BEHAVIORAL SCIENCES REGULATORY BOARD
SPECIAL BOARD MEETING MINUTES
NOVEMBER 4, 2024

APPROVED MINUTES

Monday, November 4, 2024

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, Mary Jones, Jim Kilmartin, Andrea Perdomo-Morales, Cynthia Schendel, Laura Shaughnessy, and David Stevens were present. Donna Hoener-Queal and Richard Nobles 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.

Other Attendees. None

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

III. Public Comment – None.

IV. Review and Approval of Minutes from Previous Board Meeting on September 29 and 30, 2024. Mary Jones moved to approve the minutes from September 29 and 30, 2024. Cynthia Schendel seconded. The motion passed.

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

A. Outreach. The BSRB launched a YouTube channel in 2021 to broadcast Board and Advisory Committee meetings. Since that time, the BSRB has broadcast around 180 meetings that have been viewed over 10,000 times. Further, the BSRB now regulates over 16,000 permanent licenses, but there is still an increased demand for services.

B. Expenditure and Revenue. The BSRB is a fee funded agency. The balance in the BSRB Fee Fund currently sits around $1.8 million. The annual budget for the agency is between $1.1 and $1.2 million.

C. Operations. Services through CE Broker have been made available to licensees in the social work, professional counseling, marriage and family therapy, and master's level psychology professions. BSRB staff are working on steps to make available CE Broker services to the remaining professions within the next few months.

D. Legislative Updates. The Executive Director for the BSRB provided updates on the legislative processes for bill hearings and budget reviews for state agencies. It was noted that a special legislative budget committee was meeting this interim and it appears the Legislature will be approaching the budgetary process differently this upcoming session.

E. Association of State and Provincial Psychology Boards (ASPPB). The Executive Director for the BSRB and Board member Linda Heitzman-Powell recently attended the ASPPB's annual meeting. A More detailed report will take place later in the meeting.

F. Association of Social Work Boards (ASWB). The Executive Director for the BSRB and Board member Cynthia Schendel will be attending the ASWB's annual meeting that is taking place November 7-9, 2024.

G. American Association of State Counseling Boards (AASCB). The Executive Director for the BSRB will be attending the AASCB's annual meeting in February 2025. The Executive Director also serves as Treasurer for the AASCB.

H. Kansas Fights Addiction Grant Review Board (KFAGRB). Jason Hess, the Board's appointee to the KFAGRB, provided a written report with updates. Mr. Hess plans to attend the January Board meeting to provide a more detailed report on the KFAGRB and his role as the Board's designee.

I. PSYPACT. The Executive Director for the BSRB will be attending the PSYPACT annual meeting in Washington, D.C. on November 18 and 19, 2024 as the Commissioner for Kansas. Following the conclusion of the meeting, the role of Commissioner will be transferred to Board member Richard Nobles.

J. Social Work Multi-State Compact. The Executive Director for the BSRB serves as Commissioner for the Social Work Multi-State Compact, whose next meeting is on February 4 and 5, 2025, in Lexington, KY.

K. Professional Counseling Multi-State Compact. It was noted that the timeframe for implementation of the Professional Counseling Multi-State Compact remains the end of 2025.

VI. Updates from Association Meetings

A. Association of State and Provincial Psychology Boards (ASPPB) Annual Meeting on October 30 to November 3, 2024. The Executive Director and Board member Linda Heitzman-Powell attended the ASPPB annual meeting in Dallas, TX, where much discussion centered around a proposed bylaw amendment by representatives from Texas, concerning the EPPP-2 licensing examination. Originally, the ASPPB Board voted to require that, beginning January 1, 2026, all states and provinces using the EPPP as a licensing examination must also require the passage of the EPPP-2. Some of the major concerns around this proposed requirement was that it would

increase the total cost of taking the licensing exams from $600 (for the EPPP) to $1,050 (the total for both tests); it would create a potential barrier to licensure; and it would limit each state's ability to choose whether passage of the EPPP-2 was appropriate for that state. Due to working with representatives from Texas and other states, the Board of ASPPB was persuaded to reverse their decision to require passage of both tests. Instead, the ASPPB Board decided to create a task force in the spring to work on integrating parts of both tests into one test. Other topics discussed at the meeting included workforce development, master's level psychology, and artificial intelligence.

VII. Staff Reports. The Executive Director for the BSRB reported on historical trends of permanent licenses. The number of permanent licenses is continuing to increase, with the number currently sitting at around 16,000. At the Board's out-of-town Board meeting, the Board voted to decrease original license fees by $50 for all license types except for behavior analysts, who do not have an original license fee; also, for licensed psychologists, this fee decrease would be reflected in the application fee, not the original license fee. Cynthia Schendel moved to approve changes to the regulations changes to reflect these fee decreases. Mary Jones seconded. The motion passed.

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 Report

A. Licensed Psychology. At the last Advisory Committee meeting, Advisory Committee members discussed regulations for artificial intelligence and they plan to continue this discussion at their December meeting.

B. Social Work. The Social Work Advisory Committee met on October 1, 2024. Advisory Committee members reviewed descriptions of the profession to be added to the BSRB website and discussed updates and revisions of the clinical social work manual. The Advisory Committee plans to discuss these items further at their next meeting on December 10, 2024.

C. Professional Counseling. The Licensed Professional Counseling Committee met on October 7, 2024, where they discussed the multi-state compact, artificial intelligence, and made a recommendation concerning clinical supervision. The Advisory Committee will next meet in December 2024.

D. Master's Level Psychology. The Master's Level Psychology Advisory Committee met on October 2, 2024. Advisory Committee members continued discussion on a survey of licensees, artificial intelligence, a description of the profession to be added to the BSRB website, and allowing individuals to take the EPPP early. The next meeting is on December 4, 2024.

E. Marriage and Family Therapy. The Marriage and Family Therapy Advisory Committee met on October 11, 2024. The Advisory Committee received a presentation on artificial intelligence from a guest speaker and discussed supervision requirements. The next meeting is on December 13, 2024.

F. Addiction Counseling. The Addiction Counseling Advisory Committee will next meet on December 4, 2024, where they will be welcoming three new Advisory Committee members. At this meeting, the Advisory Committee will also discuss a survey for licensees, artificial intelligence, and possible master's level student temporary licenses.

G. Behavior Analysis. The Behavioral Analyst Advisory Committee met on October 11, 2024, where they welcomed their new Advisory Committee members. They continued discussion on the survey for licensees. The next meeting is on December 13, 2024, where they plan to discuss the possibility of a multi-state compact for behavior analysts.

10 Minute Break

X. Old Business

A. Summary and Updates on Action Items from Board's Out-of-Town Planning Meeting on September 29 and 30, 2024. The Executive Director summarized Board actions and discussion from the out-of-town planning meeting, including:

- **i.** One item the Board previously discussed was the license verification portal and the inclusion of alias information. There was a question of whether an individual's alias needed to be included if they never practiced under a particular name. It was the consensus of the Board that BSRB staff should work with the licensing host, to note on the license verification portal that alias information is available upon request. The agency will continue to research what can be done in rare cases where that information must be protected (i.e., domestic abuse cases and protective orders).
- **ii.** Another item that was discussed involves Advisory Committee member expectations. At the Board's out-of-town planning meeting, there was consensus to add language that it is the expectation that Advisory Committee members will avoid actions leading to disciplinary violations. If a member were to get disciplined for a violation, it would be brought to the attention of the Chairs of the Advisory Committee and Chair of the Board to determine whether the individual is suitable to continue their role on the Advisory Committee. The Board plans to discuss this item in more detail at a future meeting.
- **iii.** Following the annual PSYPACT meeting at the end of November, Richard Nobles will take the place of the Executive Director for the BSRB as the PSYPACT Commissioner for Kansas.
- **iv.** The Social Work Multi-State Compact allows there to be a backup Commissioner. The Board voted for Board member Andrea Perdomo-Morales to be the backup Commissioner for Kansas.

v. The Board voted to recommend statutory language a 13th member to the Board, so a behavior analyst would be a board member, consistent with the recommendation from the Behavior Analyst Advisory Committee.

vi. The Executive Director has scheduled a conversational meeting with representatives from NASW-KS on November 25, 2024, including the social work members of the Board, and certain leaders of both the BSRB and NASW-KS, to see if both organizations can find common ground on legislative items this spring. The Executive Director for the BSRB asked the Board that there could be a special Board meeting in December to address the topic after the meeting with NASW Kansas. Board members were supportive of holding a special Board meeting in December, so the Executive Director will send out a poll to determine availability for the special December Board meeting. Discussion of recommendations from the Social Work Advisory Committee were tabled until the Board has more information after meeting with representatives from NASW-KS.

vii. There was a recommendation from the Addiction Counseling Advisory Committee concerning individuals "*preparing for the practice*" of the profession. This language is found in the Construction of Act statute, which states that students, interns, and individuals "*preparing for the practice of addiction counseling*" do not need to be licensed when working in certain settings. There is a lack of consensus on who individuals preparing for the practice of addiction counseling refers to. The recommendation from the Addiction Counseling Advisory Committee was to remove this language from the statute, which the Board voted to move forward with.

viii. Another Board action focused on the student temporary addiction counseling licenses. A request had been made for more flexibility for individuals who may not have undergraduate coursework with an emphasis in addiction counseling or a related field, but who are currently enrolled in an addiction counseling program. The Board was supportive of adjusting the language to allow individuals with 60 hours and enrolled in an addiction counseling program (or a related field) or individuals with a bachelor's degree who are enrolled in a master's degree program in addiction counseling or a related field.

ix. The Board also discussed language for a new regulation for an expedited application review process and the Board considered a regulation from Texas that would give their state more ability to offer remediation if someone is deficient in license requirements.

x. The Board also supported moving forward with language in legislation that would provide a path for academic programs or individuals or other entities to pay a fee to receive an assessment of a program, concerning whether it meets the BSRB requirements for licensure.

B. Updates on Proposed Changes to Regulations

i. **Continuing Education.** The Assistant Director for the BSRB reviewed the continuing education regulations for each of the professions and tried to sync the regulations. There were questions raised about whether the maximum number of CEUs for publications, professional presentations, and

books should be decreased. For licensees that must complete 30 CEUs each renewal cycle, they can have up to eight hours of self-study without a post-test, 10 hours of supervision, 15 hours of first-time presentation and preparation, eight hours for holding office, and eight hours for participation in quality care. Licensees that must complete 40 CEUs each renewal cycle can have up to 10 hours of self-study, 12 hours of supervision, 20 hours of first-time presentation and preparation, 10 hours for holding office, and 10 hours for participation in quality care. Participation in quality care was added to all professions. The marriage and family therapy profession has supervision of supervision in their continuing education regulation, where they can count up to eight hours. Receiving personal psychotherapy is in the licensed psychology and master's level psychology regulations, but it must be part of a designated training program.

ii. **Unprofessional Conduct.** Any recommended changes from Advisory Committees on unprofessional conduct regulations have been put into a packet. The Executive Director for the BSRB will provide this packet to Board members for the next meeting where this topic will be discussed further.

XI. New Business

A. Recommendations from Advisory Committees

a. **Marriage and Family Therapy Advisory Committee**

i. **K.S.A. 65-6409 "Preparing for the Practice…"** This regulation references "Individuals preparing for the practice of marriage and family therapy," which is vague. The Advisory Committee recommended to the Board that this language be stricken from the statute for consistency, as well as to avoid vague language. Mary Jones moved to strike this language from the statute. Cynthia Schendel seconded. The motion passed.

b. **Professional Counseling Advisory Committee**

i. **K.A.R. 102-3-7a(c) Supervision Recommendation.** An idea put forth was the possibility of requiring that half of supervision hours be accrued under the supervision of a clinical professional counselor, and the other half can be supervised by someone who has the proper education and training from a different profession. The Board was in support of this proposal. Laura Shaughnessy moved to add this language. Cynthia Schendel seconded. The motion passed.

c. **Licensed Psychology Advisory Committee**

i. **K.A.R. 102-1-12 Educational Requirements.** The current regulation states that individuals must either receive their education from an APA accredited program or meet substantially equivalent requirements. However, even if an individual receives their degree from an APA accredited program, they must also satisfy specific coursework requirements in the regulations. The Advisory Committee recommended to the Board that if an individual attended and graduated from an APA accredited program, they would not specifically have to

meet the educational coursework requirements outlined in the regulation. This standard would be consistent with other professions that recognize a national accrediting body. The Advisory Committee also recommended changing the "In residence" definition to say, "Identified by the institution" instead of "At the university." Linda Heitzman-Powell moved to approve these changes. David Stevens seconded. The motion passed.

B. Appointment of Board Members to Hearing Panels for License Hearings. There have recently been two requests for hearings. The Executive Director for the BSRB is going to contact Board members to identify available dates for hearings. By consensus, the Board determined that the previous method of appointing specific Board members to serve on specific hearing panels could be replaced by finding dates when Board members were available to serve on the same hearing panels.

C. Note on Annual Performance Evaluation for Executive Director. It was noted that Board members should work with the Chair of the Board to provide input on the yearly performance evaluation for the Executive Director. There can be an executive session at the next Board meeting for this item, if necessary.

XII. Date for the Next Regular Board Meeting: January 13, 2025, at 10 am (Hybrid Meeting).

XIII. Adjournment. Mary Jones moved to adjourn the meeting. Laura Shaughnessy seconded. The meeting was adjourned.