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Governor

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TESTIMONY
SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE
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Good Afternoon Madam Chairperson and Committee Members:

Thank you for the opportunity to testify today to brief the committee on the activity and structure of the Kansas Behavioral Sciences Regulatory Board. (BSRB). I am Max Foster, the Executive Director of the agency.

The BSRB is the licensing board for most of the state's mental health professionals including; licensed psychologists, master level psychologists, clinical psychotherapists, bachelor, master and specialist clinical level social workers, master and clinical level professional counselors, master and clinical level marriage and family therapists, addiction counselors, clinical addiction counselors, and effective July 1, 2016 – assistant behavioral analysts and behavioral analysts.

History of the Board

The BSRB traces its origin to 1980 – when the Board of Psychology and the Social Work Board were combined into one regulatory body that was named the BSRB. In 1987, the regulation of Masters Level Psychologists and Professional Counselors were added to the BSRB. In 1992, the regulation of Marriage and Family Therapists became a function of the BSRB. In 2011, regulation of Addiction Counselors was made a part of the BSRB and effective July 1, 2016 the BSRB will start to regulate Behavioral Analysts.

Board Members

Currently, there are twelve individuals who are members of the Board. These individuals serve at the pleasure of the Governor and serve staggered four year terms. An individual may serve up to a maximum of two terms. Here is the list of current Board members:

Name	Profession	Term	Expiration
Dr. Grant Edwards, Chair	Psychology	Second	2018
Cheryl Reynolds, Vice-Chair	Public Member	Second	2018
Kathy Armstrong	Public Member	Second	2019
Dr. Barbara Callahan	Psychology	Second	2019
Jill Craven	Public Member	First	2016
Dr. Todd Frye	Professional Counseling	First	2016
Kathryn Herzog	Public Member	First	2016
Dr. Terry Pfannenstiel	Marriage and Family Therapy	Second	2018
Larry Salmans	Masters Level Psychology	Second	2019
Marcia Simoneau	Social Work	Second	2019
Deb Stidham	Addiction Counseling	First	2019
Carolyn Szafran	Social Work	First	2018

My position serves at the pleasure of the Board and I hire / evaluate the staff.

OUR MISSION

The mission of the BSRB, in accordance with the intent of the Kansas Legislature, is to **protect and serve the consumers** of services offered by BSRB licensees, through the issuance of licenses, resolution of complaints and the creation of appropriate regulations, accomplished through efficiency, fairness and respect to all those involved.

PROFESSIONS LICENSED

License Type	# Of Licensees	Total
Psychologist (PhD.)	936	936
Associate Social Worker	21	
Bachelors Level Social Worker	1,722	
Masters Level Social Worker	3,511	
Clinical Level Social Worker	1,977	
Total – Social Worker		7,231
Professional Counselor	696	
Clinical Professional Counselor	525	
Total – Professional Counselor		1,221
Masters Level Psychologist	291	
Clinical Psychotherapist	292	
Total – Masters Level Psychologist		583
Marriage and Family Therapist	339	
Clinical Marriage and Family Therapist	478	
Total – Marriage and Family Therapist		817
Addiction Counselor	886	
Clinical Addiction Counselor	521	
Total – Addiction Counselor		<u>1,407</u>
Total Number of Current Licenses Issued		12,195

NOTE: The professions of Social Worker and Addiction Counselor are the only professions in which a person can obtain a license with only a Bachelor's degree. An individual licensed at the "clinical" level may work independently.

AGENCY BUDGET

The BSRB is funded exclusively with fees. There are no federal funds nor is there any State General Fund contained in our funding sources. Ten percent of all revenue received is transferred to the state general fund prior to the revenue being made available for agency use.

FY 2016 Level	\$730,633
FY 2017 Level	\$737,039

It should be noted that 74% of the agency budget is expended for salaries and wages.

ADVISORY COMMITTEES

There is an advisory committee to the Board for each profession licensed by the Board. Each advisory committee is chaired by the Board member for that profession. Other members of the advisory committee could include educators, and practitioners (active as well as retired). These individuals work on tasks provided to them by the Board (e.g. regulations) and provide input to the Board from the perspective of that profession. (e.g. supervisory training requirements). Committee members serve at the pleasure of the Chairperson of the Board and may serve a maximum of four – two year terms.

INVESTIGATION ACTIVITY

As far as the enforcement of our statutes and regulations are concerned, it is the goal of the BSRB to educate – **FIRST**. When educational outreach is unsuccessful, and violations of our statutes and regulations occur, the Board initiates investigative activity.

Any individual who believes that a licensee or applicant of the Board has or is engaging in unprofessional conduct which is related to his or her professional responsibilities, may file a complaint with the Board.

All complaints must be submitted to the Board in writing. The form used to file a complaint (**Report of Alleged Violation**) can be obtained by contacting the Board or downloaded from our website.

All reports of alleged violation are reviewed, and if a determination is made to proceed with the investigation, the case is docketed. The BSRB has a committee composed of 5 current Board members that reviews the information presented by the work of our Special Investigator, and usually makes one of three decisions:

- The facts do not support a violation
If the facts do not support a violation, the committee usually dismisses the case without further action. The committee can issue a cautionary letter.
- The facts do support a violation
If the facts do support a violation, the committee can issue a cautionary letter for a non-disciplinary closure, propose a Consent Agreement and Order, propose a Summary Proceeding Order or propose an adjudicative hearing.
- The committee does not have sufficient evidence to make a decision
The case is returned to the investigator for follow up if the committee does not have sufficient evidence to make a decision.

Examples of Violations

- Practicing without a license
- Falsifying continuing education requirements or renewing license prior to completing ALL CEU requirements.
- Failing to report child or elder abuse in a reasonable length of time
- Exercising undue influence over or making sexual advances toward or engaging in physical intimacies with any client
- 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 disclosure is required by law: failure to disclose presents a clear and present danger to the health or safety of an individual or the public; or if the licensee is a party to a civil, criminal or disciplinary investigation in which case disclosure is limited to that action).

Sanctions Available

- The Board has statutory authority to revoke, suspend, limit, condition, refuse to issue a license, or refuse to renew a license. It can also assess an administrative penalty in an amount not to exceed \$1,000.00 and assess costs not to exceed \$200.00. In addition, it can revoke the license or registration when the license has been voluntarily surrendered when an investigation or charges of misconduct are pending.

ANTICIPATED LEGISLATIVE ACTIVITY

Currently, there is one bill in this committee (SB 254) that is a hold-over from last session. Since the initial hearing on this bill we have had a chance to meet with stakeholders who were in opposition to certain provisions of this proposed legislation. As a result of the discussions that took place at these meetings, we have met with the Office of the Revisor of Statutes and a replacement for SB 254 is in the process of being drafted. Madam Chairperson, I am hopeful that within a very short period of time I will be able to provide you with a request to have this replacement legislation introduced by this committee.

As a result of the passage of HB 2744 during the 2014 legislative session, the BSRB will initiate the licensure of "Applied Behavioral Analysts" and "Assistant Applied Behavioral Analysts" effective July 1, 2016. Over the past few months, the Board has been meeting with a group of stakeholders (practitioners, educators, and associations) in order to receive input into the promulgation of rules and regulations that will outline the provisions for licensure. This process has been very productive and the initial draft of the regulations is nearing completion.

Just last week I was reviewing current legislation and discovered HB 2451. This bill makes additions to the professions that are required to be mandatory reporters of suspected child abuse or neglect. In our discussions with the Applied Behavioral Analyst stakeholders we discovered that Applied Behavioral Analysts and Assistant Applied Behavior Analysts are not required to be mandated reporters. The Board was considering the drafting of new legislation to correct this fact, but as a result of HB 2451 the Board plans to offer a friendly amendment to HB 2451 to include Applied behavioral Analysts and Assistant Applied behavioral Analysts.

ADDITIONAL OUTREACH ACTIVITIES OF THE BOARD

Actively participate in national associations for each profession to assure national trends / continuity of public protection efforts is maintained.

We coordinate an annual roundtable with Kansas educators (university level) from the programs who instruct potential BSRB licensees. This gives educators the opportunity to bring concerns regarding licensure requirements to the attention of the Board. This forum provides an open dialogue between all parties involved. As an example of a product of these roundtable activities was the development of a tri-fold licensing brochure for new students.

Present information to students in their final year of study (in their classroom) concerning licensure requirements and the application process. A general overview of the complaint process is also discussed at this time. The Board makes it known that we will make ourselves available to all universities who request such assistance.

Madam Chairperson and Committee Members I wish to thank you for the opportunity to testify before you and provide an overview of the operation and activity of the Kansas Behavioral Sciences Regulatory Board. I will be happy to stand for questions.