

DRAFT LEGISLATION WITH BSRB BOARD PREVIOUSLY RECOMMENDED ITEMS

AN ACT concerning the behavioral sciences regulatory board; authorizing the board to conduct and charge for educational program assessments; providing alternate qualifications for individuals to be approved as clinical supervisor for clinical professional counselors and marriage and family therapists; authorizing certain individuals currently enrolled in a program for addiction counseling or a related field to apply for student temporary addiction counselor license and adding a behavioral analyst to the behavioral sciences regulatory board; amending K.S.A. 65-5818, 65-6409, 65-6414 and 65-6616 and K.S.A. 2024 Supp. 65-6611 and 74-7501 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) (1) An individual, academic institution or other entity may request for the board to review an educational program for the purpose of providing an assessment of whether the academic program meets the program, coursework and other requirements for licensure in the professions licensed by the board.

(2) The board may charge an application fee of not to exceed \$50.

(b) (1) The board may utilize staff or outside experts to review an academic program.

(2) Once the review has been completed, an assessment fee of not to exceed \$350 may be charged to the individual, academic institution or other entity requesting the assessment. The cost of the fee shall be based on the cost to perform the assessment.

(c) After collecting the assessment fee, the board shall provide a report nothing whether the academic program satisfies the program, coursework or other educational requirements for licensure under the professions regulated by the board. If the program fails to satisfy such requirements for licensure, the board shall include information of what changes the educational program could make for the program to satisfy the requirements for licensure.

(d) An assessment provided under this section shall be good for at least one calendar year, unless the academic program makes substantial changes to its program or coursework. An

individual, academic institution or other entity may request a reassessment from the board at no additional cost if the program makes changes to programs or coursework criteria and such reassessment request is made within one year from the initial assessment.

(e) An academic program shall not be required to obtain an assessment under this section for licensure from the board.

(f) This section shall be a part of and supplemental to article 75 of chapter 74 of the Kansas statutes annotated, and amendments thereto.

Sec. 2. K.S.A. 65-5818 is hereby amended to read as follows: 65-5818. On and after July 1, 2017, all licensees providing postgraduate clinical supervision for those working toward clinical licensure ~~must~~ shall be board-approved clinical supervisors.

(a) Applications for a board-approved clinical supervisor shall be made to the board on a form and in the manner prescribed by the board. Each application shall be accompanied by the fee fixed under K.S.A. 65-5808, and amendments thereto.

(b) Each applicant for board-approved clinical supervisor shall furnish evidence satisfactory to the board that the applicant:

(1) (A) Is currently licensed as a clinical professional counselor and has practiced as a clinical professional counselor for two years beyond the supervisor's licensure date; or

(B) is a person who is licensed at the graduate level to practice in one of the behavioral sciences, and whose authorized scope of practice permits the independent practice of counseling, therapy, or psychotherapy and has practiced at least two years of clinical practice beyond the date of licensure at this level;

(2) does not have any disciplinary action that would prohibit providing clinical supervision; and

(3) (A) has completed the minimum number of semester hours of coursework related to the enhancement of supervision skills approved by the board; or

(B) has completed the minimum number of continuing education hours related to the enhancement of supervision skills approved by the board.

(c) The clinical supervisor of an individual attaining the 3,000 hours of postgraduate supervised professional experience required for licensure as a clinical professional counselor, at the time of providing supervision, shall be a board-approved clinical supervisor and:

(1) The clinical supervisor providing at least 50% of the required 100 hours of supervision shall be either a clinical professional counselor who is licensed in Kansas or is registered or licensed in another jurisdiction and has practiced as a clinical professional counselor for two years beyond the supervisor's licensure date; or

(2) upon request of the person attaining the 3,000 hours of postgraduate supervised professional experience and approval by the board, up to 50 hours of supervision may be provided by a board-approved supervisor who is not a clinical professional counselor, if such supervisor:

(A) Is licensed at the graduate level to practice in one of the behavioral sciences;

(B) has an authorized scope of practice that permits the independent practice of counseling, psychotherapy, and assessment; and

(C) had two or more years of clinical practice beyond the qualifying licensure date at the time clinical supervision was provided.

(d) Each board-approved clinical supervisor shall complete, as part of the continuing education required under K.S.A. 65-5806, and amendments thereto, at least three hours of continuing education related to the enhancement of supervisory skills, and at least one such hour

must focus on ethics in supervision.

Sec. 3. K.S.A. 65-6409 is hereby amended to read as follows: 65-6409. Nothing in the marriage and family therapists licensure act shall be construed:

(a) To prevent marriage and family therapy practice by students or interns ~~or individuals preparing for the practice of marriage and family therapy~~ to practice under qualified supervision of a professional, recognized and approved by the board, in an educational institution or agency so long as they are designated by titles such as "student," "trainee," "intern" or other titles clearly indicating training status;

(b) to authorize the practice of psychology, medicine and surgery, professional counseling, masters level psychology or licensed social work;

(c) to apply to the activities and services of a rabbi, priest, minister, clergy person or organized ministry of any religious denomination or sect, including a Christian-Science practitioner, unless such person or individual who is a part of the organized ministry is a licensed marriage and family therapist; or

(d) to apply to the activities and services of qualified members of other professional groups including, but not limited to, attorneys, physicians, psychologists, masters level psychologists, professional counselors, registered nurses or social workers performing services consistent with the laws of this state, their training and the code of ethics of their profession, so long as they do not represent themselves as being a marriage and family therapist; or

(e) to prevent qualified persons from doing work within the standards and ethics of their respective professions and callings provided they do not hold themselves out to the public by any title or description of services as being a marriage and family therapist.

Sec. 4. K.S.A. 65-6414 is hereby amended to read as follows: 65-6414. On and after

July 1, 2017, all licensees providing postgraduate clinical supervision for those working toward clinical licensure must be board-approved clinical supervisors.

(a) Applications for board-approved clinical supervisor shall be made to the board on a form and in the manner prescribed by the board. Each application shall be accompanied by the fee fixed under K.S.A. 65-6411, and amendments thereto.

(b) Each applicant for board-approved clinical supervisor shall furnish evidence satisfactory to the board that the applicant:

(1) (A) Is currently licensed as a clinical marriage and family therapist and has practiced as a clinical marriage and family therapist for two years beyond the supervisor's licensure date; or

(B) be a person who is licensed at the graduate level to practice in one of the behavioral sciences, and whose authorized scope of practice permits the diagnosis and treatment of mental disorders and shall have at least two years of professional experience in the independent practice of clinical marriage and family therapy beyond the date of licensure at this level;

(2) does not have any disciplinary action that would prohibit providing clinical supervision; and

(3) (A) has completed the minimum number of semester hours of coursework related to the enhancement of supervision skills approved by the board; or

(B) has completed the minimum number of continuing education hours related to the enhancement of supervision skills approved by the board.

(c) The clinical supervisor of an individual attaining the 3,000 hours of postgraduate supervised professional experience required for licensure as a clinical marriage and family therapist, at the time of providing supervision, shall be a board-approved clinical supervisor and:

(1) The clinical supervisor shall be a clinical marriage and family therapist who is licensed in Kansas or is registered, certified or licensed in another jurisdiction and has engaged in the independent practice of clinical marriage and family therapy, including the diagnosis and treatment of mental disorders, for two or more years beyond the supervisor's registration, certification or licensure date as a clinical marriage and family therapist; or

(2) under extenuating circumstances approved by the board, the clinical supervisor may be a person who is registered, certified or licensed at the graduate level to practice in one of the behavioral sciences if such supervisor:

(A) Has an authorized scope of practice that permits the diagnosis and treatment of mental disorders; and

(B) has two or more years of professional experience in the independent practice of clinical marriage and family therapy beyond the qualifying date of registration, certification or licensure at the time clinical supervision was provided.

(d) Each board-approved clinical supervisor shall complete, as part of the continuing education required under K.S.A. 65-6407, and amendments thereto, at least three hours of continuing education related to the enhancement of supervisory skills, and at least one such hour must focus on ethics in supervision.

Sec. 5. K.S.A. 2024 Supp. 65-6611 is hereby amended to read as follows: 65-6611. (a) A person who is waiting to take the examination for licensure as an addiction counselor may apply to the board for a temporary addiction counselor license to practice as a licensed addiction counselor by:

(1) Paying a fee for a temporary license set under K.S.A. 65-6618, and amendments thereto; and

(2) meeting the application requirements as stated in K.S.A. 65-6610(a)(1), (a)(2), (a)(4) and (a)(5), and amendments thereto.

(b) A person who is waiting to take the examination for licensure as a master's addiction counselor may apply to the board for a temporary master's addiction counselor license to practice as a licensed master's addiction counselor by:

(1) Paying a fee for a temporary license set under K.S.A. 65-6618, and amendments thereto; and

(2) meeting the application requirements as stated in K.S.A. 65-6610(b)(1)(A), (b)(1)(B), (b)(1)(D) and (b)(1)(E), and amendments thereto.

(c) (1) A temporary addiction counselor license or temporary master's addiction counselor license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee.

(2) Absent extenuating circumstances approved by the board, a temporary addiction counselor license or a temporary master's addiction counselor license issued by the board shall expire upon the date the board issues or denies the person a license to practice addiction counseling or 24 months after the date of issuance of the temporary addiction counselor license or temporary master's addiction counselor license.

(3) No temporary addiction counselor license or temporary master's addiction counselor license will be renewed or issued again on any subsequent application for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.

(d) A person practicing addiction counseling with a temporary addiction counselor license or a temporary master's addiction counselor license may not use the title "licensed

addiction counselor" or "licensed master's addiction counselor" or use the initials "LAC" or "LMAC" independently. The word "licensed" may be used only when followed by the words "by temporary license."

(e) No person may practice addiction counseling under a temporary addiction counselor license or a temporary master's addiction counselor license except in a licensed or certified alcohol and other drug abuse program, under the direction of a person licensed by the behavioral sciences regulatory board at the clinical level or a person licensed to practice medicine and surgery.

(f) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such license.

(g) A person may apply to the board for a student temporary addiction counselor license to practice as a student temporary addiction counselor, on a form and in the manner prescribed by the board, by:

(1) (A) Providing documentation of completing at least 60 credit hours from an institution of higher education with an emphasis in addiction counseling or a related field, as defined by the board in rules and regulations;

(B) providing documentation of completion of at least 60 credit hours from an institution of higher education and currently enrolled in a program for addiction counseling or a related field, as defined by the board in rules and regulations; or

(C) providing documentation of completing at least a bachelor's degree and currently

enrolled in a master's degree program in addiction counseling or a related field, as defined by the board in rules and regulations;

(2) (A) if providing documentation under paragraph (1)(A) or (B), providing a signed attestation indicating the applicant's intention to pursue licensure as a licensed addiction counselor with a plan to complete the education requirements toward a licensed addiction counseling license within 48 months; or

(B) if providing documentation under paragraph (1)(C), providing a signed attestation indicating the applicant's intention to pursue licensure as a licensed master's addiction counselor with a plan to complete the education requirements towards a licensed master's addiction counseling license with 48 months;

(3) providing an education plan, signed by an official of the institution of higher education, including steps to obtain coursework necessary to receive an addiction counselor license;

(4) providing a signed attestation from a prospective employer who intends to offer employment when the applicant receives the student temporary addiction counselor license;

(5) submitting a supervision plan signed by a person who is employed by the prospective employer and who would be providing supervision to the applicant under K.S.A. 65-6611(i), and amendments thereto. Such supervision plan shall include ~~not less~~ no fewer than four hours of supervision per month and ~~not~~ no fewer than two supervision meetings per month. A maximum of two hours per month may be in group supervision;

(6) satisfying the board that the applicant is a person who merits the public trust;

(7) attaining 20 years of age; and

(8) paying a fee for a student temporary addiction counselor license established under

K.S.A. 65-6618, and amendments thereto.

(h) A student temporary addiction counselor license issued by the board shall expire upon the date the board issues the person a permanent license to practice addiction counseling or 24 months after the date of issuance of the student temporary addiction counselor license. A student temporary addiction counselor license may be renewed for one additional 24-month period by demonstrating:

(1) Evidence of the person's compliance with the education plan, including completion of coursework and remaining in good standing with the institution of higher education;

(2) changes or updates to the education plan signed by a representative of the institution of higher education;

(3) evidence of supervision logs signed by the supervisor and student for the periods of supervision; and

(4) paying a fee for renewal of a student temporary addiction counselor license established under K.S.A. 65-6618, and amendments thereto.

(i) No person may practice addiction counseling under a student temporary addiction counselor license except in a licensed or certified alcohol and other drug abuse program, a certified community behavioral health clinic or a community mental health center, supervised by a person licensed by the behavioral sciences regulatory board as an addiction counselor, master's addiction counselor or clinical addiction counselor or other individual licensed by the behavioral sciences regulatory board holding a license as a master's social worker, specialist clinical social worker, professional counselor, clinical professional counselor, marriage and family therapist, clinical marriage and family therapist, master's level psychologist, clinical psychotherapist or psychologist.

Sec. 6. K.S.A. 65-6616 is hereby amended to read as follows: 65-6616. Nothing in the addiction counselor licensure act shall be construed:

(a) To prevent addiction counseling practice by students or interns ~~or individuals preparing for the practice of addiction counseling~~ to practice under qualified supervision of a professional, recognized and approved by the board, in an educational institution or agency so long as they are designated by titles such as "student," "trainee," "intern" or other titles clearly indicating training status;

(b) to authorize the practice of psychology, medicine and surgery, professional counseling, marriage and family therapy, master's level psychology or social work or other professions licensed by the behavioral sciences regulatory board;

(c) to apply to the activities and services of a rabbi, priest, minister, clergy person or organized ministry of any religious denomination or sect, including a Christian-Science practitioner, unless such person or individual who is a part of the organized ministry is a licensed addiction counselor;

(d) to apply to the activities and services of qualified members of other professional groups including, but not limited to, attorneys, physicians, psychologists, master's level psychologists, marriage and family therapists, professional counselors, or other professions licensed by the behavioral sciences regulatory board, registered nurses or social workers performing services consistent with the laws of this state, their training and the code of ethics of their profession, so long as they do not represent themselves as being an addiction counselor; or

(e) to prevent qualified persons from doing work within the standards and ethics of their respective professions and callings provided they do not hold themselves out to the public by any title or description of services as being an addiction counselor.

Sec. 7. K.S.A. 2024 Supp. 74-7501 is hereby amended to read as follows: 74-7501. (a)

There is hereby created a behavioral sciences regulatory board consisting of ~~12~~ 13 members appointed by the governor. The membership of the board shall be as follows: Two members of the board shall be licensed psychologists; two members of the board shall be licensed to engage in the practice of social work; one member of the board shall be a professional counselor; one member of the board shall be a marriage and family therapist; one member of the board shall be a licensed master's level psychologist or a licensed clinical psychotherapist; one member of the board shall be a licensed addiction counselor, a licensed master's addiction counselor or a licensed clinical addiction counselor; one member of the board shall be a behavioral analyst and four members of the board shall be from and represent the general public. Each member of the board shall be a citizen of the United States and a resident of this state.

(b) The term of office of each member of the board shall be four years. No member of the board shall be appointed for more than two successive terms. Upon the expiration of a member's term of office, the governor shall appoint a qualified successor. Each member shall serve until a successor is appointed and qualified. Whenever a vacancy occurs in the membership of the board prior to the expiration of a term of office, the governor shall appoint a qualified successor to fill the unexpired term. The governor may remove any member of the board for misconduct, incompetency or neglect of duty.

(c) The board shall organize annually at its first meeting subsequent to June 30 and shall select from its members a chairperson and a vice chairperson. Other meetings shall be held as the board designates. A majority of members appointed to the board shall constitute a quorum for the transaction of business.

(d) The board may appoint an executive director who shall be in the unclassified

service of the Kansas civil service act and shall receive an annual salary set by the board, subject to approval by the governor. The board may employ clerical personnel and other assistants, all of whom shall be in the unclassified service under the Kansas civil service act. The board may make and enter into contracts of employment with such professional personnel as necessary, in the board's judgment, for the performance of its duties and functions and the execution of its powers.

(e) Members of the behavioral sciences regulatory board attending meetings of the board, or attending a subcommittee meeting thereof authorized by the board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

Sec. 8. K.S.A. 65-5818, 65-6409, 65-6414 and 65-6616 and K.S.A. 2024 Supp. 65-6611 and 74-7501 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.