Session of 2025

HOUSE BILL No. 2072

By Committee on Health and Human Services

Requested by Representative S. Ruiz on behalf of the Kansas Art Therapy Association

1-23

AN ACT concerning the behavioral sciences regulatory board; relating to the powers, duties and functions thereof; enacting the art therapist licensure act; providing for the regulation and licensing of professional art therapists; amending K.S.A. 74-7507 and 74-7508 and repealing the existing sections.

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

New Section 1. Sections 1 through 13, and amendments thereto, shall be known and may be cited as the art therapist licensure act.

New Sec. 2. As used in the art therapist licensure act:

(a) "Art therapy" means the integrated use of psychotherapeutic principles, art media and the creative process to assist individuals, families or groups in increasing awareness of self and others, coping with symptoms, stress and traumatic experiences, enhancing cognitive abilities and identifying and implementing therapeutic interventions to meet developmental, behavioral, mental and emotional needs of such individuals, families or groups.

(b) "Art therapy certified supervisor" means a board-certified art therapist holding the art therapy certified supervisor credential from the art therapy credentials board, or an equivalent credential as determined by the board.

(c) "Art therapy credentials board" means the nationally recognized credentialing organization for art therapists that partners with national art therapy credentialing boards and state licensure boards to facilitate such board certification and state licensure exams.

(d) "Board" means the behavioral sciences regulatory board, created under K.S.A. 74-7501, and amendments thereto.

(e) "Certified art therapist" means an individual who holds national board certification and is in good standing with the art therapy credentials board, or an equivalent certification as determined by the board.

(f) "Clinical art therapy" means the application of art therapy principles and methods in the diagnosis, prevention, treatment and amelioration of psychological problems and emotional or mental conditions.

(g) "Licensed clinical art therapist" means an individual who engages in the independent practice of art therapy, including the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations, and is licensed under the art therapist licensure act.

(h) "Licensed professional art therapist" or "LPAT" means an individual who engages in the practice of art therapy and who is licensed under the art therapist licensure act.

(i) "Licensee" means an individual who is authorized to practice as a professional art therapist or a clinical art therapist under the art therapist licensure act.

(j) "Supervised experience" means the regular oversight of the functions and activities of a graduate art therapy student either as part of an internship or practicum experience or the practice of art therapy to fulfill the requirements to be licensed under the art therapist licensure act by an art therapy certified supervisor, certified art therapist or other qualified mental health professional as determined by the board by rules and regulations.

(k) "Temporary license" means a license to practice art therapy under the direct supervision of a qualified supervisor, as determined by the board by rules and regulations, to fulfill the postgraduate supervised experience requirement to be licensed under the art therapist licensure act.

New Sec. 3. (a) It is unlawful to engage in the practice of art therapy or represent that an individual is a licensed professional art therapist without having first obtained a license as a professional art therapist under the art therapist licensure act.

(b) It is unlawful to engage in the practice of art therapy as a clinical art therapist or represent that an individual is a licensed clinical art therapist without having first obtained a license as a clinical art therapist under the art therapist licensure act.

(c) Violation of this section is a class B nonperson misdemeanor.

New Sec. 4. (a) An applicant for licensure as a professional art therapist shall furnish evidence that the applicant:

(1) Is at least 21 years of age;

(2) has completed at least a master's degree in art therapy from an accredited college or university approved by the board and has completed:

(A) Not less than 60 credit hours of graduate course work in an art therapy program recognized by the council of higher education accreditation or an equivalent entity as determined by the board; or

(B) not less than 60 credit hours of graduate course work in a related field that is substantially equivalent to a master's degree program in art therapy as determined by the board;

(3) (A) has completed not less than one year of experience in art therapy, including not less than 1,500 hours of supervised experience, of which:

(i) Not less than 1,000 hours of direct client contact involving individuals, couples, families or groups shall have been completed following completion of the graduate degree; and

(ii) not less than 100 hours of clinical supervision was provided by an approved supervisor, including not less than one hour of direct supervision per every two weeks; and

(B) a doctoral internship may be applied toward the supervised experience requirement in subparagraph (A);

(4) has passed the art therapy certification examination of the art therapy credentials board, or an equivalent examination as determined by the board;

(5) has satisfied the board that the applicant is an individual who merits the public trust; and

(6) has paid the application fee.

(b) An application for licensure as a professional art therapist shall be made to the board on a form and in the manner prescribed by the board.

(c) The board may determine that a master's degree program in art therapy or a related field at an accredited college or university is substantially equivalent to an approved art therapy program if the program includes at least 60 semester credit hours, or the equivalent, of graduate-level courses that include courses and training in the following areas:

(1) The art therapy profession;

(2) theory and practice of art therapy;

(3) human growth and developmental;

(4) application of art therapy with people in different treatment settings;

(5) art therapy appraisal, diagnosis and assessment;

(6) ethical and legal issues of art therapy practice;

(7) matters of cultural and social diversity bearing on the practice of art therapy;

(8) standards of good art therapy practice;

(9) group art therapy; and

(10) an art therapy practicum or internship of not less than 700 hours, of which not less than 350 hours are are direct contact performed under appropriate supervision and are part of an approved course of study.

New Sec. 5. (a) An applicant for licensure as a clinical art therapist shall furnish evidence that the applicant:

(1) Is licensed by the board as a licensed professional art therapist or has met all qualifications for licensure as a professional art therapist under the art therapist licensure act;

(2) has completed not less than nine semester credit hours, or the equivalent, of graduate-level courses specifically related to diagnosis, treatment, appraisal and assessment of mental, emotional, behavioral and addiction disorders, either as part of an approved course of study for the master's or doctoral degree or following completion of such degree;

(3) has completed not less than three years of supervised experience in art therapy or less than 4,000 hours of supervised experience in art therapy, including:

(A) Not less than two years or 3,000 hours following completion of the graduate degree;

(B) not less than 1,500 hours of postgraduate supervised experience involving direct client contact with individuals, couples, families or groups provided in clinical settings with demonstrated experience in diagnosing or treating mental, emotional, behavioral and addiction disorders;

(C) not less than one hour of direct contact between a graduate trainee and an approved supervisor, provided per 15 hours of face-to-face practice with clients, including not less than two hours of supervision per month, through group or individual supervision; and

(D) a doctoral internship, which may be applied toward the supervised experience requirement in subparagraph (B); and

(4) has paid the application fee.

(b) An application for licensure as a clinical art therapist shall be made to the board on a form and in the manner determined by the board.

(c) A licensed clinical art therapist may engage in the independent practice of art therapy and is authorized to diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. When a client has symptoms of a mental disorder, a licensed clinical art therapist shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made part of the client's record. A licensed clinical art therapist may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

New Sec. 6. (a) An individual who intends to pursue the postgraduate supervised experience required to qualify for licensure as a professional art therapist may apply to the board for a temporary art therapy license by:

(1) Paying an application fee of not more than $150;

(2) providing evidence of graduating from a master's or doctoral program in art therapy approved by the board;

(3) submitting letters from three professionals attesting to the

applicant's integrity, competence and worthiness to merit the public's trust, one of whom has provided direct clinical supervision of the applicant's graduate program clinical training; and

(4) completing a postgraduate supervised training plan on forms prescribed by the board describing services to be provided, place of employment, individuals responsible for administrative oversight and clinical supervision and a statement acknowledging the board's postgraduate training requirements.

(b) A temporary license may be issued by the board after the application has been reviewed and approved by the board.

(c) If there is no extenuating circumstance approved by the board, a temporary art therapy license issued by the board shall expire upon the date that the board issues or denies a professional art therapist license or 24 months after the date of issuance of the temporary license. No temporary license will be renewed or issued again on any subsequent application for the same license level. The preceding provisions shall not limit the number of times an applicant may take the examination.

(d) An individual practicing art therapy with a temporary license may not use the title "licensed professional art therapist" or the initials "LPAT" independently. The word "licensed" may be used only when followed by the words "by temporary permit," such as licensed professional art therapist by temporary license or professional art therapist licensed by temporary license.

New Sec. 7. (a) The board may waive the statutory requirements of an application for licensure as a licensed professional art therapist if, within one year after the effective date of the art therapist licensure act, an applicant furnishes evidence satisfactory to the board that the applicant:

(1) Has completed a master's or doctoral degree in art therapy or a related field acceptable to the board;

(2) holds certification as an art therapist in good standing with the art therapy credentials board or an equivalent certification as determined by the board; and

(3) has engaged in the practice of art therapy for not less than five years prior to the effective date of the art therapist licensure act.

(b) The board shall issue a license to an individual who is currently registered, certified or licensed to practice professional art therapy in another state or jurisdiction if the board determines that:

(1) The standards for licensure, registration or certification to practice art therapy in the other state or jurisdiction are substantially equivalent to the requirements of the art therapist licensure act and rules and regulations of the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice art therapy with a similar scope of practice for at least 12 months immediately preceding the application;

(B) the absence of disciplinary actions of a serious nature by a registration, certification or licensing board or agency; and

(C) completion of at least a master's degree in art therapy or a related field as approved by the board from an institution of higher education accredited by a regional or national accrediting agency.

(c) Applications for licensure under this section shall be made to the board on a form and in the manner determined by the board and shall be accompanied by payment of the application fee.

New Sec. 8. (a) An applicant who meets the requirements for licensure pursuant to the art therapist licensure act, has paid the required fee provided for by section 10, and amendments thereto, and has otherwise complied with the provisions of the art therapist licensure act shall be licensed by the board.

(b) (1) Licenses issued pursuant to the art therapist licensure act shall expire 24 months from the date of issuance unless revoked prior to that time.

(2) A license may be renewed upon application and payment of the fee provided for by section 10, and amendments thereto. The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed during the previous 24 months the continuing education required by rules and regulations of the board, including not less than three continuing education hours of professional ethics. As part of such continuing education, a licensee shall complete not less than three continuing education hours of professional ethics.

(c) (1) A licensee who is unable to complete the required continuing education hours for renewal may request additional time to complete any remaining continuing education hours. Such request shall be made to the board not later than 30 calendar days prior to the expiration of the license and shall include:

(A) The licensee's reason for requesting additional time, showing extenuating circumstances for why the hours could not be completed during the license period; and

(B) a plan outlining the manner by which the licensee intends to complete the remaining continuing education hours.

(2) The board may grant a licensee up to three additional months beyond the license expiration date to complete the required continuing education hours.

(3) A licensee who receives additional time to complete continuing education hours under this subsection shall:

(A) Renew the license prior to the license expiration date and report

to the board the number of continuing education hours completed on such date;

(B) notify the board upon completing the remaining continuing education hours; and

(C) be subject to an audit by the board of the total number of continuing education hours completed for the applicable license period.

(4) Continuing education hours completed during additional time granted under this subsection shall be credited only toward the requirements for the license period for which additional time is granted.

(5) A licensee shall not be approved for additional time to complete continuing education requirements in consecutive license periods.

(d) An individual whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation in a manner prescribed by the board, and such application shall be accompanied by the fee provided for by section 10, and amendments thereto.

(e) (1) An individual whose license has expired may make written application to the board requesting reinstatement of the license in a manner prescribed by the board, and such application shall be accompanied by:

(A) The renewal fee established under section 10, and amendments thereto, and, for an individual whose license has been expired for one year or less, an additional fee equal to the renewal fee; and

(B) evidence satisfactory to the board that the individual has completed during the previous 24 months the continuing education requirements for one license period.

(2) An individual requesting to reinstate a license that has been expired for longer than one year and who has not completed the necessary continuing education hours for reinstatement may submit an application for a six-month reinstatement temporary license in a manner prescribed by the board, and such application shall be accompanied by the fee established under section 10, and amendments thereto. A licensee practicing under a six-month reinstatement temporary license shall complete the continuing education requirements for a permanent license prior to the expiration of the temporary license and notify the board upon such completion. A six-month reinstatement temporary license shall not be extended or renewed.

(f) Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

New Sec. 9. (a) The board may refuse to issue, renew or reinstate a license, condition, limit, revoke or suspend a license, publicly or privately censure a licensee or impose a fine not to exceed $1,000 per violation upon a finding that a licensee or an applicant for licensure has:

(1) Used any controlled substance or alcoholic beverage to an extent that such use impairs such individual's ability to perform the work of any profession licensed or regulated by this act;

(2) been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any professional licensed or regulated under this act, any offense an essential element of which is fraud, dishonesty or an act of violence or any offense involving moral turpitude, whether or not a sentence is imposed;

(3) used any fraud, deception or misrepresentation in securing any license issued under the art therapist licensure act;

(4) obtained or attempted to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) committed any act of incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed by the board;

(6) committed any violation of or assisted or enabled any individual to violate any provision of the art therapist licensue act or any rule and regulation adopted thereunder;

(7) impersonated any individual holding a certificate of registration or authority, permit or license or allowed any other individual to use such individual's certificate of registration or authority, permit, license or diploma from any school;

(8) been disciplined in any action by another state, territory, federal agency or country that would constitute grounds for the suspension or revocation of a license issued under this act;

(9) been finally adjudged insane or incapacitated by a court of competent jurisdiction;

(10) assisted or enabled any individual to practice or offer to practice any profession licensed or regulated by the board when such individual is not eligible to practice such profession as required by law;

(11) been issued any certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) failed to display a valid certificate or license if so required by this act or any rules and regulations promulgated thereunder;

(13) violated any professional trust or confidence;

(14) used any advertisement or solicitation that is false, misleading or deceptive to the general public or individuals to whom the advertisement or solicitation is primarily directed;

(15) been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board; or

(16) violated any lawful order or directive of the board previously

entered by the board.

(b) Administrative proceedings and disciplinary actions regarding licensure under the art therapist licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the art therapist licensure act shall be in accordance with the Kansas judicial review act.

New Sec. 10. (a) The board may collect the following fees, and any such fees shall be established by rules and regulations adopted by the board, for:

(1) Application for licensure as a professional art therapist, not more than $100;

(2) an original license as a professional art therapist, not more than $175;

(3) a temporary license as a professional art therapist, not more than $175;

(4) a six-month reinstatement temporary license as a professional art therapist, not more than $50;

(5) renewal for licensure as a professional art therapist, not more than $150;

(6) application for licensure as a clinical professional art therapist, not more than $175;

(7) licensure as a clinical professional art therapist, not more than $175;

(8) renewal for licensure as a clinical professional art therapist, not more than $175;

(9) a six-month reinstatement temporary license as a clinical professional art therapist, not more than $50;

(10) late renewal penalty, an amount equal to the fee for renewal of a license;

(11) reinstatement of a license, not more than $175;

(12) replacement of a license, not more than $20; and

(13) a wallet card license, not more than $5.

(b) Fees paid to the board shall be nonrefundable.

New Sec. 11. Nothing in the professional art therapist licensure act shall be construed to:

(a) Prevent practice of art therapy by students or interns or individuals preparing for the practice of art therapy under qualified supervision of a professional, recognized and approved by the board, in an educational institution or agency as part of an approved course of professional education in art therapy, provided such students, interns or individuals are designated by titles such as student, trainee, intern or other titles clearly indicating their training status;

(b) authorize the practice of psychology, medicine and surgery,

professional counseling, marriage and family therapy, masters level psychology or social work or any other profession licensed by the behavioral sciences regulatory board;

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

(d) 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, professional counselors, marriage and family therapists, individuals who are registered nurses or social workers performing services consistent with the laws of this state, such individuals' training and code of ethics of such individuals' professions, so long as such individuals do not represent themselves as being licensed as a professional art therapist or a clinical art therapist; or

(e) prevent qualified individuals from doing work within the standards and ethics of such individuals' respective professions and callings provided such individuals do not hold themselves out to the public by any title, initials or description of services as being a licensed professional art therapist or a licensed clinical art therapist.

New Sec. 12. (a) An individual licensed under the art therapist licensure act and employees and professional associates of such individual shall not be required to disclose any information that such individual, employee or associate may have acquired in rendering services, unless:

(1) Disclosure is required by other state laws;

(2) failure to disclose information presents a clear and present danger to the health or safety of an individual;

(3) the individual, employee or associate is a party defendant to a civil, criminal or disciplinary action arising from the therapy, and in such event, a waiver of the privilege accorded by this section is limited to that action;

(4) the client is a defendant in a criminal proceeding and the use of the privilege would violate the defendant's right to a compulsory process or the right to present testimony and witnesses on such individual's behalf; or

(5) a client agrees to a waiver of the privilege accorded by this section, and in circumstances where more than one individual in a family is receiving therapy, each such family member agrees to the waiver. If there is no waiver from each family member, an art therapist shall not disclose information received from a family member.

(b) Nothing in the art therapist licensure act shall be construed to prohibit any individual licensed under the art therapist licensure act from testifying in court hearings concerning matters of adult abuse, adoption,

child abuse, child neglect or other matters pertaining to the welfare of children or from seeking collaboration or consultation with professional colleagues or administrative superiors, or both, on behalf of a client. There is no privilege under this section for information that is required to be reported to a public official.

New Sec. 13. A licensee under the professional art therapist licensure act, at the beginning of a client-therapist relationship, shall inform the client of the level of such licensees' training and the title or titles and license or licenses of such licensee. As part of such obligation, such licensee shall disclose whether such licensee has a master's degree or a doctoral degree. If such licensee has a doctoral degree, such licensee shall disclose whether or not such doctoral degree is a doctor of medicine or has another doctoral degree. If such licensee is not licensed by the state board of healing arts to practice medicine and surgery, such licensee shall disclose that the licensee is not authorized to practice medicine and surgery and is not authorized to prescribe drugs. As a part of such disclosure, such licensee shall advise the client that certain mental disorders can have medical or biological origins and that the client should consult with a physician. Documentation of such disclosures to a client shall be made in the client's record.

Sec. 14. K.S.A. 74-7507 is hereby amended to read as follows: 74-7507. (a) The behavioral sciences regulatory board shall have the following powers, duties and functions:

(1) Recommend to the appropriate district or county attorneys prosecution for violations of this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, the marriage and family therapists licensure act ~~or~~, the addiction counselor licensure act *or the art therapist licensure act*;

(2) compile and publish annually a list of the names and addresses of all persons who are licensed under this act, ~~are licensed under~~ the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, the marriage and family therapists licensure act ~~or~~, the addiction counselor licensure act *or the art therapist licensure act*;

(3) prescribe the form and contents of examinations required under this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, the marriage and family therapists licensure act ~~or~~, the addiction counselor licensure act *or the art therapist licensure act*;

(4) enter into contracts necessary to administer this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, the marriage and family therapists licensure act ~~or~~, the addiction counselor licensure act *or the art therapist licensure act*;

(5) adopt an official seal;

(6) adopt and enforce rules and regulations for professional conduct of persons licensed under the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, the marriage and family therapists licensure act ~~or~~, the addiction counselor licensure act *or the art therapist licensure act*;

(7) adopt and enforce rules and regulations establishing requirements for the continuing education of persons licensed under the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, the marriage and family therapists licensure act ~~or~~, the addiction counselor licensure act *or the art therapist licensure act*;

(8) adopt rules and regulations establishing classes of social work specialties ~~which~~ *that* will be recognized for licensure under ~~K.S.A. 65-6301 to 65-6318, inclusive, and amendments thereto~~ *the social workers licensure act*;

(9) adopt rules and regulations establishing procedures for examination of candidates for licensure under the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, the marriage and family therapists licensure act, the addiction counselor licensure act *or the art therapist licensure act* and for issuance of such certificates and such licenses;

(10) adopt rules and regulations as may be necessary for the administration of this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, the social workers licensure act, the licensure of master's level psychologists act, the applied behavior analysis licensure act, the marriage and family therapists licensure act ~~and~~, the addiction counselor licensure act *or the art therapist licensure act* and to carry out the purposes thereof;

(11) appoint an executive director and other employees as provided in K.S.A. 74-7501, and amendments thereto; and

(12) exercise such other powers and perform such other functions and

duties as may be prescribed by law.

(b) If an order of the behavioral sciences regulatory board is adverse to a licensee or registrant of the board, the actual costs shall be charged to such person as in ordinary civil actions in the district court. The board shall pay any additional costs and, if the board is the unsuccessful party, the costs shall be paid by the board. Witness fees and costs may be taxed in accordance with statutes governing taxation of witness fees and costs in the district court.

Sec. 15. K.S.A. 74-7508 is hereby amended to read as follows: 74-7508. (a) In connection with any investigation, based upon a written complaint or other reasonably reliable written information, by the behavioral sciences regulatory board, the board or its duly authorized agents or employees shall at all reasonable times have access to, for the purpose of examination, and the right to copy any document, report, record or other physical evidence of any person being investigated, or any document, report, record or other evidence maintained by and in possession of any clinic or office of a practitioner of the behavioral sciences, or other public or private agency if such document, report, record or other physical evidence relates to practices ~~which~~ *that* may be grounds for disciplinary action.

(b) In all matters pending before the behavioral sciences regulatory board, the board shall have the power to administer oaths and take testimony. For the purpose of all investigations and proceedings conducted by the behavioral sciences regulatory board:

(1) The board may issue subpoenas compelling the attendance and testimony of witnesses or the production for examination or copying of documents, reports, records or any other physical evidence if such documents, reports, records or other physical evidence relates to practices ~~which~~ *that* may be grounds for disciplinary action. Within five days after the service of the subpoena on any person requiring the production of any documents, reports, records or other physical evidence in the person's possession or under the person's control, such person may petition the board to revoke, limit or modify the subpoena. The board shall revoke, limit or modify such subpoena if in its opinion the documents, reports, records or other physical evidence required does not relate to practices ~~which~~ *that* may be grounds for disciplinary action, is not relevant to the allegation ~~which~~ *that* is the subject matter of the proceeding or investigation, or does not describe with sufficient particularity the documents, reports, records or other physical evidence ~~which~~ *that* is required to be produced. Any member of the board, or any agent designated by the board, may administer oaths or affirmations, examine witnesses and receive such documents, reports, records or other physical evidence.

(2) The district court, upon application by the board or by the person subpoenaed, shall have jurisdiction to issue an order:

(A) Requiring such person to appear before the board or the board's duly authorized agent to produce documents, reports, records or other physical evidence relating to the matter under investigation; or

(B) revoking, limiting or modifying the subpoena if in the court's opinion the evidence demanded does not relate to practices ~~which~~ *that* may be grounds for disciplinary action, is not relevant to the allegation ~~which~~ *that* is the subject matter of the hearing or investigation or does not describe with sufficient particularity the documents, reports, records or other physical evidence ~~which~~ *that* is required to be produced.

(3) (A) If the board determines that an individual has practiced without a valid license a profession regulated by the board ~~for which the practitioners of the profession are~~ *that are* required by law to be licensed in order to practice the profession, in addition to any other penalties imposed by law, the board, in accordance with the Kansas administrative procedure act, may issue a cease and desist order against such individual.

(B) Whenever in the judgment of the behavioral sciences regulatory board any person has engaged, or is about to engage, in any acts or practices ~~which~~ *that* constitute, or will constitute, a violation of ~~K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, 74-5361 to 74-5374, inclusive, and K.S.A. 74-5375, and amendments thereto,~~ the licensure of psychologists act *of the state of Kansas, the professional counselors licensure act, the social workers licensure act, the licensure of master's level psychologists act, the applied behavioral analysis licensure act*, the marriage and family therapists licensure act ~~or the alcohol and other drug abuse counselor registration act~~*, the addiction counselor licensure act or the art therapist licensure act*, or any valid rule or regulation of the board, the board may make application to any court of competent jurisdiction for an order enjoining such acts or practices, and upon a showing by the board that such person has engaged~~,~~ or is about to engage in any such acts or practices, an injunction, restraining order~~,~~ or such other order as may be appropriate shall be granted by such court without bond.

(c) Any complaint or report, record or other information relating to a complaint ~~which~~ *that* is received, obtained or maintained by the behavioral sciences regulatory board shall be confidential and shall not be disclosed by the board or its employees in a manner ~~which~~ *that* identifies or enables identification of the person who is the subject or source of the information except the information may be disclosed:

(1) In any proceeding conducted by the board under the law or in an appeal of an order of the board entered in a proceeding, or to any party to a proceeding or appeal or the party's attorney;

(2) to the person who is the subject of the information or to any

person or entity when requested by the person who is the subject of the information, ~~but~~ *except that* the board may require disclosure in such a manner that will prevent identification of any other person who is the subject or source of the information; or

(3) to a state or federal licensing, regulatory or enforcement agency with jurisdiction over the subject of the information or to an agency with jurisdiction over acts or conduct similar to acts or conduct ~~which~~ *that* would constitute grounds for action under this act. Any confidential complaint or report, record or other information disclosed by the board as authorized by this section shall not be redisclosed by the receiving agency except as otherwise authorized by law.

(d) Nothing in this section or any other provision of law making communications between a practitioner of one of the behavioral sciences and the practitioner's client or patient a privileged or confidential communication shall apply to investigations or proceedings conducted pursuant to this section. The behavioral sciences regulatory board and its employees, agents and representatives shall keep in confidence the content and the names of any clients or patients whose records are reviewed during the course of investigations and proceedings pursuant to this section.

(e) In all matters pending before the behavioral sciences regulatory board, the board shall have the power to revoke the license or registration of any licensee or registrant who voluntarily surrenders such person's license or registration pending investigation of misconduct or while charges of misconduct against the licensee are pending or anticipated.

(f) In all matters pending before the behavioral sciences regulatory board, the board shall have the option to censure the licensee or registrant in lieu of other disciplinary action.

Sec. 16. K.S.A. 74-7507 and 74-7508 are hereby repealed.

Sec. 17. This act shall take effect and be in force from and after its publication in the statute book.