

TESTIMONY
SB 254 – 2015 LEGISLATIVE SESSION
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BEHAVIORAL SCIENCES REGULATORY BOARD

Good Afternoon Madam Chairperson and members of the Committee. Thank you for the opportunity to address this Committee. I am Max Foster, Executive Director of the Kansas Behavioral Sciences Regulatory Board and I am here today to provide information to the Committee regarding our support of SB 254.

SB 254 is legislation impacting various statutes administered by the Kansas Behavioral Sciences Regulatory Board (BSRB). The BSRB licenses the following mental health professions: Psychologists, Professional Counselors, Social Workers, Addiction Counselors, Marriage and Family Therapists, and Masters Level Psychologists. These individual professions have been designated to be under the regulatory authority of the BSRB beginning with Psychologists and Social Workers in 1980; Masters Level Psychologists and Professional Counselors in 1987; Marriage and Family Therapists in 1992; and Addiction Counselors in 2011. The language in SB 254 standardizes specific regulatory statutes administered by the BSRB as they are applied to the professions regulated by the agency. Specifically, standardization of the statutes affecting the following activities are included in SB 254.

- Change the “licensure by reciprocity” statutes so that a person who has been licensed in 60 of the previous 66 months would be eligible for licensure. Currently, the applicant must be continually licensed for the previous 60 months with not even a one day lapse in licensure. This change will provide much needed flexibility in the event extenuating circumstances prevented an applicant from being licensed for a short period of time in the 66 month period prior to applying for a license.
- Provide for a standard interpretation in the reasons to deny, suspend, revoke or censure a licensee.
- Change the requirement concerning social work safety training to provide a choice for an applicant to complete the requirement by taking a safety training course taken as a part of a degree program or to take the training as a required CEU during the first two years of licensure.

- Establish the Masters Licensed Addiction Counselor (LMAC) license. This would assist the applicant to be properly trained as a Licensed Clinical Addiction Counselor (LCAC) if they chose that path of licensure.
- Regarding the fees that the agency charges, SB 254 changes the wording in the statutes from “shall” charge to “may” charge a fee. This will allow the agency to eliminate certain licensure fees if the agency desires, but to maintain the authority to require the payment of licensure fees when necessary.
- Place the professions of Licensed Psychologists and Social Workers under the provisions of the Kansas Administrative Procedures Act (KAPA). Currently, they are under the provisions of the Kansas Open Meetings Act because (KOMA) these professions were originally licensed prior to the creation of KAPA. The four other professions licensed by the BSRB are currently under KAPA. Again, this will provide for consistent review and interpretation of statutes for all professions licensed by BSRB. Also, it will ensure the applicants from these two professions are allowed their individual due process and options currently not afforded under KOMA.
- Per the request of the respective advisory committees and current board members, SB 254 establishes supervisory training / certification standards for the professions of Social Worker, Marriage and Family Therapist, and Licensed professional Counselor.
- Create the ability to require fingerprinting / background checks for applicants desiring licensure with the agency. Currently, there aren’t any provisions in our statutes to require this.
- Lastly, SB 254 as written would eliminate the reference to the Diagnostic and Statistical Manual (DSM) in BSRB statutes. Elimination of this reference will allow the agency to not have to change our regulations every time the edition of the DSM changes, and since it would be an unlawful delegation of authority for our statutes to generically reference the “current version of the DSM”, the Board is proposing this language. This change is strictly administrative in nature – and the Board is very cognizant of our primary mission which is public protection for those that utilize the services of the mental health professionals that we license. However, just in the past few days the Board has been made aware of new concerns from mental health professionals regarding this proposed change in statute. Their primary concern is that the elimination of the reference to the DSM in statute would restrict or hinder the ability of mental health professionals to

provide services to the public. The Board does not believe this change in statute will adversely affect public protection. However, the Board does not wish to give the appearance that we are hindering the ability of any mental health professional to provide services if the reference to the DSM is stricken from the statutes. Therefore, the Board would support an amendment to SB 254 that would continue the existing reference to the DSM in all our statutes.

Madam Chairperson and Committee members this concludes my remarks. At this time I would be most happy to answer any questions you might have. Thanks for the opportunity to address the Committee.