

Approved 3/16/87 Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by SENATOR ROY M. EHRLICH at
Chairperson

10:00 a.m./p.m. on March 4, 1987 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Legislative Research
Bill Wolff, Legislative Research
Norman Furse, Revisor of Statutes Office
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Others present: See attached list

Senator Bond presented amendments to SB-113 on behalf of the Kansas Medical Society. (attachment 1)

Senator Francisco made the motion to take up the proposed amendments one at a time. Senator Mulich seconded the motion. The motion carried.

Senator Bond moved to adopt the amendments on page 1 (attachment 1). Senator Salisbury seconded the motion. The motion carried.

Senator Bond made the motion to adopt the amendment adding "non-imbedded, superficial foreign bodies from the cornea and the conjunctiva."

Senator Morris made a substitute motion to adopt the amendment with the deletion of non-imbedded. Senator Anderson seconded the motion. The motion carried.

Senator Bond moved to adopt (4) on the balloon. Senator Anderson seconded the motion. The motion carried.

Senator Bond moved to adopt (5) on the balloon. Senator Anderson seconded the motion and then requested to withdraw his second. Senator Salisbury seconded the motion. The question was called. The motion failed.

Senator Bond moved to adopt the amendment removing "anti-glaucoma agents and" and adding "and non-steroidal". Senator Salisbury seconded the motion.

Senator Hayden made a substitute motion to add, following "agents" "shall be limited to a 14 day supply." Senator Anderson seconded the motion. The motion carried.

Senator Bond moved to take out "anti-glaucoma agents and" on line 92. Senator Hayden seconded the motion. The motion carried.

Senator Bond moved to accept the amendments to Article 15. Senator Reilly seconded the motion. The motion failed.

The second balloon was presented by Senator Hayden and was recommended by the optometrists. (attachment 2) The motion was made by Senator Hayden that the amendments on the balloon be passed in conjunction with those already passed. Senator Morris seconded the motion. The motion carried.

Senator Francisco made a substitute motion and moved that on line 103, page 3, strike the word "prescribe". Senator Hayden seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526-S, Statehouse, at 10:00 a.m./~~p.m.~~ on March 4, 1987

Senator Hayden moved to pass SB-113 as amended. Senator Anderson seconded the motion. The motion carried.

Senator Salisbury presented the subcommittee report. (attachment 3)
Staff presented a balloon of the amendments. (attachment 4)

The subcommittee were unanimous in their decision to recommend registration. The word "licensure" on page 3 should be changed to "registration."

Senator Salisbury moved to pass SB-78 out favorable as amended. Senator Mulich seconded the motion. The motion carried.

The chairman extended the thanks of the committee to the subcommittee for their work.

The meeting adjourned at 10:55 a.m. The next meeting will be March 5, 1987, at 10:00 a.m.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE
DATE 3-4-87

(PLEASE PRINT)
NAME AND ADDRESS

Tami Rosselot

G WEN STANLEY

Ann Pillsbury

Azzie Young

Jim Youally

KEITH R LANDIS

Alan & Wolf

Aileen Whiffill

Jo Bergman

Lola Paslay

MaryAnn Kachel

Helen Stephens

Jacque Duzes

Connie Hubbell

Sharon Frieden

Judy Moler

Kathy Johnson

Lucile Kaden

Sharon Shroy

James Schloesser MD

Charles V. Hamm

ORGANIZATION

Kansas State Nurses Assoc.

KANSAS SCHOOL NURSE ORGANIZATION

KDHE

KDHE

KOA

CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS

KDHE

SRS

KARF

ARCI Ka

BSPB

KACD

KACD

Ks State Bd. of Ed.

KSDE

Emergency Coordinating Council

Parent rep.

KSDE - early childhood handicapped

Kansas NARAC

KDHE

KDHE

SP4JW
3-4-87
attachment 1

SENATE BILL No. 113

By Committee on Public Health and Welfare

1-29

0017 AN ACT concerning the optometry law; defining the practice of
0018 optometry; establishing continuing education requirements;
0019 amending K.S.A. 65-1501, 65-1501a, 65-1505 and 65-1509a and
0020 K.S.A. 1986 Supp. 65-1626 and repealing the existing sections.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 65-1501 is hereby amended to read as fol-
0023 lows: 65-1501. The practice of optometry means:

0024 (1) The examination of the human eye and its adnexae and
0025 the employment of objective or subjective means or methods
0026 (including topical pharmacological agents known generically as
0027 anesthetics, mydriatics and cycloplegics the administering, or
0028 dispensing, of topical pharmaceutical drugs) for the purpose of
0029 diagnosing the refractive, muscular, or pathological condition
0030 thereof; and

0031 (2) the prescribing, use or adapting of lenses (including any
0032 ophthalmic lenses which are classified as drugs by any law of the
0033 United States or of this state), prisms, orthoptic exercises and
0034 visual training therapy for the relief of any insufficiencies or
0035 abnormal conditions of the human eyes eye and their its ad-
0036 nexae; and

0037 (3) ~~the prescribing, administering or dispensing of topical~~
0038 ~~pharmaceutical drugs for the treatment of any insufficiencies or~~
0039 ~~abnormal conditions of the human eye and its adnexae.~~

0040 (b) The practice of optometry shall not include: (1) The use of
0041 pharmacological agents for therapeutic purposes management
0042 and treatment of glaucoma ~~except that therapeutic licensees~~
0043 ~~may prescribe, administer, or dispense topical pharmaceutical~~
0044 ~~drugs in the management and treatment of chronic open angle~~
0045 ~~glaucoma;~~ (2) the performance of surgery, ~~except that therapeu-~~

except as otherwise limited by this section,

delete

0046 tic licensees may remove ~~foreign matter that is not intraocular~~
 0047 ~~from the human eye and its adnexae~~; and (3) the use of topical
 0048 pharmaceutical drugs ~~pharmacological agents~~ for the diagnostic
 0049 or therapeutic purpose of diagnosing the refractive, muscular or
 0050 pathological condition of the human eye or its adnexae purposes
 0051 by a person licensed to practice optometry unless such person
 0052 has successfully completed an examination approved by the
 0053 board of examiners in optometry on the pharmacological actions
 0054 of these agents and their clinical side effects meets and com-
 0055 pletes the requirements of K.S.A. 65-1505 and amendments
 0056 thereto.

non-embedded, superficial foreign bodies from the cornea and the conjunctiva;

0057 Sec. 2. K.S.A. 65-1501a is hereby amended to read as fol-
 0058 lows: 65-1501a. For the purposes of this act the following terms
 0059 shall have the meanings respectively ascribed to them unless the
 0060 context requires otherwise:

(4) An optometrist certified to use topical pharmaceutical drugs as provided herein shall be held to a standard of care in the use of such agents in his diagnosis and treatment commensurate to that of a person licensed to practice medicine and surgery, who exercises that degree of skill and proficiency commonly exercised by an ordinary, skillful, careful and prudent person licensed to practice medicine and surgery.

0061 (a) "Board" means the board of examiners in optometry for
 0062 the state of Kansas.

0063 (b) "License" means a license to practice optometry granted
 0064 under this act.

0065 (c) "Licensee" means a person licensed under this act to
 0066 practice optometry.

0067 (d) "Adapt" means the determination, selection, fitting or use
 0068 of lenses, prisms, orthoptic exercises or visual training therapy
 0069 for the aid of any insufficiencies or abnormal conditions of the
 0070 eyes after or by examination or testing.

0071 (e) "Lenses" means any type of ophthalmic lenses, which are
 0072 lenses prescribed or used for the aid of any insufficiencies or
 0073 abnormal conditions of the eyes.

0074 (f) "Prescription" means a verbal or written order directly
 0075 from a licensee giving or containing the name and address of the
 0076 prescriber, the license registration number of the licensee, the
 0077 name and address of the patient, the specifications and direc-
 0078 tions for lenses, prisms, orthoptic exercises or visual training
 0079 therapy to be used for the aid of any insufficiencies or abnormal
 0080 conditions of the eyes, including instructions necessary for the
 0081 fabrication or use thereof, the date of issue and expiration date.

0082 (g) "Prescription for topical pharmaceutical drugs" means a

(5) If during the course of examining a patient, the optometrist determines the existence of:
 (A) ocular pressure greater than 24MM, or
 (B) any unexplained loss of visual field, or
 (C) a failure on the part of the individual being examined to achieve 20/40 or better corrected vision in each eye, or (D) signs of disease, the patient shall be referred to a person licensed to practice medicine and surgery.

0083 verbal or written order directly from a licensee expressly cer-
 0084 tified to prescribe drugs under this act and giving or containing
 0085 the name and address of the prescriber, the license registration
 0086 number of the licensee, the name and address of the patient, the
 0087 name and quantity of the drug prescribed, directions for use, the
 0088 number of refills permitted, the date of issue and expiration
 0089 date.

0090 (h) "Topical pharmaceutical drugs" means drugs known ge-
 0091 nerically as anesthetics, mydriatics, cycloplegics, anti-infect-
 0092 tives, ~~anti glaucoma agents and~~ anti-inflammatory agents ad- and non-steroidal
 0093 ministered topically and not by other means for the
 0094 examination, diagnosis and treatment of the human eye and its
 0095 adnexae.

0096 (i) "Dispense" means to deliver prescription only medica-
 0097 tion or ophthalmic lenses to the ultimate user pursuant to the
 0098 lawful prescription of a licensee and dispensing of prescrip-
 0099 tion-only medication by a licensee shall be limited to a twenty-
 0100 four-hour supply or minimal quantity necessary until a pre-
 0101 scription can be filled by a licensed pharmacist.

0102 (j) "Diagnostic licensee" means a person licensed under this
 0103 act and certified by the board to prescribe, administer or dis-
 0104 pense topical pharmaceutical drugs for diagnostic purposes.

0105 (k) "Therapeutic licensee" means a person licensed under
 0106 this act and certified by the board to prescribe, administer or
 0107 dispense topical pharmaceutical drugs for therapeutic pur-
 0108 poses.

0109 Sec. 3. K.S.A. 65-1505 is hereby amended to read as follows:
 0110 65-1505. (a) Persons entitled to practice optometry in Kansas
 0111 shall be those persons heretofore lawfully registered, and every
 0112 person who is hereafter licensed in accordance with the provi-
 0113 sions of this act. Every registered optometrist holding a valid
 0114 certificate of registration in effect licensee at the time this act
 0115 takes effect shall be deemed to be a licensed optometrist under
 0116 this act, and such person shall not be required to file an original
 0117 application hereunder for a license every licensee certified by
 0118 the board to use topical pharmaceutical drugs for diagnostic
 0119 purposes at the time this act takes effect shall be deemed to be a

Article 15.—BOARD OF EXAMINERS
IN OPTOMETRY

Cross References to Related Sections:

Examination and registration, see ch. 65, art. 15.

74-1501. Board of examiners in optometry; appointment; qualifications; vacancies; removal. The governor shall appoint a board of examiners in optometry for the state of Kansas, consisting of ~~four members~~. Three members shall be selected after consideration of a list of four or more names for each appointment, submitted by the Kansas optometric association, or its successor. One member shall be a representative of the general public. No person other than the member representing the general public shall be eligible for appointment as a member of the board unless such person has been engaged in the actual practice of optometry in the state of Kansas continuously for five years and is a resident thereof. All members shall serve for a term of three years, but in no case shall any member be appointed for more than three successive three year terms. In the case of a vacancy in the membership of the board for any reason, the governor shall appoint a successor of like qualifications to fill the unexpired term, and in making such appointment the governor shall give consideration to the list of persons last submitted. Each member of the board shall hold office until a successor is duly appointed and qualified. The governor shall have the power to remove from office any member of the board for neglect of duty, incompetency, improper or unprofessional conduct.

five members, one of which shall be a person licensed to practice medicine and surgery who specializes in the practice of ophthalmology.

One member shall be selected from a list of two or more names for the appointment, submitted by the Kansas State Ophthalmological Society or its successors.

or ophthalmology

History: L. 1923, ch. 220, § 4; R.S. 1923, 74-1501; L. 1975, ch. 318, § 9; L. 1978, ch. 308, § 56; L. 1981, ch. 299, § 52; July 1.

Source or prior law:

L. 1909, ch. 229, §§ 3, 4.

Research and Practice Aids:

Physicians and Surgeons, 5(1).

C.F.S. Physicians and Surgeons § 6 et seq.

SENATE BILL No. 113

By Committee on Public Health and Welfare

1-29

SPH*W
3-4-87
Attachment 2

0017 AN ACT concerning the optometry law; defining the practice of
0018 optometry; establishing continuing education requirements;
0019 amending K.S.A. 65-1501, 65-1501a, 65-1505 and 65-1509a and
0020 K.S.A. 1986 Supp. 65-1626 and repealing the existing sections.

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(a)

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0025 the employment of objective or subjective means or methods
0026 (including topical pharmacological agents known generically as
0027 anesthetics, mydriatics and cycloplegics the administering, or
0028 dispensing, of topical pharmaceutical drugs) for the purpose of
0029 diagnosing the refractive, muscular, or pathological condition
0030 thereof; and

0031 (2) the prescribing, use or adapting of lenses (including any
0032 ophthalmic lenses which are classified as drugs by any law of the
0033 United States or of this state), prisms, orthoptic exercises and
0034 visual training therapy for the relief of any insufficiencies or
0035 abnormal conditions of the human eyes eye and their its ad-
0036 nexae; and

0037 (3) the prescribing, administering or dispensing of topical
0038 pharmaceutical drugs for the treatment of any insufficiencies or
0039 abnormal conditions of the human eye and its adnexae.

0040 (b) The practice of optometry shall not include: (1) The use of
0041 pharmacological agents for therapeutic purposes management
0042 and treatment of glaucoma except that therapeutic licensees
0043 may prescribe, administer, or dispense topical pharmaceutical
0044 drugs in the management and treatment of chronic open angle
0045 glaucoma; (2) the performance of surgery, except that therapeu-

0046 tic licensees may remove ~~foreign matter that is not intracocular~~ superficial bodies
 0047 from the ~~human eye and its adnexae~~; and (3) the use of topical cornea and conjunctiva
 0048 pharmaceutical drugs ~~pharmacological agents~~ for the diagnostic
 0049 or therapeutic purpose of diagnosing the refractive, muscular or
 0050 pathological condition of the human eye or its adnexae purposes
 0051 by a person licensed to practice optometry unless such person
 0052 has successfully completed an examination approved by the
 0053 board of examiners in optometry on the pharmacological actions
 0054 of these agents and their clinical side effects meets and com-
 0055 pletes the requirements of K.S.A. 65-1505 and amendments
 0056 thereto.

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 0062 the state of Kansas.

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 0064 under this act.

0065 (c) "Licensee" means a person licensed under this act to
 0066 practice optometry.

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 0068 of lenses, prisms, orthoptic exercises or visual training therapy
 0069 for the aid of any insufficiencies or abnormal conditions of the
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 0072 lenses prescribed or used for the aid of any insufficiencies or
 0073 abnormal conditions of the eyes.

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 0075 from a licensee giving or containing the name and address of the
 0076 prescriber, the license registration number of the licensee, the
 0077 name and address of the patient, the specifications and direc-
 0078 tions for lenses, prisms, orthoptic exercises or visual training
 0079 therapy to be used for the aid of any insufficiencies or abnormal
 0080 conditions of the eyes, including instructions necessary for the
 0081 fabrication or use thereof, ~~the date of issue and expiration date.~~

0082 (g) "Prescription for topical pharmaceutical drugs" means a

superficial bodies
 cornea and conjunctiva

and

0083 verbal or written order directly from a licensee expressly cer-
0084 tified to prescribe drugs under this act and giving or containing
0085 the name and address of the prescriber, the license registration
0086 number of the licensee, the name and address of the patient, the
0087 name and quantity of the drug prescribed, directions for use, the
0088 number of refills permitted, the date of issue and expiration
0089 date.

0090 (h) "Topical pharmaceutical drugs" means drugs known ge-
0091 nerically as anesthetics, mydriatics, cycloplegics, anti-infec-
0092 tives, ~~anti-glaucoma agents~~ and anti-inflammatory agents ad-
0093 ministered topically and not by other means for the
0094 examination, diagnosis and treatment of the human eye and its
0095 adnexae.

0096 (i) "Dispense" means to deliver prescription only medica-
0097 tion or ophthalmic lenses to the ultimate user pursuant to the
0098 lawful prescription of a licensee and dispensing of prescrip-
0099 tion-only medication by a licensee shall be limited to a twenty-
0100 four-hour supply or minimal quantity necessary until a pre-
0101 scription can be filled by a licensed pharmacist.

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0103 act and certified by the board to ~~prescribe~~, administer or dis-
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0106 this act and certified by the board to prescribe, administer or
0107 dispense topical pharmaceutical drugs for therapeutic pur-
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0110 65-1505. (a) Persons entitled to practice optometry in Kansas
0111 shall be those persons heretofore lawfully registered, and every
0112 person who is hereafter licensed in accordance with the provi-
0113 sions of this act. Every registered optometrist holding a valid
0114 certificate of registration in effect licensee at the time this act
0115 takes effect shall be deemed to be a licensed optometrist under
0116 this act, and such person shall not be required to file an original
0117 application hereunder for a license every licensee certified by
0118 the board to use topical pharmaceutical drugs for diagnostic
0119 purposes at the time this act takes effect shall be deemed to be a

which anti-inflammatory agents shall be
limited to a 14-day supply,

SENATE PUBLIC HEALTH AND WELFARE SUB-COMMITTEE ON SENATE BILL 78

The Sub-Committee held its fourth meeting on Monday, March 2, at 12:30 p.m. in room 529-S. Present: Senator Alicia Salisbury, Chairman; Senator William Mulich and Senator Eugene Anderson. Also present: Norman Furse, Revisor of Statutes office; Emalene Correll, Legislative Research office; and Senator James Francisco.

Staff reviewed a balloon version of SB 78; pointed out certain language which they felt to be unclear; discussed the necessary exclusions of many different categories of counselors, emphasizing that a criminal penalty was involved for violations; and cited the problem of how to establish certain key definitions.

An amendment to Section 13(b) was requested by Senator Francisco that would exempt those employed by private corporations for the purpose of assisting employees and the family member of the employee of that same corporation, so long as such individuals are performing counseling or counseling-related activities within the scope of their employment.

An amendment to Section 13(f) was requested by Jacque Oakes representing the Counselors' Association that would provide that nothing in the professional counselors licensing act shall be construed to authorize a person licensed under this act to diagnose or treat mental illness or disease unless supervised by a licensed psychologist or physician with appropriate preparation in formal diagnosis.

The committee's final determination was that there were too many impediments and uncertainties to recommend a bill for licensure. Difficulties were cited in sections pertaining to scope of practice, educational requirements, and exclusions from licensure act. They agreed to recommend a bill providing for the registration of counselors rather than licensure.

One identified policy issue was left undetermined, that of whether to include counselor positions on the Board of Behavioral Sciences.

Meeting adjourned at 1:35.

3-2-87

SPH/W
3-4-87
attachment 3

SENATE PUBLIC HEALTH AND WELFARE SUB-COMMITTEE ON SENATE BILL 78

The Sub-Committee held its third meeting on Tuesday, February 19, at 1:30 p.m. in room 529-S. Present: Senator Alicia Salisbury, Chairman; Senator William Mulich and Senator Eugene Anderson. Also present: Norman Furse, Revisor of Statutes office; Emmaline Correll, Legislative Research office.

The chairman asked for recommendations. Senator Anderson stated that he favored licensure but that several clarifications were needed. Senator Mulich concurred. The chairman reported that Mary Ann Gabel, Executive Director of the Behavioral Sciences Board had raised some administrative questions pertaining to licensure, particularly in determining whether an applicant had met the education requirement. Before social workers and psychologists were authorized to seek licensure, the core curriculum had been defined and programs accredited. Her concerns centered around the capacity of the Board of Behavioral Sciences to review individual transcripts and out of state educational programs and subsequent suits that could be brought on behalf of clinical applicants who might consider the judgments made by the Board to be arbitrary and capricious.

Committee members and staff discussed the need for clarification in the following areas: Scope of practice, educational requirements and interpretations, and categories of counselors to be excluded. Amendments were proposed and the revisor was directed to prepare a balloon for SB 78. Staff was also asked to prepare a list of counselor groups so that the committee could consider which areas of practice should be included in the exclusion section.

The chairman announced that a subsequent meeting would be scheduled. Meeting adjourned at 2:30.

2-19-87

SENATE PUBLIC HEALTH AND WELFARE SUB-COMMITTEE ON SB 78

The Sub-Committee on SB 78 met on Monday, February 16, at 10:00 a.m. in Room 521-S.

Present were: Senator Alicia Salisbury, Chairman; Senators William Mulich and Eugene Anderson, members. Also present: Rita Wolf, Department of Health and Environment; Norman Furse, Revisor of Statutes office; Mary Ann Gabel, Executive Director of the Behavioral Sciences Board, and Dr. Lloyd Stone, Professor, head of Counselors' Licensure Task Force and president of the Kansas Council of Educators and Supervisors.

Rita Wolf represented Dr. Jack Walker, Secretary of the Department of Health and Environment, to explain why his recommendation for credentialing was different from that of the former Secretary, Barbara Sabol. Mrs. Sabol had recommended registration; Dr. Walker recommends licensure. Mrs. Wolf stated that Dr. Walker feels the licensure level would provide better protection for the public; would allow for a requirement for continuing education; would provide the client with better opportunity for legal recourse; and would be a stronger method of credentialing which would provide more "teeth." Dr. Walker feels there is some degree of uncertainty as to whether or not the three criteria established by the technical committee for an applicant has been met. He recommends that the definition of "mental health counselor" include the following four categories: clinical mental health; rehabilitation; career; and marriage and family. A problem area is the definition of "scope of practice," but he feels that licensure would tighten and better define "scope of practice" than would registration. Mrs. Wolf stated that 37% of the counselors are in private practice and that it is difficult to regulate professions not associated with institutions. Therefore, it becomes very necessary for the legislature to define the terms, as many definitions presently used are not consistent.

Dr. Lloyd Stone spoke on the subject of accreditation for licensure of counselors with respect to the need to develop core curriculum. Such a process was begun in January, 1985, and is going forward. A private accreditation group called the Council for Accreditation of Counseling and Related Educational Programs (CACREP) was established some years ago and there are presently approximately 50 programs throughout the country accredited by CACREP. None of the six state schools which have counseling programs are accredited.

Norman Furse reviewed a summary he had prepared outlining policy options, alternatives, and clarifications necessary in order to establish the appropriate level of credentialing, if any.

Senator Anderson and Senator Mulich both expressed the need to ask further questions and Mary Ann Gabel submitted a list of written questions involving interpretation which are attached to and made a part of these minutes together with the outline presented by Norman Furse.

The chairman announced the need to schedule a subsequent meeting. Meeting adjourned at 11:00.

STATE OF KANSAS



BARBARA L. KOVAROVIC, J.D., *Chairperson*
MARY ANN GABEL, *Executive Secretary*

Landon State Office Building
900 Jackson, Room 855
Topeka, Kansas 66612-1220
913/296-3240 KANS-A-N 561-3240

BOARD MEMBERS:

Public Members

BARBARA L. KOVAROVIC, J.D.
DELBERT L. POTTER
ROBERT M. SMITH, Ph.D.

Psychology

WILLIAM L. ALBOTT, Ph.D.
NANCY J. GARFIELD, Ph.D.

Social Work

PATRICIA L. EWALT, Ph.D.
MARVIN A. KAISER, Ph.D.

BEHAVIORAL SCIENCES REGULATORY BOARD

MEMORANDUM

TO: Rita Holl, Assistant Attorney General
FROM: Mary Ann Gabel, Executive Secretary
DATE: January 28, 1987
SUBJECT: Senate Bill No. 78 - An Act Concerning Counselors

I am enclosing a copy of Senate Bill 78 regarding the licensure of counselors under the jurisdiction of the Behavioral Sciences Regulatory Board.

I am requesting your review in terms of interpretation and whether or not the practice of this group of persons can be defined and regulated by this board given the language of the proposed statute.

Lines 0034-0039 - how exactly does this differ from the definition of social work practice in K.S.A. 75-5347(b) and psychology in K.S.A. 74-5302(a)?

Lines 0039-0042 - would the interpretation of this section mean that counselors can engage in "psychological testing"?

Lines 0043-0046 - same question as presented in lines 0034-0039.

Lines 0050-0055 indicate "licensure". Secretary Sabol's final report recommended regulation by means of "registration". Is it appropriate that the bill was drafted using licensure as opposed to registration?

Lines 0081-0082 - what does it mean if an individual is "establishing residency"?

Lines 0096-0102 - Does this mean that if an individual has a doctoral degree they are then required to have only one year of supervised experience?

Lines 0114-0115 - same question as presented in lines 0081-0082.

Lines 0116-0120 - Does this mean that anyone who would not qualify for licensure as a professional counselor could qualify for licensure as an associate provided the board approved their application? What group of persons would then be licensed? I can see a wide range of "almost fits but not quite".

Lines 0160-0166 - It appears that the application for license fee is separate from an application for endorsement in a specialty. Is this interpretation correct.

Lines 0170-0213 - This appears to be a "laundry list" of shall nots. Does line 0212-0213 enable the board to add additional practice violations through rules and regulations?

Lines 0214-0218 - It would appear that the board would not have the discretion to suspend anyone's license for a period longer than six (6) months. Is this correct? If you will think back over the recent disciplinary cases, most of the periods of suspension are for one year or until such time as the person is deemed rehabilitated.

Lines 0219-0222 - Would the board have the discretion to revoke a license and hold the revocation in suspense pending satisfactory completion of prescribed remedial action?

Lines 0220-0240 - This section appears to be a "grandfathering" section. What if an examination does not exist or cannot be found in the six-month period of time (July 1, 1987 - January 1, 1988), what happens to applicants at that point?

Lines 0250-0255 - This section appears to be an "exemption" section. Is this correct? After removing all the persons in these exempt agencies, I wonder who is left to regulate.

Lines 0262-0266 - This section provides for practice by a nonresident individual for not more than 30 days. The psychology statutes provide for ten days (K.S.A. 74-5345). Is it appropriate that this period of time differs?

Lines 0312-0386 - It appears that an advisory committee is established and named by the board for the purpose of assisting the board members in establishing licensure. It also appears that this advisory committee automatically expires on January 1, 1988 or until two additional members are appointed to the board. Is it feasible that all this work can be established within the six-month period of time (or less)?

Please review this bill in its entirety. I may have missed something you will see as presenting a legal problem. I would appreciate your feedback at your earliest convenience.

Thank you.

cc: BSRB Members w/enclosures

I. Policy Alternatives - Credentialing Act

- A. No change necessary at this time?
- B. Statutory regulation other than registration or licensure?
- C. Registration? Only registered group may use a given title.
- D. Licensure? Only licensed group may engage in defined scope of practice and use a given title.

II. Conferees - General

- A. Take no action on bill.
- B. Authorize an interim study of the proposal.
- C. Change bill to registration with modifications in scope of practice and exclusion clause.
- D. Licensure with changes in scope of practice, exclusion clause and basic educational requirements.
- E. Licensure with bill basically as drafted.

III. Conferees - Specific

- A. Scope of practice: suggestion of greater emphasis on mental illness; suggestion that strike "emotional, mental" from page 1, line 37.
- B. Delete definition of "specialty" from page 2, lines 56-59.
- C. Modify areas of study, page 3, lines 86-95.
- D. Modify exclusion clause (Sec. 13):
 - 1. If licensure or registration adjust to exclude a number of other groups;
 - 2. to prohibit counselors from engaging in practice of medicine or requiring them to comply with healing arts act (see psychologists act);
 - 3. to prohibit a counselor from diagnosing or treating mental illness or disease.

IV. General Policy Areas

- A. Level of credentialing, if any.
- B. Scope of practice.
- C. Credentialing associate counselors.
- D. Educational requirements.
- E. Exclusion~~g~~ clause.

Public Health and Welfare Sub-Committee on SB 78

MINUTES

The Sub-Committee on SB 78 met on Friday, February 13, at 8:00 a.m. in Room 531-N.

Present were: Senator Alicia Salisbury, Chairman; Senators William Mulich and Senator Eugene Anderson. Also present were: Emmaline Correll of Legislative Research; Norman Furse, Revisor of Statutes office; Mary Ann Gabel, Executive Director of the Behavioral Sciences agency.

Emmaline Correll reviewed the credentialing application for licensure of professional counselors. She reported the final findings and recommendations of the Statewide Health Coordinating Council (SHCC) as well as the recommendations of the former Secretary of Health and Environment and the present Secretary of Health and Environment. Criteria and standards used by the technical committee in their review were those that existed prior to legislative amendment in 1986. It was the technical committee's finding that certain of these criteria were met and others were not met. Though that committee found the status quo to pose no inherent harm to the public, it was nonetheless their recommendation that professional counselors in private practice be credentialed in the form of licensure by the State of Kansas.

The former Secretary of Health and Environment, Barbara Sabol, in her report to the legislature, reduced the level of credentialing to that of registration. However, the present Secretary of Health and Environment, Jack Walker, concurs with the technical committee that the appropriate level of credentialing is licensure.

Norman Furse reviewed with the committee KSA 65-5007 pertaining to the levels of credentialing.

The chairman asked Mary Ann Gabel to brief the committee on how the passage of SB 78 would be administered by the Board of Behavioral Sciences. A number of questions were raised as to how SB 78 distinguishes the core curriculum and the lack of uniformity in counseling curriculum among colleges and universities in Kansas. It is the Executive Secretary's view that the transcript of each applicant will have to be reviewed in order to determine whether or not the applicant has met the educational requirement.

The committee and staff feel that there are several issues which should be resolved before recommending passage of SB 78: (1) educational requirements (2) definition of "counselor" (3) specialized counseling groups to be included in the legislation (4) Does the applicant group meet all the criteria set forth for credentialing at the licensure level?

The meeting was adjourned. The next meeting will be Monday, February 16, at 10:00 a.m. in Room 521-S. Dr. Lloyd Stone will be asked to review national accreditation standards and educational requirements to become a licensed counselor.

SENATE BILL No. 78

By Committee on Public Health and Welfare

1-26

Preliminary Mark-up II

SPSN 00
3-4-87
attachment 4

0017 AN ACT concerning counselors; providing for the licensure of professional
 0018 professional counselors and associate counselors by the be- registration
 0019 havioral sciences regulatory board; establishing the advisory
 0020 commission on professional counseling; declaring certain acts
 0021 to be unlawful and providing penalties for violations; amend-
 0022 ing K.S.A. 1986 Supp. 74-7501 and 74-7507 and repealing the
 0023 existing sections. section

0024 *Be it enacted by the Legislature of the State of Kansas:*
 0025 New Section 1. Sections 1 through 17 shall be known and 16
 0026 may be cited as the professional counselors licensing act. registration
 0027 New Sec. 2. As used in the professional counselors licensing registration
 0028 act:

0029 (a) "Board" means the behavioral sciences regulatory board
 0030 created by K.S.A. 74-7501 and amendments thereto.

0031 (b) "Practice of counseling" means assisting an individual or professional
 0032 group for a fee, monetary or otherwise, through counseling,
 0033 assessment, consultation and referral.

0034 (c) "Counseling" means to assist an individual or group to Professional counseling
 0035 develop understanding of personal strengths and weaknesses, to
 0036 restructure concepts and feelings, to define goals and to plan
 0037 actions as these are related to personal, social, emotional, mental educational
 0038 and career development and adjustment.

0039 (d) "Assessment" means selecting, administering, scoring
 0040 and interpreting instruments designed to describe an individ-
 0041 ual's aptitudes, abilities, achievements, interests and personal
 0042 characteristics.

0043 (e) "Consultation" means the application of principles,
 0044 methods and techniques of the practice of counseling to assist in
 0045 solving current or potential problems of individuals or groups in
 0046 relation to a third party.

0048 (f) "Referral" means the evaluation of information to identify
0049 problems and to determine the advisability of referral to other
0050 practitioners.

0050 (g) "~~licensed~~ professional counselor" means a person who is
0051 ~~licensed~~ under this act to engage in the practice of counseling.

Registered
registered
private

0052 (h) "Licensed associate counselor" means any person li-
0053 censed under this act to engage in the practice of counseling for a
0054 fee, monetary or otherwise, while under the supervision of a
0055 licensed professional counselor.

0056 (i) "Specialty" means the designation of a subarea of coun-
0057 seling practice and includes, but is not limited to, clinical mental
0058 health counseling, rehabilitation counseling, career counseling
0059 and marriage and family counseling.

0060 New Sec. 3. (a) On and after January 1, 1988, no person shall
0061 represent that such person is a ~~licensed~~ professional counselor,
0062 ~~licensed~~ counselor or professional counselor ~~or~~ engage in the
0063 practice of counseling for a fee, monetary or otherwise, without
0064 having first obtained a ~~license~~ as a professional counselor under
0065 the professional counselors ~~licensing~~ act.

registered
registration

0066 (b) ~~On~~ and after January 1, 1988, no person shall represent
0067 that such person is a licensed associate counselor or engage in
0068 the practice of counseling as an associate counselor for a fee,
0069 monetary or otherwise, without having first obtained a license as
0070 an associate counselor under the professional counselors licens-
0071 ing act.

0072 (c) Violation of this section is a class B misdemeanor.

0073 New Sec. 4. (a) Applications for ~~licensure~~ as a professional
0074 counselor shall be made to the board on a form and in the manner
0075 prescribed by the board. Each application shall be accompanied
0076 by the fee fixed under section ~~9~~.

registration
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registration

0077 (b) Each applicant for ~~licensure~~ as a professional counselor
0078 shall furnish evidence satisfactory to the board that the appli-
0079 cant:

0080 (1) Is at least ~~21~~ years of age;

18

0081 (2) is a resident of, or in the process of establishing residency
0082 in, this state;

0083 (3) has completed 60 graduate semester hours including a

0084 graduate degree from a college or university approved by the [in counseling
 0085 board and which includes [study in] each of the following areas: [45 graduate semester hours distributed among

- 0086 (A) Counseling theory and practice;
- 0087 (B) the helping relationship;
- 0088 (C) group dynamics, processing and counseling;
- 0089 (D) human growth and development;
- 0090 (E) lifestyle and career development;
- 0091 (F) appraisal of individuals;
- 0092 (G) social and cultural foundations;
- 0093 (H) research and evaluation;
- 0094 (I) professional orientation;
- 0095 (J) supervised practicum and internship; and

0096 (4) has three years of supervised full-time experience in
 0097 professional counseling acceptable to the board. An applicant
 0098 may subtract one year of the required professional experience for

0099 every 30 graduate semester hours obtained beyond the [master's
 0100 degree], provided that such hours are clearly related to the field [60 graduate semester hours required for licensure

0101 of professional counseling. In no case shall the applicant have
 0102 less than one year of the required professional experience; and

0103 (5) has [validated the statement of professional intent as well
 0104 as demonstrated knowledge of the field of counseling in general
 0105 by passing] an examination required by the board. [passed

0106 [New Sec. 5. (a) Applications for licensure as an associate
 0107 counselor shall be made to the board on a form and in the manner
 0108 prescribed by the board. Each application shall be accompanied
 0109 by the fee fixed under section 9.

0110 (b) Each applicant for licensure as an associate counselor
 0111 shall furnish evidence satisfactory to the board that the appli-
 0112 cant:

- 0113 (1) Is at least 21 years of age;
- 0114 (2) is a resident of, or in the process of establishing residency
 0115 in, this state;
- 0116 (3) has earned a master's degree from an institution of higher
 0117 education approved by the board, which is primarily counseling
 0118 in content and which meets the academic and training content
 0119 standards established by the board for this purpose or the sub-
 0120 stantial equivalent in both subject matter and extent of training;

registration

21 ~~and~~
 0122 (4) ~~has demonstrated knowledge of the field of counseling in~~
 0123 ~~general by passing an examination required by the board.~~

5
 as a professional counselor

0124 New Sec. ~~6~~ An application for examination shall be made to
 0125 the board on a form provided by the board. The application shall
 0126 specify whether the applicant is applying for a license as a
 0127 professional counselor or as an associate counselor and shall be
 0128 accompanied by the examination fee fixed under section ~~9~~. If an
 0129 applicant fails to pass the examination, the applicant may reapply
 0130 and shall be allowed to take a subsequent examination. An
 0131 applicant who has failed two successive examinations may not
 reapply for two years from the date of the last examination.

8

0133 New Sec. ~~7~~ (a) An applicant who meets the requirements for
 0134 licensure pursuant to this act, has paid the license fee provided
 0135 for by section ~~9~~ and has otherwise complied with the provisions
 0136 of this act shall be licensed by the board.

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 registration
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 Registrations

0137 (b) Licenses issued pursuant to this act shall expire 24
 0138 months from the date of issuance unless revoked prior to that
 0139 time. A license may be renewed upon application and payment
 0140 of the fee provided for by section ~~9~~. The application for renewal
 0141 shall be accompanied by evidence satisfactory to the board that
 0142 the applicant has completed during the previous 24 months the
 0143 continuing education required by rules and regulations of the
 0144 board.

registration

0145 (c) A person whose license has been suspended or revoked
 0146 may make written application to the board requesting reinstatement
 0147 of the license upon termination of the period of suspension
 0148 or revocation in a manner prescribed by the board, which appli-
 0149 cation shall be accompanied by the fee provided for by section ~~9~~.

registration

0150 New Sec. ~~8~~ The board may at its discretion waive the statu-
 0151 tory requirements of an applicant for licensure as a licensed
 0152 professional counselor if such applicant is licensed or certified to
 0153 practice counseling by a similar board in another state and if the
 0154 standards and qualifications required for the practice of coun-
 0155 seling in the state in which the applicant is licensed or certified
 0156 are substantially the same as those required under the profes-
 0157 sional counselors licensing act.

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 registration
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 authorized
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 registration

licensed, registered or certified

0158 New Sec. 9 (a) The board shall fix by rules and regulations
0159 the following fees:

8

- 0160 (1) For application for license, not more than \$75;
- 0161 (2) for examination, not more than \$100;
- 0162 (3) for renewal of a license, not more than \$75;
- 0163 (4) for reinstatement of a license, not more than \$75;
- 0164 (5) for replacement of a license, not more than \$20;
- 0165 (6) for application for endorsement in a specialty, not more
- 0166 than \$100; and
- 0167 (7) for biennial renewal for endorsement in a specialty, not
- 0168 more than \$100.

registration

0169 (b) Fees paid to the board are not refundable.

9

0170 New Sec. 10 (a) The board may deny, suspend or revoke any
0171 license or specialty designation granted under the professional
0172 counselors licensing act for any of the following reasons:

registration

- 0173 (1) Use of drugs or alcohol, or both, to an extent that impairs
- 0174 the individual's ability to engage in the practice of counseling;
- 0175 (2) the individual has been convicted of a felony and, after
- 0176 investigation, the board finds that the individual has not been
- 0177 sufficiently rehabilitated to merit the public trust;

private
professional

- 0178 (3) use of fraud, deception, misrepresentation or bribery in
- 0179 securing any license issued pursuant to the provisions of the
- 0180 professional counselors licensing act or in obtaining permission
- 0181 to take any examination given or required pursuant to the provi-
- 0182 sions of the professional counselors licensing act;

registration

- 0183 (4) obtaining or attempting to obtain any fee, charge, tuition
- 0184 or other compensation by fraud, deception or misrepresentation;
- 0185 (5) incompetence, misconduct, fraud, misrepresentation or
- 0186 dishonesty in the performance of the functions or duties of a —
- 0187 counselor;

professional

- 0188 (6) violation of, or assisting or enabling any individual to
- 0189 violate, any provision of the professional counselors licensing act
- 0190 or any rule and regulation adopted under such act;

registration

- 0191 (7) impersonation of any individual holding a license or al-
- 0192 lowing any individual to use the licensee's or applicant's license
- 0193 or diploma from any school;

a registration
of a person registered under the professional counselors registration act or a diploma
from any school of an applicant for registration under the professional counselors reg-
istration act
authorization
registration

- 0194 (8) revocation or suspension of a license or other right to

0195 practice counseling granted by another state, territory, federal
0196 agency or country upon grounds for which revocation or sus-
0197 pension is authorized by the professional counselors licensing
0198 act;

registration

0199 (9) the individual is mentally ill or physically disabled to an
0200 extent that impairs the individual's ability to engage in the
0201 practice of counseling;

private

0202 (10) assisting or enabling any person to practice or offer to
0203 practice professional counseling who is not licensed and cur-
0204 rently eligible to practice under the provisions of the profes-
0205 sional counselors licensing act;

professional

hold oneself out to the public

hold oneself out to the public as a registered

counselor

registered

registration

0206 (11) the issuance of the license was based upon a material
0207 mistake of fact;

0208 (12) violation of any professional trust or confidence;

0209 (13) use of any advertisement or solicitation which is false,
0210 misleading or deceptive to the general public or persons to
0211 whom the advertisement or solicitation is primarily directed; or

0212 (14) unprofessional conduct as defined by rules and regula-
0213 tions adopted by the board.

0214 (b) Suspension of a license upon order of the board shall not
0215 be for a period greater than six months and any licensee thereby
0216 suspended shall not practice counseling in this state until the
0217 termination of the suspension period and subsequent reinstate-
0218 ment of the license by the board.]

0219 (c) Revocation of a license upon order of the board shall be
0220 for a period of at least three years and a person whose license has
0221 been revoked may not apply for reinstatement until at least three
0222 years from the date such revocation is legally effective.]

0223 New Sec. [1]. The confidential relations and communica-
0224 tions between a licensed professional counselor or licensed
0225 associate counselor and such counselor's client are placed on the
0226 same basis as provided by law for those between an attorney and
0227 an attorney's client. [Nothing in this act shall be construed to
0228 require such privileged communications to be disclosed.]

[10

registered

0229 New Sec. [2] Before January 1, 1988, the board, upon receipt
0230 of a proper application and payment of fees, shall issue a license
0231 without examination to a person who prior to July 1, 1987:

[11

registration

0232 (a) Has practiced full time as a professional counselor for at
0233 least five years and possesses a graduate degree in counseling
0234 from a college or university approved by the board and is
0235 currently engaged in the practice of counseling; or

0236 (b) has practiced full time as a professional counselor for at
0237 least two years, possesses a graduate degree with at least 60
0238 graduate semester hours in counseling from a college or univer-
0239 sity approved by the board and is currently engaged in the
0240 practice of counseling.

professional

0241 New Sec. 13. Nothing in the professional counselors licens-
0242 ing act shall be construed:

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registration

0243 (a) To apply to the activities and services of qualified mem-
0244 bers of other professions, such as physicians, psychologists,
0245 registered nurses or social workers performing counseling con-
0246 sistent with the laws of this state, their training and any code of
0247 ethics of their professions, so long as they do not represent
0248 themselves by any title or description in the manner prescribed
0249 in section 3;

professional groups including, but not limited to, attorneys,

0250 (b) to apply to the activities, services and use of an official
0251 title on the part of an individual employed as a counselor by any
0252 federal, state, county or municipal agency or public or private
0253 educational institution, so long as such individuals are perform-
0254 ing counseling or counseling-related activities within the scope
0255 of their employment;

0256 (c) to apply to the activities and services of a student, intern
0257 or trainee in counseling pursuing a course of study in counseling
0258 in a regionally accredited institution of higher education if these
0259 activities are performed under supervision and constitute a part
0260 of the supervised course of study, so long as such an individual is
0261 designated a "counselor intern";

0262 (d) to apply to the activities and services rendered by a
0263 nonresident individual not more than 30 days during any calen-
0264 dar year, such individual is duly authorized to perform such
0265 activities and services under the laws of the state or country of
0266 such individual's principal residence;

residence

0267 (e) to apply to the activities and services of a rabbi, priest,
0268 minister or clergyperson of any religious denomination or sect.

(d)

0269 so long as such activities and services are within the scope of the
 0270 performance of such individual's regular or specialized ministe-
 0271 rial duties and for which no separate charge is made, or when
 0272 such activities are performed, with or without charge, for or
 0273 under auspices or sponsorship, individually or in conjunction
 0274 with others, of an established and legally recognizable church,
 0275 denomination or sect and when the individual rendering service
 0276 remains accountable to the established authority thereof.

(e) to authorize a person licensed under this act to diagnose or treat mental illness or disease.

0277 New Section 14 (a) In accordance with the provisions of this
 0278 section, the board may establish specialties within the practice of
 0279 counseling and provide for the endorsement of licensed profes-
 0280 sional counselors in such specialties. The board shall adopt rules
 0281 and regulations applicable to the endorsement of specialties
 0282 which:

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 professional
 registered

0283 (1) Establish categories of specialties within the practice of
 0284 counseling which are consistent with specialties recognized by
 0285 the profession of counseling;

professional

0286 (2) establish education, training and qualifications necessary
 0287 for endorsement for each category of specialty established by the
 0288 board at a level adequate to assure the competent performance of
 0289 the specialty; and

0290 (3) define each category of specialty established under this
 0291 section and establish limitations and restrictions on each cate-
 0292 gory, as appropriate. The definition of each category of specialty
 0293 established under this paragraph (a)(3) shall be consistent with
 0294 the education, training and qualifications required to obtain an
 0295 endorsement in that category of specialty and shall be consistent
 0296 with the protection of the public health and safety.

0297 (b) The board may fix by rule and regulation an application
 0298 fee for endorsement in a specialty and shall fix a biennial
 0299 renewal fee for endorsement in a specialty. The application fee
 0300 and biennial renewal fee shall be fixed in accordance with
 0301 section 9. Any such fee shall be in addition to other fees col-
 0302 lected by the board under the professional counselors licensing
 0303 act.

0304 (c) A licensed professional counselor holding an endorse-
 0305 ment from the board in a specialty within the practice of coun-

registered

0306 seling may represent to the public that such individual is en-
 0307 dorsed in such specialty. It shall be unlawful for any individual
 0308 not endorsed in a specialty within the practice of counseling to
 0309 intentionally represent to the public that such individual is
 0310 endorsed in such specialty. Violation of this subsection (c) is a
 0311 class B misdemeanor.

professional

0312 New Sec. 15. (a) There is hereby established an advisory
 0313 commission on professional counseling. The advisory commis-
 0314 sion shall advise the behavioral sciences regulatory board on
 0315 matters relating to the implementation of the professional coun-
 0316 selors licensing act. The advisory commission shall be attached
 0317 to the behavioral sciences regulatory board and shall be within
 0318 the board as a part thereof. All budgeting, purchasing and related
 0319 management functions of the commission shall be administered
 0320 under the direction and supervision of the board. All vouchers
 0321 for expenditures of the advisory commission shall be approved
 0322 by the chairperson of the board or a person designated by the
 0323 chairperson.

14

registration

0324 (b) The advisory commission shall consist of five members
 0325 appointed by the behavioral sciences regulatory board. The
 0326 board shall appoint to the advisory commission three members
 0327 who are actively engaged in the practice of counseling and who
 0328 are licensed professional counselors or who are eligible to be-
 0329 come licensed professional counselors under the professional
 0330 counselors licensing act, at least one of whom is currently in-
 0331 volved in counseling education. The board shall also appoint one
 0332 member of the advisory commission who is a member of the
 0333 behavioral sciences regulatory board and is a licensed psycholo-
 0334 gist and one member of the advisory commission who is a
 0335 member of the behavioral sciences regulatory and is a licensed
 0336 social worker. If a vacancy occurs on the advisory commission,
 0337 the board shall appoint an individual of like qualifications to fill
 0338 the vacancy. The terms of the members of the advisory commis-
 0339 sion shall expire on the date of expiration of this section under
 0340 subsection (d).

professional

registered

registration

0341 (c) Members of the advisory commission attending meetings
 0342 of the advisory commission, or attending a subcommittee meet-

0342 ing thereof authorized by the advisory commission, shall be paid
0343 amounts provided in subsection (e) of K.S.A. 75-3223 and
0344 amendments thereto from the behavioral sciences regulatory
0345 board fee fund.

0347 (d) This section shall expire on July 1, 1988.

0348 New Sec. 16 Proceedings under the professional counselors
0349 licensing act shall be conducted in accordance with the Kansas
0350 administrative procedure act. Judicial review and civil enforce-
0351 ment of agency actions under the professional counselors li-
0352 censing act shall be in accordance with the act for judicial review
0353 and civil enforcement of agency actions.

15

registration

0354 New Sec. 17 If any part or parts of this act are held to be
0355 invalid or unconstitutional by any court, it shall be conclusively
0356 presumed that the legislature would have enacted the remainder
0357 of this act without such invalid or unconstitutional part or parts.

16

the professional counselors registration

0358 Sec. 18. K.S.A. 1986 Supp. 74-7501 is hereby amended to
0359 read as follows: 74-7501. (a) There is hereby created a behavioral
0360 sciences regulatory board consisting of ~~seven~~ *nine* members
0361 appointed by the governor. The membership of the board shall
0362 be as follows. Two members of the board shall be licensed
0363 psychologists; two members of the board shall be licensed to
0364 engage in the practice of social work; *two members of the board*
0365 *shall be licensed professional counselors or if appointed prior to*
0366 *January 1, 1988, shall be eligible to become licensed profes-*
0367 *sional counselors*; and three members of the board shall be from
0368 and represent the general public. Each member of the board
0369 shall be a citizen of the United States and a resident of this state.

0370 (b) The term of office of each member of the board shall be
0371 four years, except that the term of office of the ~~members profes-~~
0372 ~~sional counselors first~~ appointed to the ~~first~~ board shall be as
0373 follows: ~~Three members shall be appointed for terms of two~~
0374 ~~years, three members shall be appointed for terms of three years~~
0375 ~~and one member~~ *One shall be appointed for a term of two years*
0376 *and one shall be appointed for a term of four years.* The governor
0377 shall designate the term of office for each *such* member *first*
0378 appointed to the *first* board. No member of the board shall be
0379 appointed for more than two successive terms. Upon the expira-

0380 [] ion of a member's term of office, the governor shall appoint a
 0381 qualified successor. Each member shall serve until a successor is
 0382 appointed and qualified. Whenever a vacancy occurs in the
 0383 membership of the board prior to the expiration of a term of
 0384 office, the governor shall appoint a qualified successor to fill the
 0385 unexpired term. The governor may remove any member of the
 0386 board for misconduct, incompetency or neglect of duty.

0387 (c) The board shall organize annually at its first meeting
 0388 subsequent to June 30 and shall select from its members a
 0389 chairperson and a vice-chairperson. Other meetings shall be
 0390 held as the board designates. ~~Four~~ Five members of the board
 0391 shall constitute a quorum for the transaction of business.

0392 (d) The board may appoint an executive secretary who shall
 0393 be in the unclassified service of the Kansas civil service act and
 0394 shall receive an annual salary fixed by the board, subject to
 0395 approval by the governor. The board may employ clerical per-
 0396 sonnel and other assistants, all of whom shall be in the classified
 0397 service under the Kansas civil service act. The board may make
 0398 and enter into contracts of employment with such professional
 0399 personnel as necessary, in the board's judgment, for the per-
 0400 formance of its duties and functions and the execution of its
 0401 powers.

0402 (e) Members of the behavioral sciences regulatory board
 0403 attending meetings of the board, or attending a subcommittee
 0404 meeting thereof authorized by the board, shall be paid compen-
 0405 sation, subsistence allowances, mileage and other expenses as
 0406 provided in K.S.A. 75-3223 and amendments thereto.

0407 Sec. 19 K.S.A. 1986 Supp. 74-7507 is hereby amended to [] 17
 0408 read as follows: 74-7507. The behavioral sciences regulatory
 0409 board shall have the following powers, duties and functions for
 0410 the purpose of administering ~~the provisions of~~ this act, the
 0411 ~~provisions of the~~ licensure of psychologists act of the state of
 0412 Kansas, ~~the professional counselors~~ licensing act and ~~the provi-~~ [] registration
 0413 ~~sions of~~ K.S.A. 75-5346 to 75-5362, inclusive, and amendments
 0414 thereto:

0415 (a) Recommend to the appropriate district or county attor-
 0416 neys prosecution for violations of this act, the ~~provisions of the~~

0417 licensure of psychologists act of the state of Kansas, *the profes-*
 0418 *sional counselors* licensing act or the provisions of K.S.A. 75-
 0419 5346 to 75-5362, inclusive, and amendments thereto;

0420 (b) compile and publish annually a list of the names and
 0421 addresses of all persons who are licensed under the provisions of
 0422 this act, the provisions of the licensure of psychologists act of the
 0423 state of Kansas, *the professional counselors* licensing act or the
 0424 provisions of K.S.A. 75-5346 to 75-5362, inclusive, and amend-
 0425 ments thereto;

0426 (c) prescribe the form and contents of examinations required
 0427 under the provisions of this act, the provisions of the licensure of
 0428 psychologists act of the state of Kansas, *the professional coun-*
 0429 *sels* licensing act or the provisions of K.S.A. 75-5346 to 75-
 0430 5362, inclusive, and amendments thereto;

0431 (d) enter into contracts necessary to administer the provi-
 0432 sions of this act, the provisions of the licensure of psychologists
 0433 act of the state of Kansas, *the professional counselors* licensing
 0434 act or the provisions of K.S.A. 75-5346 to 75-5362, inclusive, and
 0435 amendments thereto;

0436 (e) adopt an official seal;

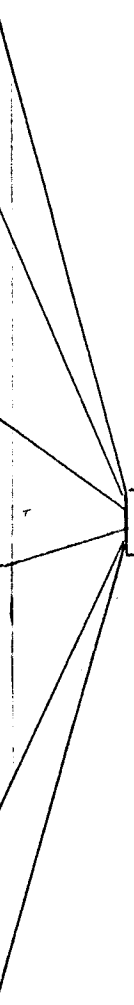
0437 (f) adopt and enforce rules and regulations for professional
 0438 conduct of persons licensed under the provisions of the licensure
 0439 of psychologists act of the state of Kansas, *the professional*
 0440 *counselors* licensing act or licensed under the provisions of
 0441 K.S.A. 75-5346 to 75-5362, inclusive, and amendments thereto;

0442 (g) adopt and enforce rules and regulations establishing re-
 0443 quirements for the continuing education of persons licensed
 0444 under the provisions of the licensure of psychologists act of the
 0445 state of Kansas, *the professional counselors* licensing act or
 0446 licensed under the provisions of K.S.A. 75-5346 to 75-5362,
 0447 inclusive, and amendments thereto;

0448 (h) adopt rules and regulations establishing classes of social
 0449 work specialties which will be recognized for licensure under
 0450 the provisions of K.S.A. 75-5346 to 75-5362, inclusive, and
 0451 amendments thereto;

0452 (i) adopt rules and regulations establishing procedures for
 0453 examination of candidates for licensure under the licensure of

registration



0454 psychologists act of the state of Kansas, *the professional coun-*
 0455 *selors* licensing act and licensure under the provisions of K.S.A.
 0456 75-5346 to 75-5362, inclusive, and amendments thereto, and for
 0457 issuance of such certificates and such licenses;

0458 (j) adopt such other rules and regulations as may be neces-
 0459 sary for the administration of this act, the licensure of psycholo-
 0460 gists act of the state of Kansas, *the professional counselors*
 0461 licensing act and the provisions of K.S.A. 75-5346 to 75-5362,
 0462 inclusive, and amendments thereto, and to carry out the pur-
 0463 poses thereof;

registration

0 (k) appoint an executive secretary and other employees as
 0465 provided in K.S.A. 74-7501 and amendments thereto; and

0466 (l) exercise such other powers and perform such other func-
 0467 tions and duties as may be prescribed by law.

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0468 Sec. 20. K.S.A. 1986 Supp. 74-7501 and 74-7507 are hereby
 0469 repealed.

74-7507 is

0470 Sec. 21. This act shall take effect and be in force from and
 0471 after its publication in the statute book.

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