

Approved

3-31-87
Date sh

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin L. Littlejohn at
Chairperson

1:30 a.m./p.m. on March 27, 1987 in room 423-S of the Capitol.

All members were present except:

Representative O'Neal, Representative Whiteman, both excused

Committee staff present:

Emalene Correll, Research
Norman Furse, Revisor
Sue Hill, Committee Secretary

Conferees appearing before the committee:

Michael Hinds, Kansas Respiratory Care Society
Elizabeth Taylor, Kansas Occupational Therapy Association
Rebecca Crenshaw, Kansas Organization of Professional Psychologists/Mental Health Centers
John Peterson, Ks. Association of Professional Psychologists
Dr. William Albott, Kansas Psychological Association

Chairman called meeting to order and invited conferees to begin hearings on SB 338.

Michael Hinds, Registered Respiratory Therapist and Lobbyist for Ks. Respiratory Care Society. Our Society supports SB 338 in its entirety, and urges members of this committee to pass this bill favorably. He answered questions, i.e., the special permit requested, would be a function by which students enrolled in program of Respiratory Therapy to continue working their academic studies; a special permit would insure those students to work under supervision; yes, I agree the law does not currently prohibit this now; yes, we feel line 152, Sec. (D) is necessary. (Attachment 1)

Elizabeth Taylor, Kansas Occupational Therapy Association spoke to support of SB 338. Their Association's interest is the extension of the advisory committee of one more year. She answered the same question in regard to does current law prohibit students enrolled to complete all requirements and is waiting for the temporary permits have any economic benefit, and she answered no.

Hearings closed on SB 338.

Hearings began on SB 288:

Mr. Furse, Revisor gave hand-out to members, (Attachment No.2), for details. He detailed technical amendments that are necessary on SB 288. He noted (material within brackets would be deleted). He detailed all changes which were numerous. He answered numerous questions.

Department of Health and Environment sent printed testimony on their official position, see (Attachment No.3).

Rebecca Crenshaw, Association of Community Mental Health Centers, gave hand-out, see (Attachment No.4), for details. Attachment also includes statements from Paul Klotz, Association of Community Mental Health Centers, and Dwight Young, President of Kansas Organization of Professional Psychologists. They request an amendment in the grandfathering section which will be given this date by John Peterson. This legislation in its present form reflects changes they believe are necessary. The criteria to be met as set out in SB 288 was established by Community Mental Health Centers and SRS. Mental Health Centers and the legal system have been using the title "Masters Level Psychologists", for decades and should be allowed to continue using this title. There was no motion from the Senate floor to amend this title, and any any attempts to amend SB 288 in this manner we would be opposed to, she said.

John Peterson, Kansas Association of Professional Psychologists, gave hand-out, (see Attachment No. 5), for details. He outlined changes proposed in SB 288. There has been agreement with concerned parties with this proposed amendment, except for the name change.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

room 423-S, Statehouse, at 1:30 ///a.m./p.m. on March 27, 1987

Hearings continue on SB 288:

Proposed name change is indicated as "psychological associate" throughout the bill; there have been many compromises over the years; grandfathering clause was detailed; re-renewal of license requirements; struck the first type of temporary permit. He answered questions, i.e., yes, Ph.D's operate on one level, Masters-level on another level of treatment.

Dr. William Albott, Kansas Psychologists supports SB 288. The purpose of SB 288 is to to introduce better standards for what constitutes a sub-doctoral psychology provider in the state. We believe these increased standards will serve to better protect the public. Without these better standards, what you have is a wide variety of people who can call themselves psychologists. We also feel that the appropriate title to be used is, psychological associate. He answered questions; yes, there are several titles, i.e., masters-level psychologists, psychologists I.

At this point, Dr. Albott stated he would like to go on record, as a member of the Board of Behavioral Sciences he is not representing them today in his remarks, he is speaking for the Kansas Psychological Society only this date. He had tried to contact Ms. Gabel, of the Behavioral Sciences Board and was unable to before this meeting.

After a lengthy question and answer session, Chairman appointed a sub-committee to work SB 288. Rep. Neufeld, Rep. Shallenburger, Rep. Blumenthal, with Rep. Neufeld acting as Chair.

Chairman asked this sub-committee have their report ready to committee on March 31, 1:30 meeting.

Norman Furse made a statement in reference to a question asked earlier this date in regard to staffing committees in both the House and Senate. He is sensitive to that, he said, since he and Emalene Correll staff both Houses for Public Health and Welfare Committees. There are two houses in this Legislature, and if I think a policy question is important enough to take the Committee's time on one side, obviously I think it is important enough to take the Committee's time on the other side as well. What transpires after these policy issues are raised is up to each committee separately. What Senate does, they do, what you do as a committee, you do. If we staff a committee any differently, we would be cutting off every decision that is made on the other side. He felt this important for members to know. He is not influenced by lobbyists, as he does not work for lobbyists, and if it bothers them, so be it. He said, I work for the Legislature. Mr. Furse was applauded.....and Chairman said we appreciate the work of staff very much.

Meeting adjourned.



**Kansas
Respiratory
Therapy
Society**

15th and State / Emporia, Kansas 66801

House Public Health and Welfare Committee
Tersimony on SB 338

I am Michael Hinds, a Registered Respiratory Therapist and Lobbyist for the Kansas Respiratory Care Society, The KRCS supports SV 338 in its entirety. The KRCS encourages the members of this committee to pass this favorably.

Thank you for your time.

Michael Hinds, RRT
Lobbyist
KRCS

PH&W
attn #1.
3-27-87

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 1987

SENATE BILL No. 288

By Committee on Public Health and Welfare

2-19

[Material within brackets would be deleted]

0021 AN ACT concerning the practice of psychology; providing for
0022 the registration of certain persons working in licensed com-
0023 munity mental health centers or state or other governmental or
0024 educational institutions; granting certain powers to and im-
0025 posing certain duties upon the behavioral sciences regulatory
0026 board; amending K.S.A. 1986 Supp. 74-5344 and repealing the
0027 existing section.

0028 *Be it enacted by the Legislature of the State of Kansas:*

0029 New Section 1. As used in this act:

0030 (a) "Practice of psychology" shall have the meaning ascribed
0031 thereto in K.S.A. 74-5302 and amendments thereto.

0032 (b) "Board" means the behavioral sciences regulatory board
0033 created by K.S.A. 74-7501 and amendments thereto.

0034 (c) "Registered masters level psychologist" means a person
0035 registered by the board under the provisions of this act.

0036 New Sec. 2. ~~[(a)]~~ Any person who is registered under the
0037 provisions of this act as a registered masters level psychologist
0038 shall have the right to practice in a licensed community mental
0039 health center or one of its contracted affiliates, in any federal,
0040 state, county or municipal agency, or other political subdivision,
0041 or in a duly chartered educational institution ~~or a not for profit~~
0042 ~~corporation~~ insofar as such practice is part of the duties of such
0043 person's paid position and is performed solely on behalf of the
0044 employer, so long as such practice is under the direction of a
0045 person licensed to provide mental health services as an inde-
0046 pendent practitioner and whose licensure allows for the diag-
agnosis and treatment of psychological disorders. Such person may
use the title registered masters level psychologist and the ab-

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[deleted between this type of bracket]

0050 ~~such abbreviation or any word or letter, signs, figures or devices~~
0051 ~~to indicate that such person using the same is registered as such~~
0052 ~~under provisions of this act.~~

0053 (b) Any violation of this section shall constitute a class C
0054 misdemeanor.

0055 New Sec. 3. (a) Any person who desires to be registered
0056 under this act shall apply to the board in writing, on forms
0057 prepared and furnished by the board. Each application shall
0058 contain appropriate documentation of the particular qualifica-
0059 tions required by the board and shall be accompanied by the
0060 required fee.

0061 (b) The board shall register as a registered masters level
0062 psychologist any ~~person~~ who pays ~~a fee prescribed by the board~~
0063 under section 5, which shall not be refunded, ~~and who has~~

0064 satisfied the board as to such ~~person's~~ training. ~~Any person~~
0065 paying the fee must also submit evidence verified under oath
0066 and satisfactory to the board that such ~~person~~: (1) Is at least 21

0067 years of age; (2) has received at least a master's degree in clinical
0068 psychology based on a program of studies in psychology from an
0069 educational institution having a graduate program in psychology
0070 consistent with state universities of Kansas or has received a
0071 master's degree in psychology and during such graduate program
0072 completed a minimum of 12 semester hours or its equivalent in
0073 psychological foundation courses such as, but not limited to,
0074 philosophy of psychology, psychology of perception, learning
0075 theory, history of psychology, motivation, and statistics and 24
0076 semester hours or its equivalent in professional core courses
0077 such as, but not limited to, two courses in psychological testing,
0078 psychopathology, two courses in psychotherapy, personality
0079 theories, developmental psychology, research methods, social
0080 psychology; and 750 clock hours of academically supervised
0081 practicum or 1,500 clock hours of postgraduate supervised work
0082 experience; and (3) is in the employ of a Kansas licensed com-
0083 munity mental health center, or one of its contracted affiliates, or
0084 a federal, state, county or municipal agency, or other political
subdivision, or a duly chartered educational institution and

applicant for registration
the
applicant's
and who complies with the provisions of this subsection (b)
An applicant for registration also shall
applicant

Note: One of the requirements for registration is employ-
ment under lines 82 through 85. Unless language on
p. 7, lines 241 through 244 is reinserted it would
seem that this requirement could only be met by a
currently licensed psychologist and those eligible
for registration under subsection (c).

whose practice is a part of the duties of such [person's] paid [applicant's] position and is performed solely on behalf of the employer.

0088 (c) Until July 1, 1988, the board shall waive the educational
0089 or degree and supervision requirements, or all such require-
0090 ments, under subsection (b) so long as the person applying for
0091 registration as a registered masters level psychologist has a
0092 master's degree and either (1) has been employed for at least
0093 three years as a psychologist by a licensed community mental
0094 health center, or one of its contracted affiliates, or a federal, state,
0095 county or municipal agency, or other political subdivision, or a
0096 duly chartered educational institution; or (2) as of July 1, 1987,
0097 was recognized as a masters level psychologist by the profes-
0098 sional standards committee of the association of community
0099 mental health centers of Kansas and employed by a licensed
0100 community mental health center or one of its contracted affili-
0101 ates.

0102 New Sec. 4. Any person registered as a registered masters
0103 level psychologist shall be required to complete 25 hours of
0104 continuing education each two-year period.

0105 New Sec. 5. The application and renewal fee for registration
0106 under this act shall be fixed by the board by rules and regulations
0107 in an amount not to exceed ~~\$50~~ \$100.

0108 New Sec. 6. (a) All registrations shall be effective upon the
0109 date issued and shall expire at the end of 24 months from the date
0110 of issuance.

0111 (b) Registration may be renewed by the payment of the
0112 renewal fee and the execution and submission of a signed state-
0113 ment, on a form provided by the board, attesting that the appli-
0114 cant's registration has been neither revoked nor currently sus-
0115 pended and that the applicant has met the requirements for
0116 continuing education set forth in this act.

0117 (c) The application for renewal shall be made on or before the
0118 date of the expiration of the registration.

0119 (d) If the application for renewal, including payment of the
0120 required renewal fee, is not made on or before the date of the
0121 expiration of the registration, the registration is void, and no
0122 registration shall be reinstated except upon payment of the

required renewal fee, plus a penalty equal to the renewal fee,
0124 and proof satisfactory to the board of compliance with the con-
0125 tinuing education requirements. Upon receipt of such payment
0126 and proof, the board shall reinstate the registration, except that
0127 no registration shall be reinstated if such payment and proof is
0128 received more than one year after the date of expiration of the
0129 registration.

0130 (e) A duplicate registration shall be issued by the board upon
0131 receipt of a \$20 fee.

0132 New Sec. 7. (a) The board may issue a temporary permit to
0133 practice as a registered masters level psychologist to any person
0134 who pays a fee prescribed by the board under this section, which
0135 shall not be refunded, and who: (1) Meets all the requirements
0136 for licensure under the licensure of psychologists act of the state
0137 of Kansas except the requirement of two-year postdoctorate su-
0138 pervision or the requirement of successful completion of an
0139 examination, or both such requirements; (2) meets all the re-
0140 quirements for registration under this act as a registered masters
0141 level psychologist, but whose application for registration is
0142 pending; or (3) meets all the requirements for registration under
0143 this act as a registered masters level psychologist except the
0144 requirement of postgraduate supervised work experience.

0145 (b) A temporary permit issued by the board under clause (1)
0146 of subsection (a) shall expire two years after the date of issuance
0147 and may be renewed for one additional one-year period of time.
0148 A temporary permit issued by the board under clause (2) of
0149 subsection (a) shall expire at such time as final action on the
0150 application is completed, but all temporary permits shall expire
0151 one year after the date of issuance of the permit. A temporary
0152 permit issued by the board under clause (3) of subsection (a)
0153 shall expire six months after the date of issuance and may be
0154 renewed for one additional six-month period if the board finds
0155 that satisfactory progress toward the supervised experience re-
0156 quirement is being met.

0157 (c) The board shall fix by rules and regulations fees for
0158 application and renewal of each type of temporary permit under
this section. The application and renewal fee shall not exceed

such

0160 ~~was~~ \$100 except that the fee for application for and renewal of the
 0161 two-year temporary permit under clause (1) of subsection (a)
 0162 shall not exceed \$100.

\$200

0163 (d) The application for a temporary permit may be denied or
 0164 a temporary permit which has been issued may be suspended or
 0165 revoked on the same grounds as provided for suspension or
 0166 revocation of a registration under section 9.

0167 New Sec. 8. (a) The board shall establish a masters level
 0168 psychologist registration committee consisting of three members
 0169 appointed by the chairperson of the board.

0170 (b) All members of the committee shall be registered masters
 0171 level psychologists. Each member of the committee shall be a
 0172 citizen of the United States and resident of this state.

or prior to January 1, 1988, persons qualified under this
 act to be registered as registered masters level psychol-
 ogists

0173 (c) Each member of the committee shall serve for three years
 0174 except that the terms on the committee first appointed shall be as
 0175 follows: One member shall be appointed for a one-year term, one
 0176 member shall be appointed for a two-year term and one member
 0177 shall be appointed for a three-year term. The chairperson of the
 0178 board shall designate the term for each member first appointed
 0179 to the committee. No member of the committee shall be ap-
 0180 pointed for more than two successive terms. Upon the expiration
 0181 of a member's term on the committee, the chairperson shall
 0182 appoint a qualified successor. Each member shall serve until a
 0183 successor is appointed and qualified. Whenever a vacancy occurs
 0184 in the membership of the committee prior to the expiration of a
 0185 term, the chairperson of the board shall appoint a qualified
 0186 successor to fill the unexpired term. The chairperson of the
 0187 board may remove any member of the committee for misconduct,
 0188 incompetency or neglect of duty.

0189 (d) The committee shall organize annually at its first meeting
 0190 subsequent to June 30 and shall select from its members a
 0191 chairperson. Other meetings shall be held as the committee
 0192 designates. Two members of the committee shall constitute a
 0193 quorum for the transaction of business.

0194 (e) The committee shall receive all applications for registra-
 tion as a registered masters level psychologist; review the appli-
 cations for compliance with this act; and make their recommen-

01 tions for acceptance, rejection or other actions to be taken by
 0198 the board. The board shall accept and act on the committee's
 0199 recommendations so long as the recommendations are in com-
 0200 pliance with this act.

0201 (f) The board shall make support staff available to the com-
 0202 mittee.

0203 (g) Members of the committee attending meetings of the
 0204 committee authorized by the board shall be paid compensation,
 0205 subsistence allowances, mileage and other expenses as provided
 0206 in K.S.A. 75-3223 and amendments thereto.

0207 New Sec. 9. An application for registration under ~~this act~~ sections 1 to 11, inclusive, and amendments thereto
 0208 may be denied or a registration granted under this act may be
 0209 suspended or revoked by the board upon proof that the applicant
 0210 or registered masters level psychologist:

0211 (a) Has been convicted of a felony involving moral turpitude;

0212 (b) has been found guilty of fraud or deceit in connection
 0213 with the rendering of professional services or in establishing
 0214 such person's qualifications under this act;

0215 (c) has aided or abetted a person not licensed as a psycholo-
 0216 gist, registered under this act or an uncertified assistant, to hold
 0217 oneself out as a psychologist in this state;

0218 (d) has been guilty of unprofessional conduct as defined by
 0219 rules and regulations of the board; or

0220 (e) has been guilty of neglect or wrongful duties in the
 0221 performance of duties.

0222 *[New Sec. 10. The board may adopt rules and regulations to*
 0223 *administer the provisions of* ~~this act~~.

0224 Sec. 10 [11]. K.S.A. 1986 Supp. 74-5344 is hereby amended
 0225 to read as follows: 74-5344. Nothing contained in this act shall be
 0226 construed: (a) To prevent qualified members of other profes-
 0227 sional groups such as, but not limited to, ministers, Christian
 0228 Science practitioners, social workers and sociologists from doing
 0229 work of a psychological nature consistent with their training and
 0230 consistent with any code of ethics of their respective professions
 0231 so long as they do not hold themselves out to the public by any
 0232 title or description of services incorporating the words "psycho-
 0233 logic," "psychological," "psychologist" or "psychology";

Administrative proceedings under sections 1 to 11, inclusive,
 and amendments thereto shall be conducted in accordance with
 the Kansas administrative procedure act. Judicial review
 and civil enforcement of agency actions under sections 1 to
 11, inclusive, and amendments thereto shall be in accordance
 with the act for judicial review and civil enforcement of
 agency actions.

sections 1 to 11, inclusive, and amendments thereto

New Sec. 11. (a) On and after January 1, 1988, no person
 shall represent oneself as a registered masters level psych-
 ologist or use the abbreviation RMLP or use any word, letter,
 signs, figures or devices to indicate that such person using
 the same is a registered masters level psychologist unless
 such person holds a valid registration as a registered
 masters level psychologist.

(b) A violation of this section is a class C misde-
 meanor.

0234 (b) in any way to restrict any person from carrying on any of
 0235 the aforesaid activities in the free expression or exchange of
 0236 ideas concerning the practice of psychology, the application of
 0237 its principles, the teaching of such subject matter and the con-
 0238 ducting of research on problems relating to human behavior if
 0239 such person does not represent such person or such person's
 0240 services in any manner prohibited by this act;

0241 (c) to limit the practice of psychology ~~or use of official title on~~
 0242 ~~the part of a person in the employ of a federal, state, county or~~
 0243 ~~municipal agency, or other political subdivision, or a duly char-~~
 0244 ~~tered educational institution, or a not-for-profit corporation of a~~
 0245 *registered masters level psychologist or a person who holds a*
 0246 *temporary permit to practice as a registered masters level psy-*
 0247 *chologist* [insofar as such practice is a part of the duties of any
 0248 such person's salaried position, and insofar as such practice is
 0249 performed solely on behalf of such person's employer; or insofar
 0250 as such person is engaged in public speaking with or without
 0251 remuneration;

0252 (d) to limit the practice of psychology or services of a student,
 0253 intern or resident in psychology pursuing a degree in psychology
 0254 in a school, college, university or other institution, with educa-
 0255 tional standards consistent with those of the state universities of
 0256 Kansas if such practice or services are supervised as a part of
 0257 such person's degree program. Nothing contained in this section
 0258 shall be construed as permitting such persons to offer their
 0259 services as psychologists to any other person and to accept
 0260 remuneration for such psychological services other than as spe-
 0261 cifically excepted herein, unless they have been licensed under
 0262 the provisions of ~~this act~~ *the licensure of psychologists act of the*
 0263 *state of Kansas, registered under the provisions of sections 1 to 8*
 0264 *[10], inclusive, and amendments thereto or granted a temporary* [11]
 0265 *permit under the provisions of section 7 and amendments*
 0266 *thereto;*

0267 (e) to prevent the employment, by a person, association,
 0268 partnership or a corporation furnishing psychological services for
 0269 remuneration, of persons not licensed as psychologists under the
 0270 provisions of this act to practice psychology if such persons work

or to limit the practice of psychology or use of official title on the part of a person in the employ of a federal, state, county or municipal agency, or other political subdivision, or a duly chartered educational institution, or a not-for-profit corporation,

0271 under the supervision of a psychologist or psychologists licensed
0272 under the provisions of this act and if such persons are not in any
0273 manner held out to the public as psychologists licensed under
0274 the provisions of ~~this act~~ *the licensure of psychologists act of the*
0275 *state of Kansas, as registered under the provisions of sections 1*
0276 *to § [10], inclusive, and amendments thereto or as holding a* [11]
0277 *temporary permit under the provisions of section 7 and amend-*
0278 *ments thereto;*

0279 (f) to restrict the use of tools, tests, instruments or techniques
0280 usually denominated “psychological” so long as the user does
0281 not represent oneself to be a *licensed psychologist or a regis-*
0282 *tered masters level psychologist;*

0283 (g) to permit persons licensed as psychologists, *registered as*
0284 *masters level psychologists or holding a temporary permit to*
0285 *practice as a registered masters level psychologist* to engage in
0286 the practice of medicine as defined in the laws of this state, nor to
0287 require such licensed psychologists, *registered masters level*
0288 *psychologists or persons holding such temporary permits* to
0289 comply with the Kansas healing arts act as amended;

0290 (h) to restrict the use of the term “social psychologist” by any
0291 person who has received a doctoral degree in sociology or social
0292 psychology from an institution whose credits in sociology or
0293 social psychology are acceptable by a school or college as de-
0294 fined in this act, and who has passed comprehensive examina-
0295 tion in the field of social psychology as a part of the requirements
0296 for the doctoral degree or has had equivalent specialized training
0297 in social psychology;

0298 (i) to restrict the practice of psychology by a person who is
0299 certified as a school psychologist by the state department of
0300 education so long as such practice is conducted as a part of the
0301 duties of employment by a unified school district or as part of an
0302 independent evaluation conducted in accordance with K.S.A.
0303 72-963 and amendments thereto, including the use of the term
0304 “school psychologist” by such person in conjunction with such
0305 practice; or

0306 (j) to permit persons licensed as psychologists, *registered as*
0307 *masters level psychologists or holding a temporary permit to*

0308 practice as a registered masters level psychologist] to engage in
0309 the practice of optometry as defined in the laws of this state.
0310 Sec. ~~11~~ [12]. K.S.A. 1986 Supp. 74-5344 is hereby repealed.
0311 Sec. ~~12~~ [13]. This act shall take effect and be in force from
0312 and after its publication in the statute book.

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

TESTIMONY ON SENATE BILL #288 AS AMENDED

PRESENTED TO HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE, MARCH, 1987

This is the official position taken by the Kansas Department of Health and Environment on S.B. #288 as amended.

Background Information:

In 1983, the Kansas Department of Health and Environment (KDHE) received a credentialing application from the Kansas Organization of Professional Psychologists to be taken through the credentialing review process (K.S.A. 65-5001 et seq.). The credentialing application requests the state of Kansas to license the practice of master's degree level psychologists. The functions of the master's degree level psychologist include: psychotherapy; marriage counseling and family therapy; administration, interpretation and formal write-up of psychological evaluations; consultation; and education.

The application has been reviewed by a seven member technical committee, the Statewide Health Coordinating Council (SHCC) and former KDHE Secretary Barbara Sabol. The end product of the credentialing review program is a final report by the KDHE Secretary specifying facts and findings on whether the three statutory criteria are met, recommendations on whether a group should be credentialed and if so, what measures are appropriate to protect the public.

The final report specified that the technical committee, SHCC, and KDHE Secretary found that:

- The applicant has met statutory Criterion 1 of the need for credentialing by demonstrating "that the unregulated practice of psychologists at the master's degree level can harm or endanger the health, safety, or welfare of the public" and that "the potential for such harm is recognizable and not remote."
- The applicant has met statutory Criterion 2 of the need for credentialing by demonstrating that "psychologists at the master's degree level require specialized skills and training," and "they provide the public with the assurance of the initial and continuing ability necessary for the practice of the master's degree level psychologist."
- The applicant has met statutory Criterion 3 of the need for credentialing by demonstrating that "no other means other than credentialing exists to protect the public from harm by the practice of psychologists at the master's degree level."
- Because all three criteria for the need for credentialing have been met according to the statutes, it is concluded that the need for credentialing of psychologists at the master's degree level does exist in Kansas.

P.H. Reed
Attn #3
3-27-87

Registration is recommended as the appropriate level of credentialing of psychologists at the master's degree level since the public can be protected by identifying practitioners who are under the supervision of a particular agency and who poses certain minimum educational/training skills.

Former Secretary Barbara Sabol noted in the final report to the Legislature that "master's level psychologist" may not be the proper title for the profession due to the connotation of the word "master." Currently, most Ph.D. psychologists must be licensed by the State to practice.

Department's Position:

KDHE supports the provisions of Senate Bill #288 as amended which provide for the registration of psychologists at the master's degree level by the State Behavioral Sciences Regulatory Board.

Presented for: Jack D. Walker, M.D., Secretary
Kansas Department of Health and Environment

HP/X13

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AREA CODE (913)
273-4170

TESTIMONY OF REBECCA S. CRENSHAW
To the House Public Health and Welfare Committee
March 27, 1987
Re: SB 288

Mr. Chairman, Members of the Committee:

I am Rebecca Crenshaw representing the Association of Community Mental Health Centers of Kansas and the Kansas Organization of Professional Psychologists.

I have distributed copies of testimony presented to the Senate Committee on Public Health & Welfare by these 2 organizations. Due to time constraints these 2 individuals will not be able to appear today. Most of the questions you might have are probably answered by these 2 documents.

Masters level psychologists have completed the credentialing process. The recommendation by the technical review committee, the State Health Coordinating Council and the Secretary of SRS was for registering masters level psychologists in community mental health centers, state institutions and governmental entities under the Board of Behavioral Sciences.

This legislation simply codifies present practice of masters level psychologists in mental health centers. This legislation does not increase the number of providers covered by Kansas third-party payers.

We request one minor amendment in the grandfathering section. It was brought to our attention a masters level psychologist at Larned State Hospital would not be grandfathered by present language. The Ph.d's and masters level agree this amendment should be adopted. It will be presented to you by John Peterson.

Following the Board of Behavioral Sciences testimony in the Senate Committee, we attempted to address their concerns. The legislation in its present form reflects the changes we believe are necessary. It is true no national accreditation standards exist, however, the criteria to be met is set out in the bill. This is criteria established by the community mental health centers and SRS. No significant problems have arisen and we do not anticipate the Board experiencing any major problems either.

The only major issue arising with this bill has been the title "masters level psychologists". After carefully constructing this bill, the Ph.d's and masters level's agreed to disagree on the title to be used. We want to point out the

*att. #4
RHW*

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mental health centers and the legal system have been using this title for decades and should be allowed to continue using this title. "Psychologists" is a term associated with many non-Ph.d professionals for example school psychologists and social psychologists. No motion was made in the Senate Committee or the Senate floor to amend this title and any attempts to amend in this manner we ask be opposed.

Thank you for your attention.

Yours truly,

CARPENTER, HEIN, CARPENTER & WEIR, CHTD.



Rebecca S. Crenshaw
Legislative Counsel
Kansas Organization of
Professional Psychologists

RSC:lc



Association of Community

Mental Health Centers of Kansas

835 S.W. Topeka Ave., Suite B/Topeka, Kansas 66612/913 234-4773

Paul M. Klotz, Executive Director

Testimony Provided to Senate Public Health & Welfare Committee

March 3, 1987

Re: SB 288

Mr. Chairman and honorable members of the committee, I extend my sincere appreciation for this opportunity to testify before the committee on SB 288.

I am here representing the Association of Community Mental Health Centers of Kansas. The 31 licensed mental health centers serve all 105 counties in Kansas.

The Association requested SB 288 because we are the primary employers of masters level psychologists. The great majority of our psychologists are masters degree level clinicians. Although its not a very recent survey, the last one done indicated that 73% of the psychologists in community mental health centers and in 16 state institutions were masters level professionals.

I wish to call your attention to three particular factors. First, Masters Level Psychologists have gone through the health care credentialing process. Subsequently, the Technical Review Committee, the State Health Coordinating Council, and the Secretary of the Kansas Department of Health and Environment all have concluded that the public could best be served by registering masters level psychologists.

Secondly, I would note that SB 288 would only register masters level psychologists who are employed in community mental health centers, state institutions, other governmental entities and educational institutions. Thus, it does not add providers to the private practice sector.

Finally, I would ask that you support the bill as written. The community mental health centers feel it is extremely important that the title registered masters level psychologist be the designated title.

For decades, these providers have been known as masters level psychologists. That is typically the job title under which they are employed in community mental health centers and as Psychologist I in state institutions. It is the title by which they have become known statewide. The schools, courts, SRS agencies, etc., have historically known them as masters level psychologists. To title them as anything else or less than that results in

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their disenfranchisement from the profession of psychology and will surely create public confusion about who this very significant provider group is.

I again share my sense of appreciation for this opportunity to comment and hope you will support SB 288 as written.



E.W. (Dub) Rakestraw,
Legislative Chairperson
A.C.M.H.C.K.

EWR:vas

Kansas Psychologist

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Presentation to the Senate Public Health and Welfare
Committee Regarding SB 288
Registered Masters Level Psychologist

by
Dwight L. Young, M.S.
President

March 3, 1987

SB 288 follows the final findings and recommendations of the technical committee for review of the application of credentialing by the Kansas Organization of Professional Psychologist.

The Technical Committee established under the Kansas Credentialing Act, the Statewide Health Coordinating Council (SHCC), and the Secretary of the Kansas Department of Health and Environment found that all three criteria set out by K.S.A. 65-5006 regarding credentialing have been met. Their recommendation was for Registration under the Board of Behavioral Sciences.

SB 288 legally recognizes the current practice in mental health centers and the state institutions.

Since the legal recognition of Certified (Now Licensed) Psychologist around twenty years ago, Masters Level Psychologist have practiced through what was referred to as the "exclusion clause" of the original certification bill which permitted the use of the title Masters Level Psychologist in governmental and not-for-profit settings. These employees of Kansas agencies and institutions are now seeking legal recognition as Registered Masters Level Psychologist in order to continue to provide services to the citizens of Kansas within the framework of a legally regulated profession.

Legal recognition provides a recourse for consumers who have a grievance regarding the services of the Registered Masters Level Psychologist.

Currently, the only option that a consumer has is to report complaints to the agency involved. The registration process would offer the alternative of a state board as a review board, in this case the Board of Behavioral Sciences.

SB 288 does not increase the number of providers covered by Kansas third party payers.

All Masters Level Psychologist are currently reimbursed for services rendered to clients due to the fact that they are employed by agencies covered by Kansas health insurance. SB 288 will not increase the cost to the insurance industry.

Registration of Masters Level Psychologist will result in the regulation of the only major provider group in the mental health centers which are not regulated.

Psychiatrists, Ph.D. Psychologists, Masters Social Workers and Psychiatric Nurses are all regulated by the state. Masters Level Psychologists are defined only by the Association of Community Mental Health Centers of Kansas in cooperation with Medical Services of SRS. The standards developed through the years for this voluntary recognition have been incorporated into this bill.

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 1987

SENATE BILL No. 288

By Committee on Public Health and Welfare

2-19

0021 AN ACT concerning the practice of psychology; providing for
0022 the registration of certain persons working in licensed com-
0023 munity mental health centers or state or other governmental or
0024 educational institutions; granting certain powers to and im-
0025 posing certain duties upon the behavioral sciences regulatory
0026 board; amending K.S.A. 1986 Supp. 74-5344 and repealing the
0027 existing section.

0028 *Be it enacted by the Legislature of the State of Kansas:*

0029 New Section 1. As used in this act:

0030 (a) "Practice of psychology" shall have the meaning ascribed
0031 thereto in K.S.A. 74-5302 and amendments thereto.

0032 (b) "Board" means the behavioral sciences regulatory board
0033 created by K.S.A. 74-7501 and amendments thereto.

0034 (c) "~~Registered masters level psychologist~~" means a person
0035 registered by the board under the provisions of this act.

psychological associate

0036 New Sec. 2. (a) Any person who is registered under the
0037 provisions of this act as a ~~registered masters level psychologist~~

psychological associate
only

0038 shall have the right to practice ~~in a licensed community mental~~
0039 health center or one of its contracted affiliates, in any federal,
0040 state, county or municipal agency, or other political subdivision,
0041 or in a duly chartered educational institution ~~or a not for profit~~

0042 ~~corporation~~ insofar as such practice is part of the duties of such
0043 person's paid position and is performed solely on behalf of the
0044 employer, so long as such practice is under the direction of a

0045 person licensed to provide mental health services as an inde-
0046 pendent practitioner and whose licensure allows for the diag-

0047 nosis and treatment of psychological disorders. Such person may

0048 use the title ~~registered masters level psychologist~~ and the ab-

psychological associate

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0049 ~~RMLP~~. No other person shall assume such title, use
 0050 such abbreviation or any word or letter, signs, figures or devices
 0051 to indicate that such person using the same is registered as such
 0052 under provisions of this act.

RPA

0053 (b) Any violation of this section shall constitute a class C
 0054 misdemeanor.

0055 New Sec. 3. (a) Any person who desires to be registered
 0056 under this act shall apply to the board in writing, on forms
 0057 prepared and furnished by the board. Each application shall
 0058 contain appropriate documentation of the particular qualifica-
 0059 tions required by the board and shall be accompanied by the
 0060 required fee.

0061 (b) The board shall register as a registered ~~masters level~~ psychological associate
 0062 ~~psychologist~~ any person who pays a fee prescribed by the board
 0063 under section 5, which shall not be refunded, and who has
 0064 satisfied the board as to such person's training. Any person
 0065 paying the fee must also submit evidence verified under oath
 0066 and satisfactory to the board that such person: (1) Is at least 21
 0067 years of age; (2) has received at least a master's degree in clinical
 0068 psychology based on a program of studies in psychology from an
 0069 educational institution having a graduate program in psychology
 0070 consistent with state universities of Kansas or has received a
 0071 master's degree in psychology and during such graduate program
 0072 completed a minimum of 12 semester hours or its equivalent in
 0073 psychological foundation courses such as, but not limited to,
 0074 philosophy of psychology, psychology of perception, learning
 0075 theory, history of psychology, motivation, and statistics and 24
 0076 semester hours or its equivalent in professional core courses
 0077 such as, but not limited to, two courses in psychological testing,
 0078 psychopathology, two courses in psychotherapy, personality
 0079 theories, developmental psychology, research methods, social
 0080 psychology; and 750 clock hours of academically supervised
 0081 practicum or 1,500 clock hours of postgraduate supervised work
 0082 experience; and (3) is in the employ of a Kansas licensed com-
 0083 munity mental health center, or one of its contracted affiliates, or
 0084 a federal, state, county or municipal agency, or other political
 0085 subdivision, or a duly chartered educational institution and

0086 whose practice is a part of the duties of such person's paid
0087 position and is performed solely on behalf of the employer.

0088 (c) Until July 1, 1988, the board shall waive the educational
0089 or degree and supervision requirements, or all such require-
0090 ments, under subsection (b) so long as the person applying for
0091 registration as a registered ~~masters level psychologist~~ has a
0092 master's degree and either (1) has been employed for at least
0093 three years as a psychologist by a licensed community mental
0094 health center, or one of its contracted affiliates, or a federal, state,
0095 county or municipal agency, or other political subdivision, or a
0096 duly chartered educational institution; or (2) as of July 1, 1987,
0097 was recognized as a masters level psychologist by the profes-
0098 sional standards committee of the association of community
0099 mental health centers of Kansas and employed by a licensed
0100 community mental health center or one of its contracted affili-
0101 ates.

psychological associate

employed by a state agency as a psychologist or was

0102 New Sec. 4. Any person registered as a registered ~~masters~~
0103 ~~level psychologist~~ shall be required to complete 25 hours of
0104 continuing education each two-year period.

psychological associate

0105 New Sec. 5. The application and renewal fee for registration
0106 under this act shall be fixed by the board by rules and regulations
0107 in an amount not to exceed ~~\$50~~ \$100.

0108 New Sec. 6. (a) All registrations shall be effective upon the
0109 date issued and shall expire at the end of 24 months from the date
0110 of issuance.

0111 (b) Registration may be renewed by the payment of the
0112 renewal fee and the execution and submission of a signed state-
0113 ment, on a form provided by the board, attesting that the appli-
0114 cant's registration has been neither revoked nor currently sus-
0115 pended and that the applicant has met the requirements for
0116 continuing education set forth in this act.

, that the applicant currently meets the employment requirements of sect 3(b)(3)

0117 (c) The application for renewal shall be made ~~on or before the~~
0118 date of the expiration of the registration.

at least 30 days

0119 (d) If the application for renewal, including payment of the
0120 required renewal fee, is not made on or before the date of the
0121 expiration of the registration, the registration is void, and no
0122 registration shall be reinstated except upon payment of the

0123 required renewal fee, plus a penalty equal to the renewal fee,
0124 and proof satisfactory to the board of compliance with the con-
0125 tinuing education requirements. Upon receipt of such payment
0126 and proof, the board shall reinstate the registration, except that
0127 no registration shall be reinstated if such payment and proof is
0128 received more than one year after the date of expiration of the
0129 registration.

0130 (e) A duplicate registration shall be issued by the board upon
0131 receipt of a \$20 fee.

0132 New Sec. 7. (a) The board may issue a temporary permit to
0133 practice as a registered ~~masters level psychologist~~ to any person
0134 who pays a fee prescribed by the board under this section, which
0135 shall not be refunded, and who: ~~(1) Meets all the requirements~~
0136 ~~for licensure under the licensure of psychologists act of the state~~
0137 ~~of Kansas except the requirement of two-year postdoctorate su-~~
0138 ~~per vision or the requirement of successful completion of an~~
0139 ~~examination, or both such requirements;~~ (2) meets all the re-
0140 quirements for registration under this act as a registered masters
0141 level psychologist, but whose application for registration is
0142 pending; or (3) meets all the requirements for registration under
0143 this act as a registered ~~masters level psychologist~~ except the
0144 requirement of postgraduate supervised work experience.

psychological associate

(1)

(2)

psychological associate

0145 (b) A temporary permit issued by the board ~~under clause (1)~~
0146 ~~of subsection (a) shall expire two years after the date of issuance~~
0147 ~~and may be renewed for one additional one-year period of time.~~

0148 A temporary permit issued by the board under clause (2) of
0149 subsection (a) shall expire at such time as final action on the
0150 application is completed, but all temporary permits shall expire
0151 one year after the date of issuance of the permit. A temporary

(1)

(2)

0152 permit issued by the board under clause (3) of subsection (a)
0153 shall expire six months after the date of issuance and may be
0154 renewed for one additional six-month period if the board finds
0155 that satisfactory progress toward the supervised experience re-
0156 quirement is being met.

0157 (c) The board shall fix by rules and regulations fees for
0158 application and renewal of each type of temporary permit under
0159 this section. The application and renewal fee shall not exceed

0160 ~~\$50 \$100~~ except that the fee for application for and renewal of the
 0161 ~~two-year temporary permit under clause (1) of subsection (a)~~
 0162 ~~shall not exceed \$100.~~

0163 (d) The application for a temporary permit may be denied or
 0164 a temporary permit which has been issued may be suspended or
 0165 revoked on the same grounds as provided for suspension or
 0166 revocation of a registration under section 9.

0167 New Sec. 8. (a) The board shall establish a ~~masters-level~~ psychological associate
 0168 ~~psychologist~~ registration committee consisting of three members
 0169 appointed by the chairperson of the board.

0170 (b) All members of the committee shall be registered ~~masters-~~ psychological associate
 0171 ~~level psychologists.~~ Each member of the committee shall be a
 0172 citizen of the United States and resident of this state.

0173 (c) Each member of the committee shall serve for three years
 0174 except that the terms on the committee first appointed shall be as
 0175 follows: One member shall be appointed for a one-year term, one
 0176 member shall be appointed for a two-year term and one member
 0177 shall be appointed for a three-year term. The chairperson of the
 0178 board shall designate the term for each member first appointed
 0179 to the committee. No member of the committee shall be ap-
 0180 pointed for more than two successive terms. Upon the expiration
 0181 of a member's term on the committee, the chairperson shall
 0182 appoint a qualified successor. Each member shall serve until a
 0183 successor is appointed and qualified. Whenever a vacancy occurs
 0184 in the membership of the committee prior to the expiration of a
 0185 term, the chairperson of the board shall appoint a qualified
 0186 successor to fill the unexpired term. The chairperson of the
 0187 board may remove any member of the committee for misconduct,
 0188 incompetency or neglect of duty.

0189 (d) The committee shall organize annually at its first meeting
 0190 subsequent to June 30 and shall select from its members a
 0191 chairperson. Other meetings shall be held as the committee
 0192 designates. Two members of the committee shall constitute a
 0193 quorum for the transaction of business.

0194 (e) The committee shall receive all applications for registra-
 0195 ~~tion as a registered masters-level psychologist;~~ review the appli- psychological associate
 0196 cations for compliance with this act; and make their recommen-

0197 dations for acceptance, rejection or other actions to be taken by
 0198 the board. The board shall accept and act on the committee's
 0199 recommendations so long as the recommendations are in com-
 0200 pliance with this act.

0201 (f) The board shall make support staff available to the com-
 0202 mittee.

0203 (g) Members of the committee attending meetings of the
 0204 committee authorized by the board shall be paid compensation,
 0205 subsistence allowances, mileage and other expenses as provided
 0206 in K.S.A. 75-3223 and amendments thereto.

0207 New Sec. 9. An application for registration under this act
 0208 may be denied or a registration granted under this act may be
 0209 suspended or revoked by the board upon proof that the applicant
 0210 or registered ~~masters level psychologist~~

psychological associate

0211 (a) Has been convicted of a felony involving moral turpitude;

0212 (b) has been found guilty of fraud or deceit in connection
 0213 with the rendering of professional services or in establishing
 0214 such person's qualifications under this act;

0215 (c) has aided or abetted a person not licensed as a psycholo-
 0216 gist, registered under this act or an uncertified assistant, to hold
 0217 oneself out as a psychologist in this state;

0218 (d) has been guilty of unprofessional conduct as defined by
 0219 rules and regulations of the board; or

0220 (e) has been guilty of neglect or wrongful duties in the
 0221 performance of duties.

0222 *[New Sec. 10. The board may adopt rules and regulations to*
 0223 *administer the provisions of this act.]*

0224 Sec. ~~10~~ [11]. K.S.A. 1986 Supp. 74-5344 is hereby amended
 0225 to read as follows: 74-5344. Nothing contained in this act shall be
 0226 construed: (a) To prevent qualified members of other profes-
 0227 sional groups such as, but not limited to, ministers, Christian
 0228 Science practitioners, social workers and sociologists from doing
 0229 work of a psychological nature consistent with their training and
 0230 consistent with any code of ethics of their respective professions
 0231 so long as they do not hold themselves out to the public by any
 0232 title or description of services incorporating the words "psycho-
 0233 logic," "psychological," "psychologist" or "psychology";

0234 (b) in any way to restrict any person from carrying on any of
 0235 the aforesaid activities in the free expression or exchange of
 0236 ideas concerning the practice of psychology, the application of
 0237 its principles, the teaching of such subject matter and the con-
 0238 ducting of research on problems relating to human behavior if
 0239 such person does not represent such person or such person's
 0240 services in any manner prohibited by this act;

0241 (c) to limit the practice of psychology ~~or use of official title on~~
 0242 ~~the part of a person in the employ of a federal, state, county or~~
 0243 ~~municipal agency, or other political subdivision, or a duly char-~~
 0244 ~~tered educational institution, or a not for profit corporation of a~~
 0245 ~~registered masters level psychologist or a person who holds a~~
 0246 ~~temporary permit to practice as a registered masters level psy-~~
 0247 ~~chologist~~ insofar as such practice is a part of the duties of any
 0248 such person's salaried position, and insofar as such practice is
 0249 performed solely on behalf of such person's employer, or insofar
 0250 as such person is engaged in public speaking with or without
 0251 remuneration;

0252 (d) to limit the practice of psychology or services of a student,
 0253 intern or resident in psychology pursuing a degree in psychology
 0254 in a school, college, university or other institution, with educa-
 0255 tional standards consistent with those of the state universities of
 0256 Kansas if such practice or services are supervised as a part of
 0257 such person's degree program. Nothing contained in this section
 0258 shall be construed as permitting such persons to offer their
 0259 services as psychologists to any other person and to accept
 0260 remuneration for such psychological services other than as spe-
 0261 cifically excepted herein, unless they have been licensed under
 0262 the provisions of ~~this act~~ *the licensure of psychologists act of the*
 0263 *state of Kansas, registered under the provisions of sections 1 to 8*
 0264 *[10], inclusive, and amendments thereto or granted a temporary*
 0265 *permit under the provisions of section 7 and amendments*
 0266 *thereto;*

0267 (e) to prevent the employment, by a person, association,
 0268 partnership or a corporation furnishing psychological services for
 0269 remuneration, of persons not licensed as psychologists under the
 0270 provisions of this act to practice psychology if such persons work

psychological associate
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271 under the supervision of a psychologist or psychologists licensed
 272 under the provisions of this act and if such persons are not in any
 273 manner held out to the public as psychologists licensed under
 274 the provisions of ~~this act~~ *the licensure of psychologists act of the*
 275 *state of Kansas, as registered under the provisions of sections 1*
 276 *to 8 [10], inclusive, and amendments thereto or as holding a*
 277 *temporary permit under the provisions of section 7 and amend-*
 278 *ments thereto;*

279 (f) to restrict the use of tools, tests, instruments or techniques
 280 usually denominated "psychological" so long as the user does
 281 not represent oneself to be a *licensed psychologist or a regis-*
 282 *tered masters level psychologist;*

283 (g) to permit persons licensed as psychologists, *registered as*
 284 ~~*masters level psychologists or holding a temporary permit to*~~
 285 ~~*practice as a registered masters level psychologist*~~ to engage in
 286 the practice of medicine as defined in the laws of this state, nor to
 287 require such licensed psychologists, ~~*registered masters level*~~
 288 ~~*psychologists or persons holding such temporary permits*~~ to
 289 comply with the Kansas healing arts act as amended;

290 (h) to restrict the use of the term "social psychologist" by any
 291 person who has received a doctoral degree in sociology or social
 292 psychology from an institution whose credits in sociology or
 293 social psychology are acceptable by a school or college as de-
 294 fined in this act, and who has passed comprehensive examina-
 295 tion in the field of social psychology as a part of the requirements
 296 for the doctoral degree or has had equivalent specialized training
 297 in social psychology;

298 (i) to restrict the practice of psychology by a person who is
 299 certified as a school psychologist by the state department of
 300 education so long as such practice is conducted as a part of the
 301 duties of employment by a unified school district or as part of an
 302 independent evaluation conducted in accordance with K.S.A.
 303 72-963 and amendments thereto, including the use of the term
 304 "school psychologist" by such person in conjunction with such
 305 practice; or

306 ~~(j) to permit persons licensed as psychologists, registered as~~
 307 ~~masters level psychologists or holding a temporary permit to~~

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0308 ~~practice as a registered masters level psychologist to engage in~~
0309 ~~the practice of optometry as defined in the laws of this state.~~

0310 Sec. ~~11~~ [12]. K.S.A. 1986 Supp. 74-5344 is hereby repealed.

0311 Sec. ~~12~~ [13]. This act shall take effect and be in force from
0312 and after its publication in the statute book.