

Unprofessional Conduct Cross Walk with BSRB Recommendation for May 12, 2025

|   | Addiction Counseling<br>K.A.R. 102-7-11  | Behavior Analysis K.A.R.<br>102-8-11  | Licensed Psychologists<br>K.A.R. 102-1-10a  | Master's Level Psychologists K.A.R.<br>102-4-12   | Marriage and Family Therapists<br>K.A.R. 102-5-12   | Professional Counseling K.A.R.<br>102-3-12a  | Social Work<br>K.A.R. 102-2-7  | BSRB Recommendation |
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|   | Description of applicable individuals - Each of the following acts shall be considered unprofessional conduct for <del>a licensed addiction counselor, a licensed clinical addiction counselor</del> an individual authorized to practice addiction counseling by the board, or an applicant <del>for an addiction counselor license or a clinical addiction counselor license</del> to practice addiction counseling: | Description of applicable individuals - Each of the following acts shall be considered unprofessional conduct for a licensed assistant behavior analyst, a licensed behavior analyst, or an applicant for an assistant behavior analyst license or a behavior analyst license | Description of applicable individuals - Each of the following shall be considered unprofessional conduct          | Description of applicable individuals - (b) Any of the following acts by a licensed master's level psychologist, a licensed clinical psychotherapist, or an applicant for licensure at the master's level of psychology shall constitute unprofessional conduct | Description of applicable individuals - Any of the following acts by either a marriage and family therapy licensee or a marriage and family therapy licensure applicant shall constitute unprofessional conduct | Description of applicable individuals - Any of the following acts by a licensed professional counselor, a licensed clinical professional counselor, or an applicant for a professional counselor license or a clinical professional counselor license shall constitute unprofessional conduct: | Description of applicable individuals - Any of the following acts by a licensee or an applicant for a social work license shall constitute unprofessional conduct: |                     |
| 1 | (a) see appendix A   | (a) see appendix A  | (L)(5)(5) see appendix A  | (b)(2) see appendix A   | (b)(2) see appendix A   | (b)(2) see appendix A  | (b) see appendix A   |                     |
| 2 | (b) knowingly allowing another person to use one's license;  | (b) knowingly allowing another person to use one's license;   | L(1) Knowingly allowing another person to use one's license;  | (3) knowingly allowing another person to use one's license or registration;   | (3) knowingly allowing another person to use one's license or registration;   | (3) knowingly allowing another person to use one's license or registration;  | (c) knowingly allowing another individual to use one's license;  |                     |
| 3 | (c) impersonating another person holding a license or registration issued by this or any other board;  | (c) impersonating another person holding a license or registration issued by the board or any other agency;   | k(1) Impersonating another person holding a license issued by this or any other board;                            | (4) impersonating another person holding a license or registration issued by this or any other board;   | (4) impersonating another person holding a license or registration issued by this or any other board;   | (4) impersonating another person holding a license or registration issued by this or any other board;  | (d) impersonating another individual holding a license or registration issued by this or any other board;  |                     |
| 4 | (d) having been convicted of a crime resulting from or relating to one's professional practice of addiction counseling;  | (d) having been convicted of a crime resulting from or relating to one's professional practice of applied behavior analysis;  | k(4) being convicted of a crime resulting from or relating to the licensee's professional practice of psychology; | (5) having been convicted of a crime resulting from or relating to the licensee's practice of master's level psychology;  | (5) having been convicted of a crime resulting from or relating to one's professional practice of marriage and family therapy;  | (5) having been convicted of a crime resulting from or relating to the licensee's professional practice of professional counseling or clinical professional counseling;  | (e) having been convicted of a crime resulting from or relating to the licensee's professional practice of social work;  |                     |

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| 5 | (e) furthering the licensure application of another person who is known or reasonably believed to be unqualified with respect to character, education, or other relevant eligibility requirements;   |  | L(3) furthering the licensure or registration application of another person who is known or reasonably believed to be unqualified in respect to character, education, or other relevant eligibility requirements;  | (6) furthering the licensure or registration application of another person who is known or reasonably believed to be unqualified with respect to character, education, or other relevant eligibility requirements;   | (6) furthering the licensure or registration application of another person who is known or reasonably believed to be unqualified with respect to character, education, or other relevant eligibility requirements;   | (6) furthering the licensure or registration application of another person who is known or reasonably believed to be unqualified with respect to character, education, or other relevant eligibility requirements;   | (f) furthering the licensure or registration application of another person who is known to be unqualified with respect to character, education, or other relevant eligibility requirements;  |  |
| 6 | (f) knowingly aiding or abetting any individual who is not credentialed by the board to represent that individual as a person who was or is credentialed by the board;   | (e) knowingly aiding or abetting any individual who is not credentialed by the board to represent that individual as a person who was or is licensed by the board;   | L(2) knowingly aiding or abetting anyone who is not <del>credentialed</del> authorized to practice by the board to represent that individual as a person credentialed by the board;  | (7) knowingly aiding or abetting anyone who is not credentialed by the board to represent that individual as a person who is <del>credentialed</del> authorized to practice by the board;  | (7) knowingly aiding or abetting any individual who is not credentialed by the board to represent that individual as a person who was or is credentialed by the board;   | (7) knowingly aiding or abetting any individual who is not credentialed by the board to represent that individual as a person who is credentialed by the board;  | (g) knowingly aiding or abetting anyone who is not credentialed by the board to represent that individual as a person who is credentialed by the board;  |  |
| 7 | (g) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests; | (f) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests; | b(2) failing to recognize, seek intervention, and make arrangements for the care of clients if one's own personal problems, emotional distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests; | (8) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests; | (8) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests; | (8) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests; | (h) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests; |  |
| 8 | (h) See Appendix B   | (g) See Appendix B   | (K)(3) See Appendix B  | (b)(9) See Appendix B  | (b)(9) See Appendix B  | (b)(9) See Appendix B  | (i) See Appendix B   |  |

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| 9  | (i) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards;  | (h) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards;   | a(2) performing professional services that are inconsistent with the licensee's education, training, or experience; and | (10) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards, <b>including but not limited to, telehealth practice;</b> | (10) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards;  | (10) offering to perform or performing professional counseling, assessments, consultations, or referrals clearly inconsistent or incommensurate with one's training, education or experience or with accepted professional standards;  | (j) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, and experience and with accepted professional standards for social work;  |
| 10 | (j) engaging in any behavior that is abusive or demeaning to a client, student, or supervisee;  | (i) engaging in any behavior that is abusive or demeaning to a client, student, or supervisee;   | f(3) engaging in behavior that is abusive or demeaning to a client, student, or supervisee;                             | (11) treating any client, student, or supervisee in a cruel manner;   | (11) treating any client, student, or supervisee in a cruel manner;  | (11) treating any client, student, directee, or supervisee in an <b>unprofessional or unethical cruel</b> manner;  | (k) treating any client, student, or supervisee in a cruel manner;  |
| 11 | (k) imposing one's personal values, spiritual beliefs, or lifestyle on a client, student, or supervisee;  |  |   |   |  |  |   |
| 12 | (l) discriminating against any client, student, directee, or supervisee on the basis of color, race, gender, age, religion, national origin, <b>or</b> disability, <b>gender expression, or sexual orientation;</b> | (j) discriminating against any client, student, directee, or supervisee on the basis of age, gender, race, culture, ethnicity, national origin, religion, sexual orientation, disability, language, or socioeconomic status; |   | (12) discriminating against any client, student, or supervisee on the basis of color, race, gender, religion, national origin, or disability;   | (12) discriminating against any client, student, or supervisee on the basis of color, race, <b>age, gender, gender identity, religion, ethnicity, national origin, or disability, health status, sexual orientation, relationship status, socioeconomic status, or status in any other marginalized group;</b> | (12) discriminating against any client, student, directee, or supervisee on the basis of <del>color, race, gender, religion, national origin, or disability</del> <b>age, culture, disability, ethnicity, race, religion/spirituality, gender, gender identity, sexual orientation, marital/partnership status, language preference, socioeconomic status, immigration status, or any basis proscribed by law;</b> | (l) discriminating against any client, student, or supervisee on the basis of <del>color, race, gender, religion, national origin, or disability</del> <b>race, ethnicity, national origin, color, sex, sexual orientation, gender identity and expression, age, marital status, political belief, religion, immigration status, and mental or physical disability;</b> |

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| 13 | (m) failing to inform each client of that client's rights as those rights relate to the addiction counseling relationship;  | (k) failing to advise and explain to each client, in understandable language, the respective rights, responsibilities, and duties involved in the licensee's professional relationship with the client;                    |  | (13) failing to advise and explain to each client the respective rights, responsibilities, and duties involved in the professional relationship;  | (13) failing to advise and explain to each client the respective rights, responsibilities, and duties involved in the marriage and family therapy relationship;   | (13) failing to advise and explain to each client the respective rights, responsibilities, and duties involved in the professional counseling relationship;   | (m) failing to advise and explain to each client the respective rights, responsibilities, and duties involved in the social work relationship;   |  |
| 14 | (n) failing to provide each client with a description of the services, fees, and payment expectations, or failing to reasonably comply with that description;                                 | (l) failing to provide each client, in understandable language, with a description of the services, fees, and payment expectations or failing to reasonably comply with that description;                                  | e(2) failing to provide clients or patients with a description of what the client or patient may expect in the way of tests, consultation, reports, fees, billing, and collection; and | (14) failing to provide each client with a description of what the client can expect in the way of services, consultation, reports, fees, billing, therapeutic regimen, <del>or</del> schedule, <a href="#">the availability of and limitations of telehealth services, as well as the availability of after-hours crisis resources</a> , or failing to reasonably comply with the description; | (14) failing to provide each client with a description of what the client can expect in the way of services, consultation, reports, fees, billing, therapeutic regimen, or schedule, or failing to reasonably comply with that description; | (14) failing to provide each client with a description of what the client can expect in the way of services, consultation, reports, fees, billing, and therapeutic regimen or schedule, or failing to reasonably comply with the description; | (n) failing to provide each client with a description of what the client can expect in the way of services, consultation, reports, fees, billing, therapeutic regimen, or schedule, or failing to reasonably comply with these descriptions; |  |
| 15 | (o) failing to provide each client with a description of the possible effects of the proposed treatment if the treatment is experimental or if there are clear and known risks to the client; | (m) failing to provide each client, in understandable language, with a description of the possible effects of the proposed treatment if the treatment is experimental or if there are clear and known risks to the client; | E(3) failing to inform clients or patients when a proposed treatment or procedure is experimental;   | (15) failing to provide each client with a description of the possible effects of the proposed treatment when the treatment is experimental or when there are clear and known risks to the client;  | (15) failing to provide each client with a description of the possible effects of the proposed treatment when the treatment is experimental or when there are clear and known risks to the client;  | (15) failing to provide each client with a description of the possible effects of the proposed treatment when the treatment is experimental or when there are clear and known risks to the client;  | (o) failing to provide each client with a description of the possible effects of the proposed treatment when there are clear and known risks to the client;  |  |

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| 16 | (p) failing to inform each client, student, or supervisee of any financial interests that might accrue to the licensee or applicant if the licensee or applicant refers a client, student, or supervisee to any other service or if the licensee or applicant uses any tests, books, or apparatus; | (n) failing to inform each client, student, or supervisee of any financial interests that might accrue to licensee or applicant if the licensee or applicant refers a client, student, or supervisee to any other service or if the licensee or applicant uses any tests, books, or apparatus; | c(2) failing to inform the client or patient of any financial interests that might accrue to the licensed psychologist for referral to any other service or for the sale, promotion, or use of any tests, books, electronic media, or apparatus; and | (16) failing to inform each client, supervisee, or student of any financial interests that might accrue to the master's level psychologist or clinical psychotherapist from referral to any other service or from the use of any tests, books, or apparatus; | (16) failing to inform each client, student, or supervisee of any financial interests that might accrue to the licensee or applicant if the licensee or applicant refers a client, student, or supervisee to any other service or if the licensee or applicant uses any tests, books, or apparatus; | (16) failing to inform each client, student, directee, or supervisee of any financial interests that might accrue to the professional counselor or clinical professional counselor from a referral to any other service or from using any tests, books, or apparatus; | (p) failing to inform each client or supervisee of any financial interests that might accrue to the licensee from referral to any other service or from the use of any tests, books, or apparatus; |
| 17 | (q) failing to inform each client that the client can receive services from a public agency if one is employed by that public agency and also offers services privately;   | (o) failing to inform each client that the client can receive services from a public agency if one is employed by that public agency and also offers services privately;   | f(2) failing to inform the client or patient that the client or patient is entitled to the same services from a public agency if the licensed psychologist is employed by that public agency and also offers services privately;                     | (17) failing to inform each client that the client is entitled to the same services from a public agency if one is employed by that public agency and also offers services privately;  | (17) failing to inform each client that the client is entitled to the same services from a public agency if one is employed by that public agency and also offers services privately;   | (17) failing to inform each client that the client is entitled to the same services from a public agency if the professional counselor or clinical professional counselor is employed by that public agency and also offers services privately;                       | (q) failing to inform each client that the client is entitled to the same services from a public agency if the licensee is employed by that public agency and also offers services privately;      |
| 18 | (r) see appendix C   | (q) see appendix C   | e(1) g(3)a see appendix C  | b(21) see appendix C   | b(20) see appendix C  | b(20) see appendix C  | (t) see appendix C   |
| 19 | (s) see appendix D   | (r) see appendix D   | (g) see appendix D   | (23) see appendix D  | (22) see appendix D   | (22) see appendix D   | (v) see appendix D   |

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| 20 | (t)engaging in professional activities, including <b>but not limited to</b> , billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation; | (s) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;   | (i) engaging in improprieties with respect to fees and billing statements, which shall include the following acts:<br>(1) Exploiting clients or payers with respect to fees;<br>(2) misrepresenting one's fees;<br>(3) failing to inform a patient or client who fails to pay for services as agreed that collection procedures may be implemented, including the possibility that a collection agency may be used or legal measures may be taken; and<br>(4) filing claims for services that were not rendered; | (24) engaging in professional activities, including <b>but not limited to</b> , billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;  | (23) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;  | (23) engaging in professional activities, including <b>but not limited to</b> billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;  | (w) engaging in professional activities, including <b>but not limited to</b> , billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;   | ()engaging in professional activities, including but not limited to, billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;  |
| 21 | (u)using alcohol or any illegal drug or misusing any substance that could cause impairment while performing the duties or services of an addiction counselor;               | (u) using alcohol or any illegal drug or misusing any substance that could cause impairment while performing the duties or services of a licensee; | b(1) Using alcohol or other substances to the extent that it impairs the psychologist's ability to competently engage in the practice of psychology; and   | (25) using alcohol or illegally using any controlled substance while performing the duties or services of a master's level psychologist or clinical psychotherapist;   | (24) using alcohol or illegally using any controlled substance while performing the duties or services of a marriage and family therapist;   | (24) <del>using alcohol or illegally using a controlled substance</del> <b>being under the influence of any substance that impairs professional judgement</b> while performing the duties or services of a professional counselor or clinical professional counselor;  | (x) using alcohol or illegally using any controlled substance while performing the duties or services of a licensee;   | <i>(/being under the influence of any substance that impairs professional judgement while performing the duties or services of a _____</i>  |
| 22 | (v)engaging in a harmful <b>dual relationship</b> or exercising <b>undue influence towards one's client, supervisee, or student</b> ;                                       | (v) engaging in a harmful dual relationship or exercising undue influence;   | (c)engaging in harmful dual relationships, which shall include the following acts:<br>(3) exercising undue influence over any client;  | (28) exercising undue influence over any client, supervisee, or student, including promoting sales of services or goods, in a manner that will exploit the client, student, or supervisee for the financial gain, personal gratification, or advantage of oneself or a third party;<br>(47) engaging in a dual relationship with a client, student, or supervisee; | (27) exercising undue influence over any client, student, or supervisee, including promoting sales of services or goods, in a manner that will exploit the client, student, or supervisee for the financial gain, personal gratification, or advantage of oneself or a third party;<br>(44) engaging in a dual relationship with a client, student, or supervisee; | (27) exercising undue influence over any client, student, directee, or supervisee, including promoting sales of services or goods, in a manner that will exploit the client, student, directee, or supervisee for the financial gain, personal gratification, or advantage of oneself or a third party;<br>(46) engaging in a dual relationship with a client, student, or supervisee; | (aa) exercising undue influence over any client, supervisee, or student, including promoting sales of services or goods, in a manner that will exploit the client, supervisee, or student for the financial gain, personal gratification, or advantage of oneself or a third party;<br>(tt) engaging in a dual relationship with a client, supervisee, or student; | <i>(/exercising undue influence over any client, supervisee, or student, including promoting sales of services or goods, in a manner that will exploit the client, student, directee, or supervisee for the financial gain, personal gratification, or advantage of oneself or a third party;<br/>(/ engaging in dual relationship with a client, supervisee, or student;</i> |

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| 23 | (w) making sexual advances toward or engaging in physical intimacies or sexual activities with either of the following:<br>(1) Any person who is a client, supervisee, or student; or<br>(2) any person who has a significant relationship with the client and that relationship is known to the licensee;   | (w) making sexual advances toward or engaging in physical intimacies or sexual activities with any of the following:<br>(1) Any person who is a client, supervisee, or student; or<br>(2) any person who has a significant relationship with the client and that relationship is known to the licensee;   | (c) (1) Making sexual advances toward or engaging in physical intimacies or sexual activities with either of the following:<br>(A) Any person who is a client; or<br>(B) any person that the licensee knows who has a significant relationship with the client, supervisee, or student; | (26) making sexual advances toward or engaging in physical intimacies or sexual activities with one's client, supervisee, or student;  | (25) making sexual advances toward or engaging in physical intimacies or sexual activities with one's client, student, or supervisee;   | (25) making sexual advances toward or engaging in physical intimacies or sexual activities with one's <del>client</del> , active student, directee, or supervisee;   | (y) making sexual advances toward, including but not limited to sexual harassment, or engaging in physical intimacies or sexual activities with one's client, supervisee, or student;  | <i>(j) making sexual advances toward or engaging in physical intimacies or sexual activities with one's client, supervisee, or student;</i>  |
| 24 | (x) making sexual advances toward or engaging in physical intimacies or sexual activities with any person who meets either of the following conditions:<br>(1) Has been a client within the past 24 months; or<br>(2) has had a significant relationship with a current client or a person who has been a client within the past 24 months and that relationship is known to the licensee; | (x) making sexual advances toward or engaging in physical intimacies or sexual activities with any person who meets either of the following conditions:<br>(1) Has been a client within the past 24 months; or<br>(2) has had a significant relationship with a current client or a person who has been a client within the past 24 months and that relationship is known to the licensee | (d) making sexual advances toward or engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been a client;  | (27) making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been one's client, student, or supervisee;  | (26) making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who has ever, <del>within the past 24 months</del> , has been one's client;                            | (26) making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who <del>is one's active client</del> or, within the past <del>24</del> 60 months, has been one's client;   | (z) making sexual advances toward, including but not limited to sexual harassment, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been one's client. <i>If such conduct occurs with a former client after 24 months, it is the responsibility of the practitioner to demonstrate that the former client was not being exploited, coerced, or manipulated intentionally or unintentionally;</i> | <i>(j) making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been one's client, student, or supervisee. If such conduct occurs with a former client after 24 months, it is the responsibility of the practitioner to demonstrate that the former client was not being exploited, coerced, or manipulated intentionally or unintentionally;</i> |
| 25 | (y) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for referring the client or in connection with performing professional services;   | (y) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for referring the client or in connection with performing professional services;  |   | (29) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for the referral of the client or in connection with the performance of psychological or other professional services; | (28) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for referring the client or in connection with performing professional services; | (28) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for the referral of the client or in connection with performing professional counselor or clinical professional counselor services; | (bb) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for the referral of the client or patient or in connection with the performance of professional services;   | <i>(j) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for the referral of the client or patient or in connection with the performance of professional services;</i>   |

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| 26 | (z) permitting any person to share in the fees for professional services, other than a partner, an employee, an associate in a professional firm, or a consultant authorized to practice addiction counseling or clinical addiction counseling; | (z) permitting any person to share in the fees for professional services, other than a partner, an employee, an associate in a professional firm, or a consultant authorized to practice applied behavior analysis;   |   | (30) directly receiving or agreeing to receive a fee or any other consideration from a client or from any third party for or in connection with the performance of psychological services, other than from an authorized employer in an employment situation as specified in this act; | (29) permitting any person to share in the fees for professional services, other than a partner, an employee, an associate in a professional firm, or a consultant authorized to practice marriage and family therapy; | (29) permitting any person to share in the fees for professional services, other than a partner, employee, associate in a professional firm, or consultant authorized to practice as a professional counselor or clinical professional counselor; | (cc) permitting any person to share in the fees for professional services, other than a partner, employee, an associate in a professional firm, or a consultant authorized to practice social work;            | <i>(j) permitting any person to share fees for professional services, other than a partner, an employee, an associate in a professional firm or a consultant authorized to practice _____</i>                        |
| 27 | (aa) soliciting or assuming professional responsibility for clients of another agency or colleague without attempting to coordinate the continued provision of client services by that agency or colleague;                                     | (aa) <b>actively</b> soliciting <b>any clients of another agency or colleague without attempting to coordinate the continued provision of client services by that agency or colleague;</b> or assuming professional responsibility for any clients of another agency or colleague without attempting to coordinate <b>services for continuity of care.</b> <del>the continued provision of client services by that agency or colleague;</del> | f(4) soliciting or agreeing to provide services to prospective clients or patients who are already receiving mental health services elsewhere without openly discussing issues of disruption of continuity of care with the prospective client or patient, or with other legally authorized persons who represent the client or patient, and when appropriate, consulting with the other service provider about the likely effect of a change of providers on the client's general welfare; | (31) soliciting or assuming professional responsibility for clients of another agency or colleague without attempting to coordinate continuity of client services with that agency or colleague;   | (30) soliciting or assuming professional responsibility for clients of another agency or colleague without attempting to coordinate the continued provision of client services by that agency or colleague;            | (30) soliciting or assuming professional responsibility for clients of another agency or colleague without attempting to coordinate continuity of client services with that agency or colleague;  | (dd) soliciting or assuming professional responsibility for clients of another agency or colleague without informing and attempting to coordinate continuity of client services with that agency or colleague; | <i>(j) soliciting or assuming professional responsibility for clients of another agency or colleague without informing and attempting to coordinate continuity of client services with that agency or colleague;</i> |
| 28 | (bb) making claims of professional superiority that one cannot substantiate;  | (bb) making claims of professional superiority that one cannot substantiate;  | h(2) making claims of professional superiority that cannot be substantiated;  | (32) making claims of professional superiority that one cannot substantiate;   | (31) making claims of professional superiority that one cannot substantiate;   | (31) making claims of professional superiority that one cannot substantiate;  | (ee) making claims of professional superiority that one cannot substantiate;   | <i>(j) making claims of professional superiority that one cannot substantiate;</i>   |
| 29 | (cc) guaranteeing that satisfaction or a cure will result from performing or providing any professional service;  | (cc) guaranteeing that satisfaction or a cure will result from performing or providing any professional service;  | h(3) guaranteeing that satisfaction or a cure will result from the performance of professional services;  | (33) guaranteeing that satisfaction or a cure will result from the performance of psychological services;  | (32) guaranteeing that satisfaction or a cure will result from performing or providing any professional service;   | (32) guaranteeing that satisfaction or a cure will result from the performance of professional services;  | (ff) guaranteeing that satisfaction or a cure will result from the performance of professional services;   | <i>(j) guaranteeing that satisfaction or a cure will result from the performance of professional services;</i>   |

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| 30 | (dd) claiming or using any secret or special method of treatment or techniques that one refuses to disclose to the board;   | (dd) claiming or using any secret or special method of treatment or techniques that one refuses to disclose to the board;   | k(2) claiming or using any method of treatment or diagnostic technique that the licensed psychologist refuses to divulge to the board;                          | (34) claiming or using any secret or special method of treatment or techniques that one refuses to disclose to the board;  | (33) claiming or using any secret or special method of treatment or techniques that one refuses to disclose to the board;   | (33) claiming or using <del>any secret or special method of untested or experimental</del> treatment or techniques that one refuses to disclose to the board;   | (gg) claiming or using any secret or special method of treatment or techniques that one refuses to divulge to the board;   | <i>(j) claiming or using untested or experimental treatment or techniques that one refuses to disclose to the board;</i> |
| 31 | (ee) continuing or ordering tests, procedures, or treatments or using treatment facilities or services not warranted by the client's condition, best interests, or preferences; | (ee) continuing or ordering tests, procedures, or treatments or using treatment facilities or services not warranted by the client's condition, best interests, or preferences; | F(11) continuing to use or order tests, procedures, or treatment, or use treatment facilities or services not warranted by the client's or patient's condition; | (35) continuing or ordering tests, procedures, or treatments or using treatment facilities or services not warranted by the condition, best interests, or preferences of the client; | (34) continuing or ordering tests, procedures, or treatments or using treatment facilities or services not warranted by the client's condition, best interests, or preferences; | (34) <del>continuing requesting, providing, or ordering tests-</del> assessments, procedures, or treatments or using treatment facilities or services not warranted by the condition, best interests, or preferences of the client; | (hh) continuing or ordering tests, procedures, or treatments or using treatment facilities or services not warranted by the condition, best interests, or preferences of the client; |  |
| 32 | (ff) taking credit for work not personally performed, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;        | (ff) taking credit for work not personally performed, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;        | h(5) taking credit for work not personally performed;   | (37) taking credit for work not personally performed, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;             | (35) taking credit for work not personally performed, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;        | (36) taking credit for work not personally performed, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;  | (jj) taking credit for work not performed personally, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;             |  |
| 33 | (gg) See Appendix E   | (gg) See Appendix E   | (n) See Appendix E  | (b)(38) See Appendix E   | (b)(36) See Appendix E  | (b)(37) see appendix E  | (kk) see appendix E  |  |
| 34 | (hh) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading;   | (hh) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading;   |   | (39) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading;  | (37) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading;   | (38) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading;   | (ll) making or filing a report that one knows to be distorted, erroneous, incomplete, or misleading;   |  |

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| 35 | (ii) failing to notify the client promptly if one anticipates terminating or interrupting service to the client;  | (ii) failing to notify the client promptly if one anticipates terminating or interrupting service to the client;  | (5)failing to take each of the following steps before termination for whatever reason, unless precluded by the patient's or client's relocation or noncompliance with the treatment regimen: (A) Discuss the patient's or client's views and needs; (B) provide appropriate pretermination counseling; (C)suggest alternative service providers, as appropriate; and (D) take other reasonable steps to facilitate the transfer of responsibility to another provider if the patient or client needs one immediately; | (40) failing to notify the client promptly when termination or interruption of service to the client is anticipated;  | (38) failing to notify the client promptly when one anticipates terminating or interrupting service to the client;  | (39) failing to notify the client promptly when termination or interruption of service to the client is anticipated;  | (mm) failing to notify the client promptly when termination or interruption of service to the client is anticipated;  |  |
| 36 | (jj) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care; | (jj) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care; | (6)failing to arrange for another psychologist or other appropriately trained mental health professional to be available to handle clinical emergencies if the psychologist anticipates being unavailable for a significant amount of time; (7) failing to be available for the timely handling of clinical emergencies after having agreed to provide coverage for another psychologist;   | (41) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care; | (39) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care; | (40) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care; | (nn) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care; |  |

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| 37 | (kk) abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer; | (kk) abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer; |   | (42) abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer;                  | (40) abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer; | (41) abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer;                          | (oo) abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer; |  |
| 38 | (ll) failing to terminate addiction counseling services if it is apparent that the relationship no longer serves the client's needs or best interests;                     | (ll) failing to terminate applied behavior analysis services if it is apparent that the relationship no longer serves the client's needs or best interests;                | f(8) failing to terminate a professional relationship if it becomes reasonably clear that the patient or client no longer needs the service, is not benefiting from continued service, or is being harmed by continued service; | (43) failing to terminate the master's level psychology or clinical psychotherapy services when it is apparent that the relationship no longer serves the client's needs or best interests; | (41) failing to terminate marriage and family therapy services when it is apparent that the relationship no longer serves the client's needs or best interests;            | (42) failing to terminate the professional counseling or clinical professional counseling services when it is apparent that the relationship no longer serves the client's needs or best interests; | (pp) failing to terminate the social work services when it is apparent that the relationship no longer serves the client's needs or best interests;                        |  |
| 39 | (mm) when supervising, failing to provide accurate and current information, timely evaluations, and constructive consultation;   | (mm) when supervising, failing to provide accurate and current information, timely evaluations, and constructive consultation;   | p(3) failing to provide regular, periodic, written supervisory feedback to the supervisee.  | (45) supervising in an unprofessional or potentially harmful negligent manner anyone for whom one has supervisory responsibility;   | (42) supervising in a negligent manner anyone for whom one has supervisory responsibility;   | (44) supervising or directing in a harmful or negligent manner anyone for whom one has supervisory or directory responsibility due to their position as a supervisee or student;                    | (rr) failing to exercise adequate supervision over anyone with whom the licensee has a supervisory or directory relationship;  |  |
| 40 | (nn) when applicable, failing to inform a client that addiction counseling services are provided or delivered under supervision;   | (nn) when applicable, failing to inform a client that applied behavior analysis services are provided or delivered under supervision;                                      | (H) misrepresenting the services offered or provided, which shall included the following acts:(1) Failing to inform a client if services are provided or delivered under supervision;   | (46) failing to inform a client if master's level psychology or clinical psychotherapy services are provided or delivered under supervision;  | (43) when applicable, failing to inform a client that marriage and family therapy services are provided or delivered under supervision;                                    | (45) failing to inform a client if professional counseling services are provided or delivered under supervision or direction;   | (ss) failing to inform a client if social work services are provided or delivered under supervision or direction;  |  |
| 41 | (oo) failing to inform a client that addiction counseling services are delivered under supervision as a student or an individual seeking clinical licensure;               |  | (H) misrepresenting the services offered or provided, which shall included the following acts:(1) Failing to inform a client if services are provided or delivered under supervision;   |   |  |   |  |  |

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| 42 | (pp) failing to report unprofessional conduct of a licensed addiction counselor, licensed clinical addiction counselor, or any individual licensed by the board;   | (oo) failing to report unprofessional conduct of a licensed assistant behavior analyst, a licensed behavior analyst, or any other individual licensed by the board;  |  |  |   |   |  |  |
| 43 | (qq) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing another person from filing a report or record that is required by state or federal law, or inducing another person to take any of these actions;  | (pp) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing another person from filing a report or record that is required by state or federal law, or inducing another person to take any of these actions;  |  | (51) <del>intentionally or negligently</del> failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing of a report or record required by state or federal law, or inducing another person to take any of those actions;  | (48) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing another person from filing a report or record that is required by state or federal law, or inducing another person to take any of these actions;   | (50) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing of a report or record required by state or federal law, or inducing another person to take any of those actions;  |  |  |
| 44 | (rr) offering to perform or performing any service, procedure, or therapy that, by the accepted standards of addiction counseling practice in the community, would constitute experimentation on human subjects without first obtaining the full, informed, and voluntary written consent of the client or the client's legal representative or representatives; | (qq) offering to perform or performing any service, procedure, treatment, or therapy that, by the accepted standards of applied behavior analysis practice in the community, would constitute experimentation on human subjects without first obtaining the full, informed, and voluntary written consent of the client or the client's legal representative or representatives; |  | (52) offering to perform or performing any service, procedure, or therapy that, by the accepted standards of professional practice in the community, would constitute experimentation on human subjects without first obtaining the full, informed, and voluntary written consent of the client or the client's legal representative or representatives; | (49) offering to perform or performing any service, procedure, or therapy that, by the accepted standards of marriage and family therapy practice in the community, would constitute experimentation on human subjects without first obtaining the full, informed, and voluntary written consent of the client or the client's legal representative or representatives; | (51) offering to perform or performing any service, procedure, <del>assessment</del> or therapy that, by the accepted standards of professional counseling or clinical professional counseling practice in the community, would constitute experimentation on human subjects without first obtaining the full, informed, and voluntary written consent of the client or the client's legal representative or representatives; |  |  |
| 45 | (ss) practicing addiction counseling after one's license expires;  | (rr) practicing applied behavior analysis after one's license expires; and   |  | (54) practicing as a master's level psychologist or clinical psychotherapist after one's license expires;  | (51) practicing marriage and family therapy after one's license expires;  | (53) practicing professional counseling or clinical professional counseling after one's license expires;  | (yy) practicing social work after one's license expires; |  |

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| 46 | (tt) using without a license, or continuing to use after a license has expired, any title or abbreviation defined by regulation; and | (ss1) using without a license, or continuing to use after a license has expired, any title or abbreviation defined by regulation.  |   | (55) using without a license, or continuing to use after the expiration of a license, any title or abbreviation prescribed by law for use solely by persons currently holding that type or class of license;   | (52) using without a license or continuing to use after a license has expired any title or abbreviation prescribed by law to be used solely by persons who currently hold that type or class of license; or | (54) using without a license, or continuing to use after the expiration of a license, any title or abbreviation prescribed by law for use solely by persons currently holding that type or class of license; | (zz) using without a license, or continuing to use after the expiration of a license, any title or abbreviation prescribed by the board for use only by persons currently holding that type or class of license; |  |
| 47 | (uu) violating any provision of the addictions counselor licensure act or any implementing regulation; and                           |  |   | (58) violating any provision of this act or any regulation adopted under the act.  | (53) violating any provision of this act or any regulation adopted under the act.   |  |  |  |
| 48 | (vv) See Appendix Z  | (aaa) See Appendix Z   | (m) See Appendix Z  | (36) See Appendix Z  | (56) See Appendix Z   | (35) See Appendix Z  |  |  |
| 49 |  | (p) failing to provide copies of reports or records to a licensed healthcare provider authorized by the client following the licensee's receipt of a formal written request, unless the release of that information is restricted or exempted by law or by this article of the board's regulations, or the disclosure of the information would be injurious to the welfare of the client | (f) ignoring client welfare, which shall include the following acts: (1) Failing to provide copies of reports or records to a licensed healthcare provider authorized by the client following the licensee's receipt of a formal written request, unless the release of that information is restricted or exempted by law or by these regulations, or the disclosure of the information would be injurious to the welfare of the client | (18) failing to provide each client or the client's legal representative with access to the client's records following the receipt of a formal written request, unless the release of this information is restricted or exempted by law, or when the disclosure of this information is precluded for a sufficiently compelling reason; |   |  |  |  |
| 50 |  | (ss2) directly soliciting testimonials from current clients or stakeholders for use in advertisements to obtain new clients.   |   |  |   |  |  |  |
| 51 |  | (tt) failing to provide each client with a description of the proposed treatment procedures anticipated outcomes and possible risks to the client.   |   |  |   |  |  |  |

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| 52 | (uu) deriving or soliciting any form of substantial personal monetary profit or substantial personal gain as a result of their professional relationship with clients or relevant parties. |  |  |  |  |  |  |
| 53 | (vv) when entering a relationship with a third party, failure to clarify the nature of the relationship with each party and assess any potential conflicts.                                |  |  |  |  |  |  |
| 54 | (ww) failure to actively engage in professional development activities to maintain and further professional competence.  |  |  |  |  |  |  |
| 55 | (xx) taking on more supervisees and trainees than allows for effective supervision.  |  |  |  |  |  |  |
| 56 | (yy) when supervising and training, failing to incorporate and address topics related to diversity.  |  |  |  |  |  |  |
| 57 | (zz) when supervising and training, failing to ensure that supervisees and trainees are competent to perform delegated tasks.  |  |  |  |  |  |  |
| 58 |  |  | (22) failing to protect the confidences of confidential information, secrets of, or information concerning other persons when providing a client with access to that client's records; | (21) failing to protect the confidences of, secrets of, or information concerning other persons when providing a client with access to that client's records | (21) failing to protect confidences of, secrets of, or information concerning other persons when providing a client with access to that client's records | (u) failing to protect the confidences of, secrets of, or information concerning other persons when providing a client with access to that client's records; |  |

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| 59 |  |  |  | <p>(48) failing to inform the proper authorities as required by K.S.A. 38-2223, and amendments thereto, that one knows or has reason to believe that a client has been involved in harming or has harmed a child, whether by physical, mental, or emotional abuse or neglect or by sexual abuse;</p>  | <p>(45) failing to inform the proper authorities as required by K.S.A. 38-2223, and amendments thereto, that one knows or has reason to believe that a client has been involved in harming or has harmed a child, whether by physical, mental, or emotional abuse or neglect or by sexual abuse;</p>   | <p>(47) failing to inform the proper authorities as provided in K.S.A. 38-2223, and amendments thereto, that one knows or has reason to believe that a client has been involved in harming or has harmed a child, whether by physical, mental, or emotional abuse or neglect or by sexual abuse;</p>  | <p>(uu) failing to inform the proper authorities in accordance with K.S.A. 38-2223, and amendments thereto, that one knows or has reason to believe that a client has been involved in harming or has harmed a child, whether by physical, mental, or emotional abuse or neglect or by sexual abuse;</p>   |  |
| 60 |  |  |  | <p>(49) failing to inform the proper authorities as required by K.S.A. 39-1402, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to a resident, as defined by K.S.A. 39-1401(a) and amendments thereto:<br/>(A) Has been or is being abused, neglected, or exploited;<br/>(B) is in a condition that is the result of abuse, neglect, or exploitation; or<br/>(C) is in need of protective services;</p> | <p>(46) failing to inform the proper authorities as required by K.S.A. 39-1402, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to a resident, as defined by K.S.A. 39-1401(a) and amendments thereto:<br/>(A) Has been or is being abused, neglected, or exploited;<br/>(B) is in a condition that resulted from abuse, neglect, or exploitation; or<br/>(C) needs protective services;</p> | <p>(48) failing to inform the proper authorities as required by K.S.A. 39-1402, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to a resident, as defined by K.S.A. 39-1401(a) and amendments thereto:<br/>(A) Has been or is being abused, neglected, or exploited;<br/>(B) is in a condition that is the result of abuse, neglect, or exploitation; or<br/>(C) is in need of protective services;</p> | <p>(vv) failing to inform the proper authorities in accordance with K.S.A. 39-1402, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to a resident, as defined by K.S.A. 39-1401 and amendments thereto:<br/>(1) Has been or is being abused, neglected, or exploited;<br/>(2) is in a condition that is the result of abuse, neglect, or exploitation; or<br/>(3) is in need of protective services;</p> |  |
| 61 |  |  |  | <p>(50) failing to inform the proper authorities as required by K.S.A. 39-1431, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to an adult, as defined in K.S.A. 39-1430 and amendments thereto:<br/>(A) Is being or has been abused, neglected, or exploited;<br/>(B) is in a condition that is the result of abuse, neglect, or exploitation; or<br/>(C) is in need of protective services;</p>      | <p>(47) failing to inform the proper authorities as required by K.S.A. 39-1431, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to an adult, as defined in K.S.A. 39-1430 and amendments thereto:<br/>(A) Is being or has been abused, neglected, or exploited;</p>  | <p>(49) failing to inform the proper authorities as required by K.S.A. 39-1431, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to an adult, as defined in K.S.A. 39-1430 and amendments thereto:<br/>(A) Is being or has been abused, neglected, or exploited;<br/>(B) is in a condition that is the result of abuse, neglect, or exploitation; or<br/>(C) is in need of protective services;</p>      | <p>(ww) failing to inform the proper authorities in accordance with K.S.A. 39-1431, and amendments thereto, that one knows or has reason to believe that any of the following circumstances apply to an adult, as defined in K.S.A. 39-1430 and amendments thereto:<br/>(1) Is being or has been abused, neglected, or exploited;<br/>(2) is in a condition that is the result of abuse, neglect, or exploitation; or<br/>(3) is in need of protective services;</p>   |  |

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| 62 |  |  | (a) Practicing psychology in an incompetent manner, which shall include the following acts: (1) Misrepresenting professional competency by offering to perform services that are inconsistent with the licensee's education, training, or experience; | (53) practicing master's level psychology or clinical psychotherapy in an incompetent manner;  | (50) practicing marriage and family therapy in an incompetent manner;  | (52) practicing professional counseling or clinical professional counseling in an incompetent manner;  | (xx) practicing social work in an incompetent manner;  |  |
| 63 |  |  |   | (1) Obtaining or attempting to obtain a license or registration for oneself or another by means of fraud, bribery, deceit, misrepresentation, or concealment of a material fact                              | (1) Obtaining or attempting to obtain a license or registration for oneself or another by engaging in fraud, bribery, deceit, misrepresentation, or by concealing a material fact                            | (1) Obtaining or attempting to obtain a license or registration for oneself or another by means of fraud, bribery, deceit, misrepresentation, or concealment of a material fact  | (a) Obtaining or attempting to obtain a license for oneself or another by means of fraud, bribery, deceit, misrepresentation, or concealment of a material fact;   |  |
| 64 |  |  |   | (19) failing to inform each client, supervisee, or student of the limits of client confidentiality, the purposes for which the information is obtained, and the manner in which the information may be used; | (18) failing to inform each client, student, or supervisee of the limits of client confidentiality, the purposes for which the information is obtained, and the manner in which the information may be used; | (18) failing to inform each client, student, directee, or supervisee of the limits of client confidentiality, the purposes for which the information is obtained, and the manner in which the information may be used; | (r) failing to inform each client, supervisee, or student of the limits of client confidentiality, the purposes for which the information is obtained, and the manner in which the information may be used |  |

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| 65 |  | (t) revealing information, a confidence, or a secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records, unless at least one of the following conditions is met:<br>(1) Disclosure is required or permitted by law;<br>(2) failure to disclose the information presents a serious danger to the health or safety of an individual or the public;<br>(3) the licensee is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of applied behavior analysis, in which case disclosure shall be limited to that action; or<br>(4) payment for services is needed; |  | (20) revealing information, a confidence, or secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records, except when at least one of these conditions is met:<br>(A) Disclosure is required or permitted by law;<br>(B) failure to disclose the information presents a clear and present danger to the health or safety of an individual or the public; or<br>(C) the master's level psychologist or clinical psychotherapist is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of psychology, in which case disclosure is limited to that action; | (19) revealing information, a confidence, or secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records, except when at least one of these conditions is met:<br>(A) Disclosure is required or permitted by law;<br>(B) failure to disclose the information presents a clear and present danger to the health or safety of an individual or the public;<br>(C) the licensee or applicant is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of marriage and family therapy, in which case disclosure is limited to that action; or<br>(D) the criteria provided by K.S.A. 65-6410, and amendments thereto, are met; | (19) revealing information, a confidence, or a secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records, except when at least one of these conditions is met:<br>(A) Disclosure is required or permitted by law;<br>(B) failure to disclose the information presents a clear and present danger to the health or safety of an individual or the public; or<br>(C) the professional counselor or clinical professional counselor is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of professional counseling or clinical professional counseling, in which case disclosure is limited to that action; | (s) revealing information, a confidence, or secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records, except when at least one of these conditions is met:<br>(1) Disclosure is required or permitted by law;<br>(2) failure to disclose the information presents a clear and present danger to the health or safety of an individual or the public; or<br>(3) the licensee is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of social work, in which case disclosure is limited to that action; |  |
| 66 |  |  |  |   |   | (55) violating any provision of this act or any regulation adopted under it.   | (aaa) violating any provision of K.S.A. 65-6301 et seq., and amendments thereto, or any regulation adopted under that act;   |  |
| 67 |  | (P)engaging in improprieties with respect to supervision, which shall include the following acts: (1) failing to provide supervision in compliance with subsection (d) of K.A.R. 102-1-5a; (2) failing to provide supervision to a person working towards licensure as a clinical psychotherapist in compliance with KAR 102-4-71;   |  |   |   |  | (bbb) except as permitted by K.S.A. 65-6319 and amendments thereto, providing or offering to provide direction or supervision over individuals performing diagnoses and treatment of mental disorders;   |  |

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| 68 |  |  |  |  |  |  | (ccc) except as permitted by K.S.A. 65-6306 and K.S.A. 65-6319 and amendments thereto, engaging in the diagnosis and treatment of mental disorders |  |
| 69 |  |  |  |  |  |  | (ddd) engaging in independent private practice if not authorized by law  |  |
| 70 |  |  | (J) improperly using assessment procedures, which shall include the following acts: (1) Basing assessment, intervention, or recommendations on test results and instruments that are inappropriate to the current purpose or to the patient characteristics; (2) failing to identify situations in which particular assessment techniques or norms may not be applicable or failing to make adjustments in administration or interpretation because of relevant factors, including gender, age, race, and other pertinent factors; |  |  |  |  |  |

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| 71 |  |  | <p>J (3) failing to indicate significant limitations to the accuracy of the assessment findings; (4) failing to inform individuals or groups at the outset of an assessment that the psychologist is precluded by law or by organizational role from providing information about results and conclusions of the assessment;</p>  |  |  |  |  |  |
| 72 |  |  | <p>J (5) endorsing, filing, or submitting psychological assessments, recommendations, reports, or diagnostic statements on the basis of information and techniques that are insufficient to substantiate those findings; (6) releasing raw test results or raw data either to persons who are not qualified by virtue of education, training, or supervision to use that information or in a manner that is inappropriate to the needs of the patient or client; and (7) allowing, endorsing, or supporting persons who are not qualified by virtue of education, training, or supervision to administer or interpret psychological assessment techniques;</p> |  |  |  |  |  |
| 73 |  |  | <p>O(1-4) See Appendix F</p>   |  |  |  |  |  |

Unprofessional Conduct Cross Walk with BSRB Recommendation for May 12, 2025

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| 74 |  |  |  | (56) Offering to provide or providing services in an employment situation other than that which is permitted by K.S.A. 74-5362, and amendments thereto, as an independent, contract, or private provider of psychological services; |  |  |   |  |
| 75 |  |  |  | (57) practicing without adequate direction from a person authorized in K.S.A. 74-5362 and amendments thereto; and   |  |  |   |  |
| 76 |  |  |  |   | (54) practicing inappropriate boundaries with clients with regards to the use of social media, including but not limited to, using a personal profile to connect or communicate with clients on any social media platform; | (56) practicing inappropriate boundaries with clients with regards to use of social media, including but not limited to, using a personal profile to connect or communicate with clients on any social media platform, or accessing a client's social media pages without previous consent | (eee) Practicing inappropriate boundaries with clients with regards to use of social media, including, but not limited to, using a personal profile to connect or communicate with clients on any social media platform |  |
| 77 |  |  |  |   | (55) disclosing confidential information through public social media   | (57) disclosing confidential information through public social media   | (fff) disclosing confidential information through social media  |  |

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| 78 |  |  |  |  |  | <p>(58) If engaged in distance-counseling, failing to fulfill these requirements:<br/>                 (A) Informing the client of risks and benefits of distance counseling,<br/>                 (B) Disclosing the possibility of technology failure and providing alternative methods of service,<br/>                 (C) Detailing emergency procedures to follow when the counselor is unavailable, and<br/>                 (D) Taking appropriate steps to encrypt or ensure the security of confidential client information or any activity which protects confidential client information from risk of privacy breach.</p> | <p>(ggg) If engaged in distance-counseling, failing to fulfill these requirements:<br/>                 (1) Informing the client of risks and benefits of distance counseling,<br/>                 (2) Disclosing the possibility of technology failure and providing alternative methods of service,<br/>                 (3) Detailing emergency procedures to follow when the counselor is unavailable, and<br/>                 (4) Taking appropriate steps to encrypt or ensure the security of confidential client information or any activity which protects confidential client information from risk of privacy breach.</p> |  |
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