

BEHAVIORAL SCIENCES REGULATORY BOARD
MONDAY, JULY 28, 2025
DRAFT MINUTES

Monday, July 28, 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, Laura Shaughnessy, Jill Flessing, Linda Heitzman-Powell, Donna Hoener-Queal, Mary Jones, Jim Kilmartin, Richard Nobles, Andrea Perdomo-Morales, Cynthia Schendel, and David Stevens were present. Denise Cyzman was absent.

BSRB Staff. BSRB Staff members David Fye and Leslie Allen were present. Tim Resner, the Board's legal counsel, also attended.

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

- III. Annual Election of Board Chair and Vice-Chair.** Laura Shaughnessy nominated David Anderson to serve as Board Chair. David Stevens seconded. David Anderson nominated Laura Shaughnessy to serve as Vice-Chair. Mary Jones seconded.

- IV. Public Comment - None**

- V. Review and Approval of Minutes from Previous Board Meetings.** Richard Nobles moved to approve the minutes from the Board meetings on May 12, 2025. Jim Kilmartin seconded. The motion passed.

- VI. Executive Director's Report.** David Fye, Executive Director for the BSRB, provided updates on the following topics:

A. Revenue and Expenditures. The Executive Director informed the Board that, at the beginning of the fiscal year, the fee fund had a cash balance of about \$1.9 million. At the end of the year, the cash balance was \$1,818,000. It was noted, however, that expenditures for the year were about \$1.1 million. Revenue for the fiscal year was \$964,000. At a future Board meeting, the Executive Director will share additional information regarding trends, the number of applicants from the fiscal year, and the number of new licensees. The Executive Director also notified Board members that the budget is due to be submitted by September 15, 2025. Updates on the new licensing system, Accela, were provided to Board members, and it was noted that it will probably be another year to a year-and-a-half before the transition to the new licensing system is complete. Another update provided was on the Board's out-of-town planning meeting, which will take place on September 29, 2025, in Manhattan, Kansas, at the Courtyard by Marriot.

B. Operations. In the nearly five years that the BSRB YouTube channel was launched in January 2021, there have been 208 Board and Advisory Committee meetings broadcast or uploaded after the fact. These meetings have been viewed a total of 11,512 times. Additionally, the social work survey has now been closed. It was announced that 2,000 social workers completed the survey.

C. Legislative Updates. The Legislative Division of Post Audit held a meeting on July 21, 2025, to discuss the findings of the audit titled, "Evaluating State Agencies' Registries of Perpetrators of

Abuse, Neglect, and Exploitation.” The majority of the focus of this audit was on the Kansas Department for Children and Families (DCF), the Kansas Department for Aging and Disability Services (KDADS), and the Kansas Department of Health and Environment (KDHE), though some questions were asked of other health agencies, including the BSRB and agencies like the Board of Healing Arts and the Board of Nursing. A different audit is currently taking place that is reviewing options for acquiring state office space. The purpose of this audit is to review how much space state agencies are utilizing, whether it is under a state contract or a private entity, how much state agencies are paying for their office space, and how many staff members agencies have on site. The Executive Director also spoke about the Kansas Legislative Research Department (KLRD); KLRD has fiscal analysts assigned to review state agency budgets, as well as staff budget committees. The Executive Director thanked Dayton LaMunyon, who has been the Fiscal Analyst at KLRD reviewing the BSRB budget and providing assistance to the agency over the past few years. The Executive Director noted the Division of the Budget (DOB) also has analysts who review the agency’s budget and provide assistance and the agency has been informed that there will be a change. The Executive Director thanked John Kirk for assisting the agency in the past and informed the Board the new analyst for DOB who would be working with the BSRB is Stephanie Buchanan. The Executive Director also provided updates on the Appropriations Bill passed during the 2025 legislative session, specifically Senate Bill 125, section 161, which relates to the elimination of diversity, equity, and inclusion initiatives by state agencies. As part of this Bill, there was a new policy implemented for standardizing signature blocks, which all BSRB staff have complied with.

- D. Association of State and Provincial Psychology Boards (ASPPB).** The Executive Director serves as an appointed voting member of the Bylaw Revision Taskforce and as a member of the Research Committee for the AASPB and he provided updates from those meetings.
- E. Association of Social Work Boards (ASWB).** The Executive Director continues to serve as a member of the Finance Committee for the ASWB. The Executive Director will be attending a working meeting for the Finance Committee in August 2025.
- F. American Association of State Counseling Boards (AASCB).** The Executive Director continues to serve as Treasurer for AASCB.
- G. Association of Marital and Family Regulatory Boards.** The Executive Director serves as a member of the Elections Committee for this Association. The Executive Director and Mary Jones will be attending the Association’s annual meeting in September.
- H. 2025 Annual Educational Conference by the Council on Licensure, Enforcement, and Regulation (CLEAR).** CLEAR facilitates best practices and trainings for regulatory boards. The Executive Director notified Board members that both BSRB investigators, himself, his assistant, and the Assistant Director will be attending this conference from September 15-18, 2025 to receive training on best practices better inform members of the agency on standards and successful practices in other jurisdictions.
- I. NADAC Annual Conference.** The Executive Director will be attending the 2025 National Association for Addiction Professionals (NAADAC) conference with Jill Flessing, Board member for Addiction Counseling. The conference will be in Seattle, Washington, on October 11-13, 2025.

VII. Updates from National Association Meetings

- A. Updates from the 2025 Counseling Regulatory Boards Summit (CRBS).** The Executive Director and Board member Laura Shaughnessy attended the conference and presented a session on the BSRB’s survey of professional counselors at the CRBS Summit. There was a heavy focus on data collection, evidence-based practices, technology and artificial intelligence, and the upcoming professional counseling multi-state compact.
- B. Updates from PSYPACT Mid-Year Meeting.** Richard Nobles, the Kansas Commissioner for PSYPACT, attended the mid-year meeting and provided updates to the Board. It was noted that there are 16, 951 psychologists under the Compact that have the ability to practice via telehealth and 1,048 psychologists authorized to practice in person under the compact across the 43 member states. In the past year, 30 new Kansas psychologists joined PSYPACT. Discussion topics included finances, rule revisions regarding educational and residency requirements, and Committee reports. The national meeting will take place on November 15-16, 2025, in Tucson, Arizona, which will be attended by Richard Nobles. Additionally, Richard Nobles was asked to serve on the committee to review bylaws for PSYPACT, and he accepted that role.
- C. Updates on Professional Counseling Multi-State Compact.** Laura Shaughnessy serves as the Kansas Commissioner for the Professional Counseling Multistate Compact, provided updates to the Board. The Commission hopes the Compact can go live later this fall.
- D. Updates on Social Work Multi-State Compact.** The Executive Director serves as Kansas Commissioner for the Social Work Multistate Compact. He also serves on the Finance Committee and Rules Committee. The Executive Director provided updates to the Board, noting that it is likely to take another year before the Compact is ready to go live, primarily due to the timeframe to select, build, test, and activate the relevant data system for the compact.

VIII. Staff Reports. Board members were provided with a chart showing Kansas licensing trends over the years. From July 2015 to July 2025, the number of licenses under the BSRB increased from about 12,100 to about 16,500.

- A. Synching of Questions on Licensure Applications.** The Assistant Director expressed that, for all professions except for behavior analysts, the goal is to make application questions as uniform as possible as the BSRB shifts to the new licensing system. By consensus, the Board supported moving forward with this change to the language in the applications.
- B. Possible BSRB Policy Change on Status of Licensees Who Renewed Their Licenses and Were Selected for Audit, from “Active – Renewal Pending” to “Active” Status.** Currently, when individuals renew their license, 10 percent are audited to ensure they have met the continuing education hour requirement. From the time that the a licensee is eligible to renew their license through a possible audit, the status of the licenses appears as “Active – Renewal Pending” in the BSRB verification portal. The Executive Director and Assistant Director asked Board members whether they would be supportive of changing that status to just say “Active,” though the audit will continue to take place. BSRB staff expressed that this change would lead to less confusion by members of the public. By consensus, the Board was supportive of moving forward with this change.

IX. Complaint Review Committee (CRC) Report. Cindy D’Ercole, Investigator for the BSRB, provided updates on the CRC.

X. Professions Reports

- A. Licensed Psychology.** The Licensed Psychology Advisory Committee met on Tuesday, June 10, 2025. The Advisory Committee discussed possible changes to post-doctoral requirements, survey

results, and new Advisory Committee members. The Advisory Committee will next meet on Tuesday, August 12, 2025.

- B. Social Work.** The Social Work Advisory Committee met on June 10, 2025. The Advisory Committee discussed adding new Advisory Committee members, guidelines for clinical social work supervision, and survey results. The Advisory Committee will next meet on August 12, 2025.
- C. Professional Counseling.** The Professional Counseling Advisory Committee last met on June 5, 2025. The Advisory Committee discussed and recommended the addition of new Advisory Committee members, survey results, and alternate pathways to licensure. The Advisory Committee also formed a subcommittee concerning supervision pending the Board's approval, which they granted. The Advisory Committee will meet on August 4, 2025.
- D. Master's Level Psychology.** The Master's Level Psychology Advisory Committee met on June 4, 2025. The Advisory Committee discussed survey reports, regulation of artificial intelligence, the addition and recommendation of a new Advisory Committee member, and alternate pathways for licensure. The Advisory Committee will next meet on August 6, 2025.
- E. Marriage and Family Therapy.** The Marriage and Family Therapy Advisory Committee met on June 13, 2025, and discussed survey reports, alternate pathways to licensure, and the jurisprudence examination. The Advisory Committee will next meet on August 15, 2025.
- F. Addiction Counseling.** The Addiction Counseling Advisory Committee met on June 3, 2025, where they discussed the regulation of artificial intelligence, survey reports, potential pathways for making up practicum hours, alternate pathways to licensure, and Jurisprudence Live. The Advisory Committee will next meet on September 11, 2025.
- G. Behavior Analysis.** The Behavior Analyst Advisory met on June 13, 2025. Advisory Committee members discussed and recommended a new Advisory Committee member, artificial intelligence, and adding a description of the profession to the BSRB website. The Advisory Committee will next meet on Friday, August 15, 2025, at 1 pm.

10-Minute Break

XI. Old Business

A. Continued Discussion on Possible Changes to Regulations.

- i. Unprofessional Conduct.** The Board continued its review of the grid of unprofessional conduct regulations to determine whether there can be consistent language and whether modified language should be recommended.
 - 1. Item 22.** This item focused on dual relationships and undue influence. Some professions separate the topics into different items, while others list them together. The Executive Director recommended: (1) all professions separate this item into two separate regulations (dual relationships and undue influence separately); (2) for the professions that do not list students for this item, that they add the term; and (3) some professions include language about imposing one's personal values, spiritual beliefs, or lifestyle on a client, student, or supervisee, but not all, so it was recommended that all professions include this language. By consensus, the Board agreed to these recommendations. By consensus, the Board added "Directee" to this language to include individuals who are under direction, rather than

supervision. By consensus, the Board moved forward with implementing all recommendations.

2. **Item 23.** This item focused on making sexual advances towards or engaging in physical intimacies or sexual activities with one's client, supervisee, or student. By consensus, the Board added "Directee" to this item. It was also recommended that language be added to include anyone that has a significant relationship with a client. Before making a decision on this, the Board's legal counsel expressed that he will work on a definition for "significant relationship" to bring back to the next Board meeting.
3. **Item 24.** By consensus, the Board added "Directee" to this item. Due to the complexity of this item's language, discussion was tabled until the next meeting. The Executive Director stated that he would attempt to provide possible language for this item to the next meeting.

ii. Expedited Application Review Process. Due to time constraints, this item was tabled until the next meeting.

B. Continued Review and Discussion of Draft Survey Reports of Licensees. The Executive Director notified the Board the survey of social workers was recently completed and the agency would be working on analyzing this data in preparation for the comparison report.

XII. New Business

A. Reappointment of Advisory Committee Members. The Chair of the Board reappointed the following Advisory Committee member to new 2-year term on the Advisory Committee:

i. Licensed Psychology Advisory Committee

1. Sarah Kirk

B. Appointment of New Advisory Committee Members. The Chair of the Board appointed the following new Advisory Committee members to a 2-year term on the Advisory Committees:

i. Behavior Analysis Advisory Committee

1. Pik Wah Lam-Chesnut

ii. Master's Level Psychology Advisory Committee

1. Elizabeth Burch

iii. Licensed Psychology Advisory Committee

1. Jennifer Fontaine
2. Robert Twillman

iv. Professional Counseling Advisory Committee

1. Amanda Brown
2. Jason Li
3. Amanda Petrik-Gardner

v. Social Work Advisory Committee

1. Annas Boyer
2. Callie Werth

C. Discussion on BSRB Investigation Policy

i. Complaint Review Committee (CRC) Composition. The Executive Director asked Board members whether they still found the composition of the Complaint Review Committee to be appropriate, as well as asked if any Board members are interested in serving on the CRC. The consensus was to move forward with keeping the current composition of the CRC, though it was noted the Board may continue to discuss investigative policies at the annual in-person out-of-town Board meeting.

ii. Report of Alleged Violation Form. Currently, the BSRB does not allow for anonymous complaints to be submitted. Additionally, the form has been retained in paper form, to verify the person signing the form is who they claim to be, rather than have the form converted to an

electronic form which could be signed electronically. The Executive Director requested that Board members think these topics and be prepared to discuss them at the annual out-of-town planning meeting.

- D. Appointment of Board Members to Complaint Review Committee.** It was noted that Jim Kilmartin has agreed to discontinue serving on the CRC, so that other Board members could serve and the Executive Director thanked him for his service. The Chair of the Board appointed Laura Shaughnessy to serve as a new member of the CRC.
- E. Discussion on Possible Requirements of Background Check Requirements for Licensure.** Background checks cost \$57, and that would go to the Kansas Bureau of Investigation (KBI), who would be running the background checks and fingerprinting. The Executive Director recommended to the Board that they make requirement of a background check when individuals submit an application for license. He also recommended that it be required for reinstatements, but not for renewals. Last, the Executive Director requested the Board make requirement of a background check for individuals seeking a Student Temporary Addiction Counseling license. By consensus, the Board agreed to require background checks for these three groups of individuals. The Executive Director also explained that the BSRB can do what is called a wrap back. A wrap back would allow for the BSRB to monitor licensees and receive updates if there are changes to their record. The Executive Director will have more information to provide on this item at the next meeting.
- i. Permanent Licenses.** It was the consensus to move forward with implementing the requirement of background checks for all permanent licenses at the time of application.
 - ii. Out-of-State Temporary Permits.** The Executive Director expressed that, due to the limited nature of out-of-state temporary permits, there may not be a need to require these individuals to get background checks done prior to licensure. The Board agreed with this.
 - iii. Student Temporary Licenses.** It was the consensus to move forward with implementing the requirement of background checks for all student temporary licenses.
 - iv. Optional Background Check Opt-in.** The Executive Director noted a need for individuals to be able to opt-in for a background check, so that they would meet the requirements of new multi-state licenses. By consensus, the Board recommended allowing licensees the ability to opt-in for a background check.
- F. Discussion on Possible Agreement with EBAS for Disciplinary Remedies.** Due to time constraints, this item was tabled until the next meeting.
- G. Discussion on Notifying Clients When Practitioner is “Under Direction.”** Due to time constraints, this item was tabled until the next meeting.
- H. Discussion on Alternate Pathways to Licensure.** Due to time constraints, this item was tabled until the next meeting.

XIII. Items Referred to Advisory Committees for Discussion

- A. Review of Pennsylvania’s Associate Addiction Counselor Program.** The Executive Director informed the Board that this proposal will be referred to the Addiction Counselor Advisory Committee for review and discussion, and comments or recommendations will be brought to the Board.

XIV. Date for Next Regular Board Meeting: September 8, 2025, at 10 am (Hybrid Meeting)

XV. Adjournment. Cynthia Schendel moved to adjourn the meeting. Jill Flessing seconded. The motion passed.