

HOUSE BILL No. 2227

By Committee on Health and Human Services

1-31

AN ACT concerning the behavioral sciences regulatory board; concerning professions regulated by the board; amending K.S.A. 38-1522, 39-1402 and 39-1431 and K.S.A. 2000 Supp. 59-2946, 65-5804a, 65-5807, 65-6404, 65-6405 and 74-5363 and repealing the existing sections; also repealing K.S.A. 2000 Supp. 65-5804 and 65-5811.

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

Section 1. K.S.A. 38-1522 is hereby amended to read as follows: 38-1522. (a) When any of the following persons has reason to suspect that a child has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsection (c) or (e): Persons licensed to practice the healing arts or dentistry; persons licensed to practice optometry; persons engaged in postgraduate training programs approved by the state board of healing arts; licensed psychologists; *licensed masters level psychologists; licensed clinical psychotherapists*; licensed professional or practical nurses examining, attending or treating a child under the age of 18; teachers, school administrators or other employees of a school which the child is attending; chief administrative officers of medical care facilities; ~~registered~~ *licensed* marriage and family therapists; *licensed clinical marriage and family therapists; licensed professional counselors; licensed clinical professional counselors; registered alcohol and drug abuse counselors*; persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child; licensed social workers; firefighters; emergency medical services personnel; mediators appointed under K.S.A. 23-602 and amendments thereto; juvenile intake and assessment workers; and law enforcement officers. The report may be made orally and shall be followed by a written report if requested. When the suspicion is the result of medical examination or treatment of a child by a member of the staff of a medical care facility or similar institution, that staff member shall immediately notify the superintendent, manager or other person in charge of the institution who shall make a written report forthwith. Every written report shall contain, if known, the names and addresses of the child and the child's parents or other

1 persons responsible for the child's care, the child's age, the nature and
2 extent of the child's injury (including any evidence of previous injuries)
3 and any other information that the maker of the report believes might be
4 helpful in establishing the cause of the injuries and the identity of the
5 persons responsible for the injuries.

6 (b) Any other person who has reason to suspect that a child has been
7 injured as a result of physical, mental or emotional abuse or neglect or
8 sexual abuse may report the matter as provided in subsection (c) or (e).

9 (c) Except as provided by subsection (e), reports made pursuant to
10 this section shall be made to the state department of social and rehabil-
11 itation services. When the department is not open for business, the re-
12 ports shall be made to the appropriate law enforcement agency. On the
13 next day that the state department of social and rehabilitation services is
14 open for business, the law enforcement agency shall report to the de-
15 partment any report received and any investigation initiated pursuant to
16 subsection (a) of K.S.A. 38-1524 and amendments thereto. The reports
17 may be made orally or, on request of the department, in writing.

18 (d) Any person who is required by this section to report an injury to
19 a child and who knows of the death of a child shall notify immediately
20 the coroner as provided by K.S.A. 22a-242, and amendments thereto.

21 (e) Reports of child abuse or neglect occurring in an institution op-
22 erated by the secretary of social and rehabilitation services or the com-
23 missioner of juvenile justice shall be made to the attorney general. All
24 other reports of child abuse or neglect by persons employed by or of
25 children of persons employed by the state department of social and re-
26 habilitation services or the juvenile justice authority shall be made to the
27 appropriate law enforcement agency.

28 (f) Willful and knowing failure to make a report required by this sec-
29 tion is a class B misdemeanor.

30 (g) Preventing or interfering with, with the intent to prevent, the
31 making of a report required by this section is a class B misdemeanor.

32 Sec. 2. K.S.A. 39-1402 is hereby amended to read as follows: 39-
33 1402. (a) Any person who is licensed to practice any branch of the healing
34 arts, a licensed psychologist, a licensed master level psychologist, *a li-*
35 *icensed clinical psychotherapist*, a chief administrative officer of a medical
36 care facility, an adult care home administrator or operator, a licensed
37 social worker, a licensed professional nurse, a licensed practical nurse, *a*
38 *licensed marriage and family therapist*, *a licensed clinical marriage and*
39 *family therapist*, *licensed professional counselor*, *licensed clinical profes-*
40 *sional counselor*, *registered alcohol and drug abuse counselor*, a teacher,
41 a bank trust officer, a guardian or a conservator who has reasonable cause
42 to believe that a resident is being or has been abused, neglected or ex-
43 ploited, or is in a condition which is the result of such abuse, neglect or

1 exploitation or is in need of protective services, shall report immediately
2 such information or cause a report of such information to be made in any
3 reasonable manner to the department of health and environment with
4 respect to residents defined under (a)(1) and (a)(2) of K.S.A. 39-1401 and
5 amendments thereto and to the department of social and rehabilitation
6 services with respect to all other residents. Reports made to one depart-
7 ment which are required by this subsection to be made to the other
8 department shall be referred by the department to which the report is
9 made to the appropriate department for that report, and any such report
10 shall constitute compliance with this subsection. Reports shall be made
11 during the normal working week days and hours of operation of such
12 departments. Reports shall be made to law enforcement agencies during
13 the time the departments are not open for business. Law enforcement
14 agencies shall submit the report and appropriate information to the ap-
15 propriate department on the first working day that such department is
16 open for business. A report made pursuant to K.S.A. 65-4923 or 65-4924
17 and amendments thereto shall be deemed a report under this section.

18 (b) The report made pursuant to subsection (a) shall contain the
19 name and address of the person making the report and of the caretaker
20 caring for the resident, the name and address of the involved resident,
21 information regarding the nature and extent of the abuse, neglect or ex-
22 ploitation, the name of the next of kin of the resident, if known, and any
23 other information which the person making the report believes might be
24 helpful in an investigation of the case and the protection of the resident.

25 (c) Any other person having reasonable cause to suspect or believe
26 that a resident is being or has been abused, neglected or exploited, or is
27 in a condition which is the result of such abuse, neglect or exploitation
28 or is in need of protective services may report such information to the
29 department of health and environment with respect to residents defined
30 under (a)(1) and (a)(2) of K.S.A. 39-1401 and amendments thereto and
31 to the department of social and rehabilitation services with respect to all
32 other residents. Reports made to one department which are to be made
33 to the other department under this section shall be referred by the de-
34 partment to which the report is made to the appropriate department for
35 that report.

36 (d) Notice of the requirements of this act and the department to
37 which a report is to be made under this act shall be posted in a conspic-
38 uous place in every adult care home and medical care facility in this state.

39 (e) Any person required to report information or cause a report of
40 information to be made under subsection (a) who knowingly fails to make
41 such report or cause such report to be made shall be guilty of a class B
42 misdemeanor.

43 Sec. 3. K.S.A. 39-1431 is hereby amended to read as follows: 39-

1 1431. (a) Any person who is licensed to practice any branch of the healing
2 arts, a licensed psychologist, a licensed master level psychologist, *a li-*
3 *icensed clinical psychotherapist*, the chief administrative officer of a med-
4 ical care facility, a teacher, a licensed social worker, a licensed professional
5 nurse, a licensed practical nurse, a licensed dentist, *a licensed marriage*
6 *and family therapist*, *a licensed clinical marriage and family therapist*,
7 *licensed professional counselor*, *licensed clinical professional counselor*,
8 *registered alcohol and drug abuse counselor*, a law enforcement officer,
9 a case manager, a guardian or conservator, a bank trust officer, a reha-
10 bilitation counselor, a holder of a power of attorney, an owner or operator
11 of a residential care facility, an independent living counselor and the chief
12 administrative officer of a licensed home health agency, the chief admin-
13 istrative officer of an adult family home and the chief administrative of-
14 ficer of a provider of community services and affiliates thereof operated
15 or funded by the department of social and rehabilitation services or li-
16 censed under K.S.A. 75-3307b and amendments thereto who has reason-
17 able cause to believe that an adult is being or has been abused, neglected
18 or exploited or is in need of protective services shall report, immediately
19 from receipt of the information, such information or cause a report of
20 such information to be made in any reasonable manner. An employee of
21 a domestic violence center shall not be required to report information or
22 cause a report of information to be made under this subsection. Other
23 state agencies receiving reports that are to be referred to the department
24 of social and rehabilitation services, shall submit the report to the de-
25 partment within six hours, during normal work days, of receiving the
26 information. Reports shall be made to the department of social and re-
27 habilitation services during the normal working week days and hours of
28 operation. Reports shall be made to law enforcement agencies during the
29 time social and rehabilitation services are not in operation. Law enforce-
30 ment shall submit the report and appropriate information to the depart-
31 ment of social and rehabilitation services on the first working day that
32 social and rehabilitation services is in operation.

33 (b) The report made pursuant to subsection (a) shall contain the
34 name and address of the person making the report and of the caretaker
35 caring for the involved adult, the name and address of the involved adult,
36 information regarding the nature and extent of the abuse, neglect or ex-
37 ploitation, the name of the next of kin of the involved adult, if known,
38 and any other information which the person making the report believes
39 might be helpful in the investigation of the case and the protection of the
40 involved adult.

41 (c) Any other person having reasonable cause to suspect or believe
42 that an adult is being or has been abused, neglected or exploited or is in
43 need of protective services may report such information to the depart-

1 ment of social and rehabilitation services. Reports shall be made to law
2 enforcement agencies during the time social and rehabilitation services
3 are not in operation.

4 (d) A person making a report under subsection (a) shall not be re-
5 quired to make a report under K.S.A. 39-1401 to 39-1410, inclusive, and
6 amendments thereto.

7 (e) Any person required to report information or cause a report of
8 information to be made under subsection (a) who knowingly fails to make
9 such report or cause such report not to be made shall be guilty of a class
10 B misdemeanor.

11 (f) Notice of the requirements of this act and the department to
12 which a report is to be made under this act shall be posted in a conspic-
13 uous place in every adult family home as defined in K.S.A. 39-1501 and
14 amendments thereto and every provider of community services and af-
15 filiates thereof operated or funded by the department of social and re-
16 habilitation services or other facility licensed under K.S.A. 75-3307b and
17 amendments thereto.

18 Sec. 4. K.S.A. 2000 Supp. 59-2946 is hereby amended to read as
19 follows: 59-2946. When used in the care and treatment act for mentally
20 ill persons:

21 (a) "Discharge" means the final and complete release from treat-
22 ment, by either the head of a treatment facility acting pursuant to K.S.A.
23 2000 Supp. 59-2950 and amendments thereto or by an order of a court
24 issued pursuant to K.S.A. 2000 Supp. 59-2973 and amendments thereto.

25 (b) "Head of a treatment facility" means the administrative director
26 of a treatment facility or such person's designee.

27 (c) "Law enforcement officer" shall have the meaning ascribed to it
28 in K.S.A. 22-2202, and amendments thereto.

29 (d) (1) "Mental health center" means any community mental health
30 center organized pursuant to the provisions of K.S.A. 19-4001 through
31 19-4015 and amendments thereto, or mental health clinic organized pur-
32 suant to the provisions of K.S.A. 65-211 through 65-215 and amendments
33 thereto, or a mental health clinic organized as a not-for-profit or a for-
34 profit corporation pursuant to K.S.A. 17-1701 through 17-1775 and
35 amendments thereto or K.S.A. 17-6001 through 17-6010 and amend-
36 ments thereto, and licensed in accordance with the provisions of K.S.A.
37 75-3307b and amendments thereto.

38 (2) "Participating mental health center" means a mental health center
39 which has entered into a contract with the secretary of social and reha-
40 bilitation services pursuant to the provisions of K.S.A. 39-1601 through
41 39-1612 and amendments thereto.

42 (e) "Mentally ill person" means any person who is suffering from a
43 mental disorder which is manifested by a clinically significant behavioral

1 or psychological syndrome or pattern and associated with either a painful
2 symptom or an impairment in one or more important areas of functioning,
3 and involving substantial behavioral, psychological or biological dysfunc-
4 tion, to the extent that the person is in need of treatment.

5 (f) (1) “Mentally ill person subject to involuntary commitment for
6 care and treatment” means a mentally ill person, as defined in subsection
7 (e), who also lacks capacity to make an informed decision concerning
8 treatment, is likely to cause harm to self or others, and whose diagnosis
9 is not solely one of the following mental disorders: Alcohol or chemical
10 substance abuse; antisocial personality disorder; mental retardation; or-
11 ganic personality syndrome; or an organic mental disorder.

12 (2) “Lacks capacity to make an informed decision concerning treat-
13 ment” means that the person, by reason of the person’s mental disorder,
14 is unable, despite conscientious efforts at explanation, to understand ba-
15 sically the nature and effects of hospitalization or treatment or is unable
16 to engage in a rational decision-making process regarding hospitalization
17 or treatment, as evidenced by an inability to weigh the possible risks and
18 benefits.

19 (3) “Likely to cause harm to self or others” means that the person,
20 by reason of the person’s mental disorder: (a) Is likely, in the reasonably
21 foreseeable future, to cause substantial physical injury or physical abuse
22 to self or others or substantial damage to another’s property, as evidenced
23 by behavior threatening, attempting or causing such injury, abuse or dam-
24 age; except that if the harm threatened, attempted or caused is only harm
25 to the property of another, the harm must be of such a value and extent
26 that the state’s interest in protecting the property from such harm out-
27 weighs the person’s interest in personal liberty; or (b) is substantially
28 unable, except for reason of indigency, to provide for any of the person’s
29 basic needs, such as food, clothing, shelter, health or safety, causing a
30 substantial deterioration of the person’s ability to function on the person’s
31 own.

32 No person who is being treated by prayer in the practice of the religion
33 of any church which teaches reliance on spiritual means alone through
34 prayer for healing shall be determined to be a mentally ill person subject
35 to involuntary commitment for care and treatment under this act unless
36 substantial evidence is produced upon which the district court finds that
37 the proposed patient is likely in the reasonably foreseeable future to cause
38 substantial physical injury or physical abuse to self or others or substantial
39 damage to another’s property, as evidenced by behavior threatening, at-
40 tempting or causing such injury, abuse or damage; except that if the harm
41 threatened, attempted or caused is only harm to the property of another,
42 the harm must be of such a value and extent that the state’s interest in
43 protecting the property from such harm outweighs the person’s interest

1 in personal liberty.

2 (g) “Patient” means a person who is a voluntary patient, a proposed
3 patient or an involuntary patient.

4 (1) “Voluntary patient” means a person who is receiving treatment at
5 a treatment facility pursuant to K.S.A. 2000 Supp. 59-2949 and amend-
6 ments thereto.

7 (2) “Proposed patient” means a person for whom a petition pursuant
8 to K.S.A. 2000 Supp. 59-2952 or K.S.A. 2000 Supp. 59-2957 and amend-
9 ments thereto has been filed.

10 (3) “Involuntary patient” means a person who is receiving treatment
11 under order of a court or a person admitted and detained by a treatment
12 facility pursuant to an application filed pursuant to subsection (b) or (c)
13 of K.S.A. 2000 Supp. 59-2954 and amendments thereto.

14 (h) “Physician” means a person licensed to practice medicine and
15 surgery as provided for in the Kansas healing arts act or a person who is
16 employed by a state psychiatric hospital or by an agency of the United
17 States and who is authorized by law to practice medicine and surgery
18 within that hospital or agency.

19 (i) “Psychologist” means a licensed psychologist, as defined by K.S.A.
20 74-5302 and amendments thereto.

21 (j) “Qualified mental health professional” means a physician or psy-
22 chologist who is employed by a participating mental health center or who
23 is providing services as a physician or psychologist under a contract with
24 a participating mental health center, a licensed masters level psychologist,
25 *a licensed clinical psychotherapist*, a licensed marriage and family ther-
26 apist, *a licensed clinical marriage and family therapist*, a licensed profes-
27 sional counselor, *a licensed clinical professional counselor*, a licensed spe-
28 cialist social worker or a licensed master social worker or a registered
29 nurse who has a specialty in psychiatric nursing, who is employed by a
30 participating mental health center and who is acting under the direction
31 of a physician or psychologist who is employed by, or under contract with,
32 a participating mental health center.

33 (1) “Direction” means monitoring and oversight including regular,
34 periodic evaluation of services.

35 (2) “Licensed master social worker” means a person licensed as a
36 master social worker by the behavioral sciences regulatory board under
37 K.S.A. 65-6301 through 65-6318 and amendments thereto.

38 (3) “Licensed specialist social worker” means a person licensed in a
39 social work practice specialty by the behavioral sciences regulatory board
40 under K.S.A. 65-6301 through 65-6318 and amendments thereto.

41 (4) “Licensed masters level psychologist” means a person licensed as
42 a licensed masters level psychologist by the behavioral sciences regulatory
43 board under K.S.A. 74-5361 through 74-5373 and amendments thereto.

1 (5) “Registered nurse” means a person licensed as a registered pro-
2 fessional nurse by the board of nursing under K.S.A. 65-1113 through 65-
3 1164 and amendments thereto.

4 (k) “Secretary” means the secretary of social and rehabilitation
5 services.

6 (l) “State psychiatric hospital” means Larned state hospital, Osawa-
7 tomie state hospital, Rainbow mental health facility or Topeka state
8 hospital.

9 (m) “Treatment” means any service intended to promote the mental
10 health of the patient and rendered by a qualified professional, licensed
11 or certified by the state to provide such service as an independent prac-
12 titioner or under the supervision of such practitioner.

13 (n) “Treatment facility” means any mental health center or clinic,
14 psychiatric unit of a medical care facility, state psychiatric hospital, psy-
15 chologist, physician or other institution or person authorized or licensed
16 by law to provide either inpatient or outpatient treatment to any patient.

17 (o) The terms defined in K.S.A. 59-3002 and amendments thereto
18 shall have the meanings provided by that section.

19 Sec. 5. K.S.A. 2000 Supp. 65-5804a is hereby amended to read as
20 follows: 65-5804a. (a) Applications for licensure as a professional coun-
21 selor shall be made to the board on a form and in the manner prescribed
22 by the board. Each application shall be accompanied by the fee fixed
23 under K.S.A. 65-5808 and amendments thereto.

24 (b) Each applicant for licensure as a professional counselor shall fur-
25 nish evidence satisfactory to the board that the applicant:

26 (1) Is at least 21 years of age;
27 (2) has completed 60 graduate semester hours including a graduate
28 degree in counseling from a college or university approved by the board
29 and which includes 45 graduate semester hours distributed among each
30 of the following areas:

31 (A) Counseling theory and practice;
32 (B) the helping relationship;
33 (C) group dynamics, processing and counseling;
34 (D) human growth and development;
35 (E) life-style and career development;
36 (F) appraisal of individuals;
37 (G) social and cultural foundations;
38 (H) research and evaluation;
39 (I) professional orientation;
40 (J) supervised practicum and internship;
41 (3) has passed an examination required by the board; and
42 (4) has satisfied the board that the applicant is a person who merits
43 the public trust.

1 (c) (1) Applications for licensure as a clinical professional counselor
2 shall be made to the board on a form and in the manner prescribed by
3 the board. Each applicant shall furnish evidence satisfactory to the board
4 that the applicant:

5 (A) Is licensed by the board as a licensed professional counselor or
6 meets all requirements for licensure as a licensed professional counselor;

7 (B) has completed 15 credit hours as part of or in addition to the
8 requirements under subsection (b) supporting diagnosis or treatment of
9 mental disorders with use of the American psychiatric association's di-
10 agnostic and statistical manual, through identifiable study of the following
11 content areas: Psychopathology, diagnostic assessment, interdisciplinary
12 referral and collaboration, treatment approaches and professional ethics;

13 (C) has completed a graduate level supervised clinical practicum of
14 supervised professional experience including psychotherapy and assess-
15 ment with individuals, couples, families or groups, integrating diagnosis
16 and treatment of mental disorders with use of the American psychiatric
17 association's diagnostic and statistical manual, with not less than 350 hours
18 of direct client contact or additional postgraduate supervised experience
19 as determined by the board;

20 (D) has completed not less than two years of postgraduate supervised
21 professional experience in accordance with a clinical supervision plan ap-
22 proved by the board of not less than 4,000 hours of supervised profes-
23 sional experience including at least 1,500 hours of direct client contact
24 conducting psychotherapy and assessments with individuals, couples,
25 families or groups and not less than 150 hours of clinical supervision,
26 including not less than 50 hours of person-to-person individual supervi-
27 sion, integrating diagnosis and treatment of mental disorders with use of
28 the American psychiatric association's diagnostic and statistical manual,
29 except that one-half of the requirement of this part (D) may be waived
30 for persons with a doctor's degree in professional counseling or a related
31 field acceptable to the board;

32 (E) for persons earning a degree under subsection (b) prior to July
33 1, 2003, in lieu of the education requirements under parts (B) and (C) of
34 this subsection, has completed the education requirements for licensure
35 as a professional counselor in effect on the day immediately preceding
36 the effective date of this act;

37 (F) for persons who apply for and are eligible for a temporary permit
38 to practice as a licensed professional counselor on the day immediately
39 preceding the effective date of this act, in lieu of the education and train-
40 ing requirements under parts (B), (C) and (D) of this subsection, has
41 completed the education and training requirements for licensure as a
42 professional counselor in effect on the day immediately preceding the
43 effective date of this act;

1 (G) has passed an examination approved by the board; and
2 (H) has paid the application fee fixed under K.S.A. 65-5808 and
3 amendments thereto.

4 (2) A person who was licensed or registered as a professional coun-
5 selor in Kansas at any time prior to the effective date of this act, who has
6 been actively engaged in the practice of professional counseling as a reg-
7 istered or licensed professional counselor within five years prior to the
8 effective date of this act and whose last license or registration in Kansas
9 prior to the effective date of this act was not suspended or revoked, upon
10 application to the board, payment of fees and completion of applicable
11 continuing education requirements, shall be licensed as a licensed clinical
12 professional counselor by providing demonstration of competence to di-
13 agnose and treat mental disorders through at least two of the following
14 areas acceptable to the board:

15 (a) Either (i) graduate coursework or (ii) passing a national, clinical
16 examination;

17 (b) either (i) three years of clinical practice in a community mental
18 health center, its contracted affiliate or a state mental hospital or (ii) three
19 years of clinical practice in other settings with demonstrated experience
20 in diagnosing or treating mental disorders; or

21 (c) attestation from one professional licensed to diagnose and treat
22 mental disorders in independent practice or licensed to practice medicine
23 and surgery that the applicant is competent to diagnose and treat mental
24 disorders.

25 (3) A licensed clinical professional counselor may engage in the in-
26 dependent practice of professional counseling and is authorized to diag-
27 nose and treat mental disorders specified in the edition of the diagnostic
28 and statistical manual of mental disorders of the American psychiatric
29 association designated by the board by rules and regulations. When a
30 client has symptoms of a mental disorder, a licensed clinical professional
31 counselor shall consult with the client's primary care physician or psy-
32 chiatrist to determine if there may be a medical condition or medication
33 that may be causing or contributing to the client's symptoms of a mental
34 disorder. A client may request in writing that such consultation be waived
35 and such request shall be made a part of the client's record. A licensed
36 clinical professional counselor may continue to evaluate and treat the
37 client until such time that the medical consultation is obtained or waived.

38 (4) On and after January 1, 2002, a licensed professional counselor
39 may diagnose and treat mental disorders specified in the edition of the
40 diagnostic and statistical manual of mental disorders of the American
41 psychiatric association designated by the board by rules and regulations
42 only under the direction of a licensed clinical professional counselor, li-
43 censed psychologist, person licensed to practice medicine and surgery or

1 person licensed to provide mental health services as an independent prac-
2 titioner and whose licensure allows for the diagnosis and treatment of
3 mental disorders. When a client has symptoms of a mental disorder, a
4 licensed professional counselor shall consult with the client's primary care
5 physician or psychiatrist to determine if there may be a medical condition
6 or medication that may be causing or contributing to the client's symp-
7 toms of a mental disorder. A client may request in writing that such
8 consultation be waived and such request shall be made a part of the
9 client's record. A licensed professional counselor may continue to eval-
10 uate and treat the client until such time that the medical consultation is
11 obtained or waived.

12 (d) The board shall adopt rules and regulations establishing the cri-
13 teria which a college or university shall satisfy in order to be approved by
14 the board. The board may send a questionnaire developed by the board
15 to any college or university for which the board does not have sufficient
16 information to determine whether the school meets the requirements for
17 approval and rules and regulations adopted under this section. The ques-
18 tionnaire providing the necessary information shall be completed and
19 returned to the board in order for the college or university to be consid-
20 ered for approval. The board may contract with investigative agencies,
21 commissions or consultants to assist the board in obtaining information
22 about colleges and universities. In entering such contracts the authority
23 to approve college and universities shall remain solely with the board.

24 (e) A person who ~~intends to pursue the postgraduate supervised~~
25 ~~training experience~~ *is waiting to take the examination required by the*
26 *board shall apply to the board for a temporary permit license to practice*
27 *as a licensed professional counselor by (1) paying an application fee of no*
28 *more than \$150; and (2) providing evidence of graduating from a masters*
29 *or doctoral program in professional counseling acceptable to the board,*
30 *(3) submitting letters from three professionals attesting to the applicant's*
31 *integrity, competence, and worthiness to merit the public's trust, one of*
32 *whom has provided direct clinical supervision of the applicant's graduate*
33 *program clinical training and (4) completing a postgraduate supervised*
34 *training plan on forms supplied by the board describing services to be*
35 *provided, place of employment, persons responsible for administrative*
36 *oversight and clinical supervision, and statement acknowledging behav-*
37 *ioral sciences regulatory board postgraduate training requirements meet-*
38 *ing the application requirements as stated in subsections (b)(1), (2) and*
39 *(4) of K.S.A. 65-5804a and amendments thereto.*

40 (f) (1) A temporary ~~permit~~ *license* may be issued by the board after
41 the application has been reviewed and approved by the board and the
42 applicant has paid the appropriate fee set by the board for issuance of
43 new licenses.

1 (2) A temporary ~~permit~~ *license* issued by the board shall expire at
2 such time as final action on the application is completed or two years after
3 the date of issuance of the ~~permit~~. ~~A temporary permit may be renewed~~
4 ~~for one additional two-year period if the board finds that satisfactory pro-~~
5 ~~gress toward the supervised experience requirement is being met~~ *license*.

6 (g) A person practicing professional counseling with a temporary per-
7 mit *or license* may not use the title “licensed professional counselor” or
8 the initials “LPC” independently. The word “licensed” may be used only
9 when followed by the words “by temporary ~~permit~~ *license*” such as li-
10 censed professional counselor by temporary ~~permit~~ *license*, or profes-
11 sional counselor licensed by temporary ~~permit~~ *license*.

12 (h) *Nothing in this section shall affect any temporary permit or license*
13 *to practice issued under this section prior to the effective date of this act*
14 *and in effect on the effective date of this act. Such temporary permit or*
15 *license shall be subject to the provisions of this section in effect at the time*
16 *of its issuance and shall continue to be effective until the date of expiration*
17 *of the temporary permit or license provided under this section at the time*
18 *of issuance of such temporary permit or license.*

19 Sec. 6. K.S.A. 2000 Supp. 65-5807 is hereby amended to read as
20 follows: 65-5807. The board may at its discretion waive the statutory
21 requirements of an applicant for licensure as a licensed professional coun-
22 selor *or clinical professional counselor* if such applicant is licensed, reg-
23 istered, certified or otherwise authorized to practice professional coun-
24 seling *or clinical professional counseling* by a similar board in another
25 state and if the standards and qualifications required for the practice of
26 professional counseling *or clinical professional counseling* in the state in
27 which the applicant is so authorized are substantially the same as those
28 required under the professional counselors licensure act.

29 Sec. 7. K.S.A. 2000 Supp. 65-6404 is hereby amended to read as
30 follows: 65-6404. (a) An applicant for licensure as a marriage and family
31 therapist shall furnish evidence that the applicant:

32 (1) Has attained the age of 21;

33 (2) (A) has completed a master’s or doctoral degree from a marriage
34 and family therapy program, in an educational institution with standards
35 consistent with those of the state universities of Kansas, approved by the
36 board; or (B) has completed a master’s or doctoral degree from an edu-
37 cational institution in a related field for which the course work is consid-
38 ered by the board to be equivalent to that provided in clause (2)(A) of
39 this paragraph and consists of a minimum of nine semester hours in hu-
40 man development, nine semester hours in theories of marriage and family
41 functioning, nine semester hours of marital and family assessment and
42 therapy, three semester hours in professional studies and three semester
43 hours in research; or (C) completed a master’s or doctoral degree from

1 an educational institution in a related field with additional work from an
2 educational program in marriage and family therapy approved by the
3 board and such degree program and additional work includes the course
4 work requirements provided in clause (2)(B) of this paragraph;

5 (3) has passed an examination approved by the board;

6 (4) has satisfied the board that the applicant is a person who merits
7 the public trust; and

8 (5) Each applicant has paid the application fee ~~and examination fee~~
9 established by the board under K.S.A. 65-6411 and amendments thereto.

10 (b) (1) Applications for licensure as a clinical marriage and family
11 therapist shall be made to the board on a form and in the manner pre-
12 scribed by the board. Each applicant shall furnish evidence satisfactory
13 to the board that the applicant:

14 (A) Is licensed by the board as a licensed marriage and family ther-
15 apist or meets all requirements for licensure as a marriage and family
16 therapist;

17 (B) has completed 15 credit hours as part of or in addition to the
18 requirements under subsection (a) supporting diagnosis or treatment of
19 mental disorders with use of the American psychiatric association's di-
20 agnostic and statistical manual, through identifiable study of the following
21 content areas: Psychopathology, diagnostic assessment, interdisciplinary
22 referral and collaboration, treatment approaches and professional ethics;

23 (C) has completed a graduate level supervised clinical practicum of
24 supervised professional experience including psychotherapy and assess-
25 ment with individuals, couples, families or groups, integrating diagnosis
26 and treatment of mental disorders with use of the American psychiatric
27 association's diagnostic and statistical manual, with not less than 350 hours
28 of direct client contact or additional postgraduate supervised experience
29 as determined by the board;

30 (D) has completed not less than two years of postgraduate supervised
31 professional experience in accordance with a clinical supervision plan ap-
32 proved by the board of not less than 4,000 hours of supervised profes-
33 sional experience including at least 1,500 hours of direct client ~~contact~~
34 *contact* conducting psychotherapy and assessments with individuals, cou-
35 ples, families or groups and not less than 150 hours of clinical supervision,
36 including not less than 50 hours of person-to-person individual supervi-
37 sion, integrating diagnosis and treatment of mental disorders with use of
38 the American psychiatric association's diagnostic and statistical manual,
39 except that one-half of the requirement of this part (D) may be waived
40 for persons with a doctor's degree in marriage and family therapy or a
41 related field acceptable to the board;

42 (E) for persons earning a degree under subsection (a) prior to July
43 1, 2003, in lieu of the education and training requirements under parts

1 (B) and (C) of this subsection, has completed the education requirements
2 for licensure as a marriage and family therapist in effect on the day im-
3 mediately preceding the effective date of this act;

4 (F) for persons who apply for and are eligible for a temporary permit
5 to practice as a licensed marriage and family therapist on the day im-
6 mediately preceding the effective date of this act, in lieu of the education
7 and training requirements under parts (B), (C) and (D) of this subsection,
8 has completed the education and training requirements for licensure as
9 a marriage and family therapist in effect on the day immediately preced-
10 ing the effective date of this act;

11 (G) has passed an examination approved by the board; and

12 (H) has paid the application fee fixed under K.S.A. 65-6411 and
13 amendments thereto.

14 (2) A person who was licensed or registered as a marriage and family
15 therapist in Kansas at any time prior to the effective date of this act, who
16 has been actively engaged in the practice of marriage and family therapy
17 as a registered or licensed marriage and family therapist within five years
18 prior to the effective date of this act and whose last license or registration
19 in Kansas prior to the effective date of this act was not suspended or
20 revoked, upon application to the board, payment of fees and completion
21 of applicable continuing education requirements, shall be licensed as a
22 licensed clinical marriage and family therapist by providing demonstration
23 of competence to diagnose and treat mental disorders through at least
24 two of the following areas acceptable to the board:

25 ~~(a)~~ (A) Either (i) graduate coursework or (ii) passing a national, clin-
26 ical examination;

27 ~~(b)~~ (B) either (i) three years of clinical practice in a community men-
28 tal health center, its contracted affiliate or a state mental hospital or (ii)
29 three years of clinical practice in other settings with demonstrated ex-
30 perience in diagnosing or treating mental disorders; or

31 ~~(c)~~ (C) attestation from one professional licensed to diagnose and
32 treat mental disorders in independent practice or licensed to practice
33 medicine and surgery that the applicant is competent to diagnose and
34 treat mental disorders.

35 (3) A licensed clinical marriage and family therapist may engage in
36 the independent practice of marriage and family therapy and is authorized
37 to diagnose and treat mental disorders specified in the edition of the
38 diagnostic and statistical manual of mental disorders of the American
39 psychiatric association designated by the board by rules and regulations.
40 When a client has symptoms of a mental disorder, a licensed clinical
41 marriage and family therapist shall consult with the client's primary care
42 physician or psychiatrist to determine if there may be a medical condition
43 or medication that may be causing or contributing to the client's symp-

1 toms of a mental disorder. A client may request in writing that such
2 consultation be waived and such request shall be made a part of the
3 client's record. A licensed clinical marriage and family therapist may con-
4 tinue to evaluate and treat the client until such time that the medical
5 consultation is obtained or waived.

6 (4) On and after January 1, 2002, a licensed marriage and family ther-
7 apist may diagnose and treat mental disorders specified in the edition of
8 the diagnostic and statistical manual of mental disorders specified in the
9 edition of the diagnostic and statistical manual of mental disorders of the
10 American psychiatric association designated by the board by rules and
11 regulations only under the direction of a licensed clinical marriage and
12 family therapist, licensed psychologist, person licensed to practice med-
13 icine and surgery or person licensed to provide mental health services as
14 an independent practitioner and whose licensure allows for the diagnosis
15 and treatment of mental disorders. When a client has symptoms of a
16 mental disorder, a licensed marriage and family therapist shall consult
17 with the client's primary care physician or psychiatrist to determine if
18 there may be a medical condition or medication that may be causing or
19 contributing to the client's symptoms of a mental disorder. A client may
20 request in writing that such consultation be waived and such request shall
21 be made a part of the client's record. A licensed marriage and family
22 therapist may continue to evaluate and treat the client until such time
23 that the medical consultation is obtained or waived.

24 Sec. 8. K.S.A. 2000 Supp. 65-6405 is hereby amended to read as
25 follows: 65-6405. (a) ~~Prior to July 1, 1998, the board, upon receipt of a~~
26 ~~proper application and payment of fees, shall issue a license or a tem-~~
27 ~~porary license to an applicant without examination if the board is satisfied~~
28 ~~that the applicant meets the requirements of paragraphs (1) to (3), inclu-~~
29 ~~sive, of subsection (a) of K.S.A. 65-6404 and amendments thereto or if~~
30 ~~the board is satisfied that the applicant has completed a master's or doc-~~
31 ~~toral degree in a related field. In addition, the applicant has practiced~~
32 ~~marriage and family therapy continuously for five years immediately prior~~
33 ~~to application for licensure under the marriage and family therapists li-~~
34 ~~ensure act and is otherwise qualified to be licensed as a marriage and~~
35 ~~family therapist. A person registered as a marriage and family therapist~~
36 ~~on December 30, 1996, shall be deemed to be a licensed marriage and~~
37 ~~family therapist under such act. Such person shall not be required to file~~
38 ~~an original application for licensure under such act, but shall apply to the~~
39 ~~board for a license in lieu of registration upon payment of the fee required~~
40 ~~by the board for renewal of license. Any application for registration filed~~
41 ~~but which has not been granted prior to January 1, 1997, shall be pro-~~
42 ~~cessed as an application for licensure under requirements defined for cre-~~
43 ~~dentialing at the time of application pursuant to such act. (b) A person~~

1 who is waiting to take the examination required by the board ~~or who~~
2 ~~intends to pursue the postgraduate supervised training experience~~ shall
3 apply to the board for a temporary license to practice as a licensed mar-
4 riage and family therapist by (1) paying an application fee of no more
5 than \$150, ~~and (2) providing evidence of graduating from a master's or~~
6 ~~doctoral program in marriage and family therapy acceptable to the board,~~
7 ~~(3) submitting letters from three professionals attesting to the applicant's~~
8 ~~integrity, competence, and worthiness to merit the public's trust, one of~~
9 ~~whom has provided direct clinical supervision of the applicant's graduate~~
10 ~~program clinical training, and (4) completing a postgraduate supervised~~
11 ~~training plan on forms supplied by the board describing services to be~~
12 ~~provided, place of employment, persons responsible for administrative~~
13 ~~oversight and clinical supervision, and statement acknowledging behav-~~
14 ~~ioral sciences regulatory board postgraduate training requirements meet-~~
15 ~~ing the application requirements as stated in subsections (a)(1), (2) and~~
16 ~~(4) of K.S.A. 65-6404 and amendments thereto.~~

17 ~~(e)~~ (b) (1) A temporary license may be issued by the board after the
18 application has been reviewed and approved by the board and the appli-
19 cant has paid the appropriate fee set by the board for issuance of new
20 licenses.

21 (2) A temporary license issued by the board shall expire at such time
22 as final action on the application is completed or two years after the date
23 of issuance of the temporary license. ~~A temporary license may be renewed~~
24 ~~for one additional two-year period if the board finds that satisfactory pro-~~
25 ~~gress toward the supervised experience requirement is being met.~~

26 ~~(d)~~ (c) A person practicing marriage and family therapy with a tem-
27 porary license may not use the title "licensed marriage and family ther-
28 apist" or the initials "LMFT" independently. The word "licensed" may
29 be used only when followed by the words "by temporary license" such as
30 licensed marriage and family therapist by temporary license, or marriage
31 and family therapist, temporarily licensed.

32 ~~(e)~~ (d) Nothing in this section shall affect any temporary permit *or*
33 *license* to practice issued under this section prior to the effective date of
34 this act and in effect on the effective date of this act. Such temporary
35 permit *or license* shall be subject to the provisions of this section in effect
36 at the time of its issuance and shall continue to be effective until the date
37 of expiration of the permit *or license* as provided under this section at the
38 time of issuance of such temporary permit *or license*.

39 Sec. 9. K.S.A. 2000 Supp. 74-5363 is hereby amended to read as
40 follows: 74-5363. (a) Any person who desires to be licensed under this
41 act shall apply to the board in writing, on forms prepared and furnished
42 by the board. Each application shall contain appropriate documentation
43 of the particular qualifications required by the board and shall be accom-

1 panied by the required fee.

2 (b) The board shall license as a licensed masters level psychologist
3 any applicant for licensure who pays the fee prescribed by the board
4 under K.S.A. 74-5365 and amendments thereto, which shall not be re-
5 funded, who has satisfied the board as to such applicant's training and
6 who complies with the provisions of this subsection (b). An applicant for
7 licensure also shall submit evidence verified under oath and satisfactory
8 to the board that such applicant:

9 (1) Is at least 21 years of age;

10 (2) has satisfied the board that the applicant is a person who merits
11 public trust;

12 (3) has received at least 60 graduate hours including a master's degree
13 in psychology based on a program of studies in psychology from an ed-
14 ucational institution having a graduate program in psychology consistent
15 with state universities of Kansas; or until July 1, 2003, has received at
16 least a master's degree in psychology and during such master's or post-
17 master's coursework completed a minimum of 12 semester hours or its
18 equivalent in psychological foundation courses such as, but not limited
19 to, philosophy of psychology, psychology of perception, learning theory,
20 history of psychology, motivation, and statistics and 24 semester hours or
21 its equivalent in professional core courses such as, but not limited to, two
22 courses in psychological testing, psychopathology, two courses in psycho-
23 therapy, personality theories, developmental psychology, research meth-
24 ods, social psychology; or has passed comprehensive examinations or
25 equivalent final examinations in a doctoral program in psychology and
26 during such graduate program completed a minimum of 12 semester
27 hours or its equivalent in psychological foundation courses such as, but
28 not limited to, philosophy of psychology, psychology of perception, learn-
29 ing theory, history of psychology, motivation, and statistics and 24 se-
30 mester hours or its equivalent in professional core courses such as, but
31 not limited to, two courses in psychological testing, psychopathology, two
32 courses in psychotherapy, personality theories, developmental psychol-
33 ogy, research methods, social psychology;

34 (4) has completed 750 clock hours of academically supervised prac-
35 ticum in the master's degree program *or 1,500 clock hours of postgrad-*
36 *uate supervised work experience;*

37 (5) has passed an examination approved by the board with a minimum
38 score set by the board by rules and regulations at 10 percentage points
39 below the score set by the board for licensed psychologists.

40 (c) (1) Applications for licensure as a clinical psychotherapist shall be
41 made to the board on a form and in the manner prescribed by the board.
42 Each applicant shall furnish evidence satisfactory to the board that the
43 applicant:

1 (A) Is licensed by the board as a licensed masters level psychologist
2 or meets all requirements for licensure as a masters level psychologist;

3 (B) has completed 15 credit hours as part of or in addition to the
4 requirements under subsection (b) supporting diagnosis or treatment of
5 mental disorders with use of the American psychiatric association's di-
6 agnostic and statistical manual, through identifiable study of the following
7 content areas: Psychopathology, diagnostic assessment, interdisciplinary
8 referral and collaboration, treatment approaches and professional ethics;

9 (C) has completed a graduate level supervised clinical practicum of
10 supervised professional experience including psychotherapy and assess-
11 ment with individuals, couples, families or groups, integrating diagnosis
12 and treatment of mental disorders with use of the American psychiatric
13 association's diagnostic and statistical manual, with not less than 350 hours
14 of direct client contact or additional postgraduate supervised experience
15 as determined by the board;

16 (D) has completed not less than two years of postgraduate supervised
17 professional experience in accordance with a clinical supervision plan ap-
18 proved by the board of not less than 4,000 hours of supervised profes-
19 sional experience including at least 1,500 hours of direct client contact
20 conducting psychotherapy and assessments with individuals, couples,
21 families or groups and not less than 150 hours of clinical supervision,
22 including not less than 50 hours of person-to-person individual supervi-
23 sion, integrating diagnosis and treatment of mental disorders with use of
24 the American psychiatric association's diagnostic and statistical manual;

25 (E) for persons earning a degree under subsection (b) prior to July
26 1, 2003, in lieu of the education requirements under parts (B) and (C) of
27 this subsection, has completed the education requirements for licensure
28 as a licensed masters level psychologist in effect on the day immediately
29 preceding the effective date of this act;

30 (F) for persons who apply for and are eligible for a temporary permit
31 to practice as a licensed masters level psychologist on the day immediately
32 preceding the effective date of this act, in lieu of the education and train-
33 ing requirements under parts (B), (C) and (D) of this subsection, has
34 completed the education and training requirements for licensure as a
35 masters level psychologist in effect on the day immediately preceding the
36 effective date of this act;

37 (G) has passed an examination approved by the board with the same
38 minimum passing score as that set by the board for licensed psychologists;
39 and

40 (H) has paid the application fee.

41 (2) A person who was licensed or registered as a masters level psy-
42 chologist in Kansas at any time prior to the effective date of this act, who
43 has been actively engaged in the practice of masters level psychology as

1 a registered or licensed masters level psychologist within five years prior
2 to the effective date of this act and whose last license or registration in
3 Kansas prior to the effective date of this act was not suspended or re-
4 voked, upon application to the board, payment of fees and completion of
5 applicable continuing education requirements, shall be licensed as a li-
6 censed clinical psychotherapist by providing demonstration of compe-
7 tence to diagnose and treat mental disorders through at least two of the
8 following areas acceptable to the board:

9 ~~(a)~~ (A) Either (i) graduate coursework or (ii) passing a national, clin-
10 ical examination;

11 ~~(b)~~ (B) either (i) three years of clinical practice in a community men-
12 tal health center, its contracted affiliate or a state mental hospital or (ii)
13 three years of clinical practice in other settings with demonstrated ex-
14 perience in diagnosing or treating mental disorders; or

15 ~~(c)~~ (C) attestation from one professional licensed to diagnose and
16 treat mental disorders in independent practice or licensed to practice
17 medicine and surgery that the applicant is competent to diagnose and
18 treat mental disorders.

19 (3) A licensed clinical psychotherapist may engage in the independent
20 practice of masters level psychology and is authorized to diagnose and
21 treat mental disorders specified in the edition of the diagnostic and sta-
22 tistical manual of mental disorders of the American psychiatric association
23 designated by the board by rules and regulations. When a client has symp-
24 toms of a mental disorder, a licensed clinical psychotherapist shall consult
25 with the client's primary care physician or psychiatrist to determine if
26 there may be a medical condition or medication that may be causing or
27 contributing to the client's symptoms of a mental disorder. A client may
28 request in writing that such consultation be waived and such request shall
29 be made a part of the client's record. A licensed clinical psychotherapist
30 may continue to evaluate and treat the client until such time that the
31 medical consultation is obtained or waived.

32 (d) The board shall adopt rules and regulations establishing the cri-
33 teria which an educational institution shall satisfy in meeting the require-
34 ments established under item (3) of subsection (b). The board may send
35 a questionnaire developed by the board to any educational institution for
36 which the board does not have sufficient information to determine
37 whether the educational institution meets the requirements of item (3)
38 of subsection (b) and rules and regulations adopted under this section.
39 The questionnaire providing the necessary information shall be com-
40 pleted and returned to the board in order for the educational institution
41 to be considered for approval. The board may contract with investigative
42 agencies, commissions or consultants to assist the board in obtaining in-
43 formation about educational institutions. In entering such contracts the

1 authority to approve educational institutions shall remain solely with the
2 board.

3 Sec. 10. K.S.A. 38-1522, 39-1402 and 39-1431 and K.S.A. 2000 Supp.
4 59-2946, 65-5804, 65-5804a, 65-5807, 65-5811, 65-6404, 65-6405 and 74-
5 5363 are hereby repealed.

6 Sec. 11. This act shall take effect and be in force from and after its
7 publication in the statute book.

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