensure process, note expectations in terms of unprofessional conduct, and provide information on resources on the BSRB website.

D. Legislative. The Executive Director submitted the budget request for the BSRB by the statutory deadline and representatives from the Division of the Budget will be working with the Governor's office on recommendations. It was noted that the Legislature is holding meetings by a special interim committee that is exploring changing the budget process, so it is possible the Legislature may introduce their own budget bill separately from the Governor's budget bill during the Legislative session.

E. Updates on Volunteer Services for Associations. The Executive Director has been volunteering time to assist several different national associations for the professions regulated by the BSRB and provided updates on those organizations.

F. Upcoming Meetings. The Executive Director updated the Board on upcoming meetings, including annual meetings for the Association of State and Provincial Psychology Boards in Dallas, TX; the annual meeting for the Association of Social Work Boards in San Diego, CA; and the annual PSYPACT multi-state compact meeting in Washington, D.C.

G. Marriage and Family Convention. The Executive Director and Mary Jones attended the annual meeting for the Association of Marital and Family Therapy Regulatory Boards in Baltimore, MD. The Executive Director was previously appointed to serve on the Elections Committee and presented the slate of candidates for the AMFTRB Board. Relevant topics at the annual meeting included regulation of artificial intelligence, supervision.

VI. Staff Reports

A. Historical Licensing. The packet for the meeting included historical licensing trends from 2015 to September 2024. Overall, licensing totals continue to increase.

VII. Complaint Review Committee Report

Cindy D'Ercole, BSRB Investigator, presented the report to the Board. There are a growing number of open complaints. The Executive Director noted the Board may want to explore language to add to the BSRB website that complaints should be sent in good faith that the individuals that are the subject of the complaint are licensed by or applicants of the BSRB or are practicing under a scope of practice requiring licensure, as the agency has seen an increase in complaint against individuals not licensed by the Board.

VIII. Professions Report

A. Licensed Psychology. The licensed Psychology Advisory Committee met on August 21, 2024. There was a presentation from representatives of ASPPB on the EPPP and

EPPP-2 licensing examinations and the Advisory Committee discussed topics like regulating the use of AI. The Advisory Committee recommended the Board vote to support a proposed by-law amendment to the ASPPB by-laws by the Texas licensing board for psychology, which would allow state the option to require passage of the EPPP-2, rather than the mandate from the Board of ASPPB that every state wishing to use the EPPP after January 1, 2026, would need to require passage of both tests at that time. The Advisory Committee also recommended adding one new member.

B. Social Work. The Social Work Advisory Committee met on August 13, 2024**.** The Committee recommended three new members. They discussed AI and CEUs. The committee added three members. The Advisory Committee discussed language for the description of the Social Work profession to be added to the BSRB website.

C. Professional Counseling. The Licensed Professional Counseling Committee met in August 2024. The Committee welcomed three new members. The Committee discussed the multi-state compact, a questionnaire for licensees, and education requirements for licensure. The committee will be discussing AI at future meetings.

D. Master's Level Psychology. The Master's Level Psychology Advisory Committee met on August 7, 2024**.** The committee received a presentation on master-level accreditation by the APA and discussed ASPPB and the EPPP-2. The Advisory Committee recommended the Board vote to support the proposed by-law amendment by the Texas licensing board for psychology at the ASPPB annual meeting.

E. Marriage and Family Therapy. The Marriage and Family Therapy Advisory Committee met and welcomed two new members; discussed survey items, education requirements, and regulation of the use of AI.

F. Addiction Counseling. The Addiction Counseling Advisory Committee reviewed 19 applicants for the advisory committee and recommended new members. The Committee discussed a questionnaire for licensees. The Committee also discussed possible changes to the student temporary addiction counseling licenses.

G. Behavior Analysis. The Behavioral Analysis Advisory Committee met on August 8, 2024. They discussed conducting a survey of licensees and are working on edits to questions. The Advisory Committee recommended the Board pursue legislation to add a 13th Board member, so the statutes for Board membership would list a behavior analyst as a board member.

IX. Old Business

A. Continued Discussion on Listing Alias Information of Licensees in the Verification Portal. The BSRB license verification portal on the agency's website includes aliases and other details such as license numbers and expiration dates. Names are listed for disciplinary purposes. Concerns arise in domestic situations. Per the Executive Director, in conversations with representatives from other states, at least some similar agencies from other states do not list aliases in their verification portals.

Legally, individuals are not obligated to share their aliases, but they must inform the BSRB of their current legal name. Upon request, the BSRB can provide the alias. Applicants can choose to include alias information on the website. If an individual has practiced under a different name, it must be included in the verification.

B. Continued Discussion on Advisory Committee Member Expectations. Discussion on this topic focused on whether the Board would like to amend the Advisory Committee Policy to further define what constitutes an unexcused absence, emphasizing the need for communication and commitment, adding language regarding Advisory Committee members not receiving disciplinary violations, and granting discretion to the board chair and advisory committee chair to address any potential disciplinary matters. The Executive Director for the BSRB will bring back language for the Board to review.

X. New Business

A. Appointment of New Advisory Committee Members

The Chair approved the following individuals to serve on Advisory Committees:

a. **Addiction Counseling Advisory Committee**: Jason Greever, Crystal Norman, and Judy Reusser;
b. **Behavior Analyst Advisory Committee**: Alec Bernstein and Wes Dotson; and
c. **Licensed Psychology Advisory Committee**: Christopher Leonard.

B. Appointment Of Board Members to License Hearing Panels. For an upcoming Social Work license applicant hearing, Denise Cyzman, Cynthia Schendel, Jill Flessing, Laura Shaughnessy, and Mary Jones were appointed to serve on the hearing panel. The Executive Director will send out a poll for time preferences and availability.

C. Appointment of New PSYPACT Commissioner. PSYPACT is the multi-state compact for Licensed Psychology. The Executive Director for the BSRB has served as PSYPACT Commissioner since Kansas became a compact member-state, but after the November 2024 PSYPACT annual meeting, the Executive Director recommended that Board member Richard Nobles take over the role of PSYPACT Commissioner, so that the Executive Director can focus his attention on serving as the new Commissioner for the Social Work Multi-State Compact. The Chair appointed Richard Nobles as Commissioner for PSYPACT, following the 2024 PSYPACT Annual Meeting.

D. Appointment of Back-Up Commissioner to Social Work Multi-State Compact. The Executive Director for the BSRB is the Commissioner for the Social Work Multi-State Compact and recommended that Board member Andrea Perdomo-Morales be appointed as a backup Commissioner for that Compact. The Chair appointed Andrea Perdomo Morales as the backup Commissioner for the Social Work Multi-State Compact.

E. Items Recommended to Board by Advisory Committee Discussion

a. **Recommendations From the Licensed Psychology Advisory Committee and Master's Level Psychology Advisory Committee that the Board Support Proposed By-Law Amendment from the Texas Psychology Licensing Board to the By-Laws of the Association of State and Provincial Psychology Boards (ASPPB) Concerning Upcoming Requirements State that Require Passage of the EPPP for Licensure will Require Passage of the EPPP-2.** ASPPB administers the licensing test for psychology and has developed the EPPP-2 as a competency examination to test competencies. Starting January 2026, by vote of the ASPPB Board, passage of the EPPP-2 will be required for any states wishing to continue to use the EPPP. Both the Licensed Psychology and Master's Level Psychology Advisory Committees recommended that the Board support the bylaw amendment proposed by Texas. There are concerns regarding the additional cost of taking and passing two examinations, whether passing a second test could be perceived as a barrier to licensure, concerns that each state should make this termination for themselves, and concern about the unique issues Texas faces as a member of ASPPB, as discussed in their message concerning the proposed by-law amendments. The proposed bylaw amendment would give states the option to not mandate the EPPP-2 for applicants. Currently, only two states require both parts of the examination, though some Canadian provinces require passage of the examination. Cynthia Schendel moved that the Board should support the proposed by-law amendment. Mary Jones seconded. The motion passed.

b. **Recommendation from Behavior Analyst Advisory Committee to Request Legislation to Add Board Member for Behavior Analyst Profession.** As a profession overseen by the BSRB, the Behavior Analyst Advisory Committee has sought representation on the Board. Previously, this matter was added to a bill and removed by the legislature. In upcoming legislation, the Advisory Committee recommended the Board request legislation adding a board member for Behavior Analysis. Linda Heitzman-Powell moved to support adding a Board member to represent Behavioral Analysis. Andrea Perdomo Morales seconded the motion. The motion passed.

The Board Recessed Until September 30, 2024 at 9am

MONDAY, SEPTEMBER 30, 2024, AT 9:00am

I. Call to Order and Roll Call. The meeting was called to order by Chair, Dave Anderson, at 9:00 am.

Board Members. Mary Jones, David Anderson, Linda Heitzman-Powell, Donna Hoener-Queal, Andrea Perdomo-Morales, Cynthia Schendel, Laura Shaughnessy, Richard Nobles, Jill Flessing, and David Stevens attended in person. Jim Kilmartin and Denise Cyzman were not present.

BSRB Staff. BSRB Staff members David Fye, Leslie Allen, Cindy D'Ercole, Sami Barksdale, Ashley VanBuskirk, and Tyla Wadsworth attended in person. Also, Time Resner, legal counsel for the Board, attended in person.

Other Attendees. None.

II. Continued Discussion on Items Recommended to the Board by Advisory Committee Discussion.

c. Recommendation from the Social Work Advisory Committee to Add a New Generalist Specialist Social Work Category and Adjust Statutory Language for Clinical Social Worker Licensure Requirements. During the 2023 Legislative session, the BSRB introduced a bill affecting licensees in many ways. While in Committee, the bill was amended to remove certain coursework requirements for applicants pursuing a clinical social work license, striking 4 of the 5 previously referenced coursework content areas, leaving only psychopathology, and language previously 1,500 hours of diagnosis and treatment under supervision was changed to 1,500 of direct client contact "including, but not limited to" diagnosis and treatment. The Advisory Committee recommended the Board pursue legislation to add these requirements back and recommended the Board create a new license type for social workers as an Advanced Generalist as a way to address the concerns from the legislative changes. The Board agreed to table these recommendations, to see if the Executive Director and social work members of the Board could meet with representatives from NASW-KS prior to the next Board meeting, to see if there might be a way to work together in collaboration on these topics. This matter was tabled until the next meeting to allow for further discussion.

d. **Recommendation from Addiction Counseling Advisory Committee to Remove Statutory Language "Preparing for the Practice" from K.S.A 65-6616.** The practice act notes that students and interns are not required to be licensed during certain time periods, but also references "individuals preparing for the practice" of addiction counseling. The wording is different from most other professions. The problem lies in the vague language used for individuals preparing to practice. The recommendation was to pursue legislation to remove this language from the statute. Jill Flessing moved to remove the language. Cynthia Schendel seconded. The motion passed. It was noted that the Marriage and Family Therapy practice act statute includes similar language, so this matter will be discussed in the next Marriage and Family Therapy Advisory Committee meeting.

e. Recommendation from Addiction Counseling Advisory Committee to Adjust Statutory Language for Student Temporary Addiction Counseling License. Leslie Allen, Assistant Director and Licensing Manager for the BSRB, noted that some applicants for this license type have requested additional

flexibility in meeting the program or related field requirement. The recommendation would allow individuals currently enrolled in such a program to meet the requirements. Mary Jones moved to approve recommended change in language. Jill Flessing Seconded. The motion passed.

C. Discussion on Board Members' Goals for the Behavioral Sciences Regulatory Board (BSRB). The Executive Director engaged in a discussion with Board members concerning their values and goals as Board members and possible points of emphasis for the agency for the future.

D. Overview and Updates on BSRB Operations by Executive Director David Fye

a. **Updates on Licensing.** The Executive Director reviewed the application process developed by BSRB staff to help Board members understand its workflow, the different parts of the licensing process, and some of the time periods that are outside of the agency's control (such as waiting for transcripts or official scores to be reported to the agency). There was a suggestion to work on time for test scores from testing companies to be received by the Board, as some scores currently take up to a month for the board to receive after an applicant has taken the licensing examination. The Executive Director also presented information on the processing times for licenses, noting that the timeframes have decreased since FY 2022 and further decreased since FY 2023, noting that some of the decrease is attributable to the agency's success in hiring additional staff members and become more efficient in its licensing processes. It was noted the agency anticipates other efficiencies when the agency moves to the state's enterprise licensing platform. The agency will be working short documents to show applicants the licensing process.

b. **Information on BSRB Budget and Fees.** Over the last few years, the agency's budget has increased, in part due to hiring additional staff and some due to pay raises from the Legislature, which performed a salary study and found that some employees were below the relevant market rates. The BSRB is also expanding its contracted services, including legal and licensing systems. Inflationary factors have contributed to increased legal fees and other costs. There is still confusion regarding application fees and original license fees.

c. **Updates on Investigation and Discipline.** The number of complaints and their complexity have increased. The agency is seeing a rise in the number of cases and disciplinary orders. The agency is working on improving the disciplinary process, and there was a suggestion to consider adding additional staffing or creating a new process for dismissals.

d. **Updates on Multi-State Compacts.** PSYPACT is now operational. There was a concern that there would be a drop-off of licensed psychologists in June during even-numbered years. BSRB data noted 120 psychologist licenses expired, and 20 of them were still practicing under PSYPACT. It is estimated that, due to PSYPACT, about 150 other out-of-state psychologists provided services in Kansas by telehealth in a calendar year.

e. **Summary from Educator Forum and Employer Forum.** The Executive Director hosted the annual forums. There was a suggestion for a town hall for licensees and for Advisory Committees to host forums for their professions.

E. Old Business

a. **Continued Discussion on Supervision Requirements for Professional Counseling and Marriage and Family Therapy Professions.** The Professional Counseling Advisory Committee and Marriage and Family Therapy Advisory Committee will be discussing possible additional flexibilities in who can provide supervision to applicant seeking a clinical license.

b. **Continued Discussion on New Regulation for Expedited License Review Process.** The Executive Director engaged with Board members on elements desired from an expedited application process. The agency will be working on regulatory language or each license type.

F. New Business

a. **Discussion on Regulation Allowing the Board to Provide Remediation for Applicants with Certain Deficiencies of Requirements in Regulations.** In a handout from Texas, regulatory language open for public comment in that state, would provide for an alternate standard for applicants with deficiencies. The Executive Director will further review this language to see if it can be adjusted to bring back to the Board as a way to grant greater flexibilities to the Board to grant remediation for applicants.

b. **Discussion on the Process for BSRB to Review Academic Programs Independent of an Applicant for Licensure (Possibly based on the Missouri Model).** The statutes for the BSRB do not speak to the agency doing independent review of programs, absent an application for licensure. In Missouri, there is a process by which an educational program or individual can pay a fee, so staff will not be doing review work for free. By consensus, the Board agreed to pursue this item in legislation during 2025.

c. **Possible Modification to Statute to Allow Conditions for Applicant Independent from Disciplinary Finding.** According to the statute for professions, the Board has the authority to approve licensees with certain conditions for several different reasons, however this is typically done in cases of disciplinary action or when the applicant is deemed unfit to be entrusted with public responsibilities. The Board can then allow the applicant to practice under supervision and specific conditions. By consensus, the Board was in favor of adding meriting the public trust, so it would not require a disciplinary finding, felony conviction, etc.

d. **Discussion on Allowing Pre-Approved Continued Education for Other Professions.** The BSRB currently audits 10 percent of all renewing licensees.

Social Work is the only profession that has pre-approved CEs. Moving to CE Broker will provide a portal to evaluate other providers wanting this status. By consensus, the Board was supportive of opening this up to other professions.

e. **Discussion on Reconciling Professional Counseling Fee Statutes.** The Executive Director for the BSRB explained that following the 2024 Legislative session, the Revisor of Statutes office did not combine two fee statutes for professional counseling, but instead lists them both with small differences. The Executive Director asked the Board for authority to request a statutory change to re-combine these statutes. By consensus, the Board approved to move forward on this item.

f. **Discussion on Possible Student-Temporary Graduate Addiction Counseling License.** The Addiction Counseling Advisory Committee will continue to discuss whether a new version of the student license can be made for students attending graduate level programs.

g. **Review of BSRB Fees and Possible Recommendations on Changes.** The Executive Director discussed the three main fees the agency charges: application fees, licensure fees, and renewal fees. The BSRB has been proactive about reducing fees in recent years, including significant decreases to application fees and renewal fees in 2019. Recently, the Board lowered temporary license fees and doubled the duration so that all temporary licenses last two years. The Executive Director for the BSRB noted discussion by the House Budget Committee during the last legislative session, asking if the agency could further reduce fees. The Executive Director noted that while the agency's fee fund balance is going down, he believes the agency could do a short-term additional decrease to original licensure fees by $50 for most professions (Licensed Psychologists have a higher application fee, so their application fee would be reduced by $50, rather than their original license fee). The agency could put this in place, then re-examine fees in about 3 or 4 years. Mary Jones moved to implement the proposed fee decrease. Linda Heizman-Powell Seconded. The motion passed.

G. Date for the Next Regular Board Meeting: November 4, 2024, at 10 am (Hybrid Meeting.

H. Adjournment. Donna Hoener-Queal moved to adjourn the meeting. Richard Nobles seconded. The meeting was adjourned.