

Approved 1-26-88
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 January 20, 1988 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Bill Wolff, Legislative Research
Emalene Correll, Legislative Research
Norman Furse, Revisors Office
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Senator Gerald "Jerry" Karr
Bill Crockett, Kansas Organization of Professional Psychologists
Mary Ann Gabel, Executive Secretary, Behavioral Sciences Regulatory
Board
John Peterson, Kansas Association of Professional Psychologists
Paul Klotz, Association of Community Health Centers
Tom Bell, Kansas Hospital Association

Senator Gerald "Jerry" Karr appeared before the committee and presented written testimony. Senator Karr suggested 3 changes in SB-469. The first change was to include in Section 1 "the not for profit corporations." This would primarily be hospitals that may have a masters level psychologist on their staff. The change in Section 2 would change the language that says "by state agency" to "in this state." The third change would add a new section on Line 131, which would allow the advisory committee to expire on July 1, 1989. Senator Karr also supported the amendment to be offered by the Behavioral Sciences Regulatory Board which would involve adding a new Section 5 on line 134. This amendment dealing with confidentiality is shown in attachment 1.

Bill Crockett appeared before the committee and presented written testimony. Senate Bill 680 passed last year places Mr. Crockett's current employment in jeopardy, also the future of the psychiatric unit of St. Catherine's Hospital, Garden City. Mr. Crockett stated he was in support of SB-469 which is designed to include not-for-profit corporations. Attachment 2

Mary Ann Gabel requested support by the committee for SB-469 and also asked consideration in amending the bill with the addition of a new Section 5 concerning confidentiality. A copy of the requested new Section 5 is provided in Attachment 3.

John Peterson appeared before the committee with the request that the Advisory Committee, which is just getting organized, be allowed to operate for a period of time. Mr. Peterson stated that if changes were deemed necessary after a period of operation, they could be addressed at a later date.

Paul Klotz stated he would reserve comments on the bill until such a time as another bill which is being prepared comes before the committee.

Tom Bell appeared before the committee stating his organization was supportive of the proposed changes in the bill. It was suggested that in the event of difficulties the term "licensed hospitals" be used.

The meeting adjourned at 10:35 a.m. and will meet January 21, 1988.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE January 20, 1988

(PLEASE PRINT)

NAME AND ADDRESS

ORGANIZATION

Bill Crockett 1812 Crestway Garden City, Ks

Kansas Organization of Professional Psychologists

~~Rick Marks OD 1625 E Madison Derby, Ks~~

~~Kans Optometric Assn~~

~~Gary Robbirk~~

~~Ks Optometric Assn~~

KEITH R LANDIS

CHRISTINA SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS

~~Jerry Swanton~~

~~Ks MEDICAL SOCIETY~~

~~Dave Klob~~

~~Association of CMHC's of Ks Inc~~

E. Brent Hoff

Ks. Assn. of School Psychologists

Keri Gahr

Assn of Prof. Psychologists

JON JOSSERAPO

University of Kansas

Jim Gregory

Beech Aircraft

Chip Wheelen

Kansas Medical Society

Thomas F. Taylor MD

Doctor of the Day

STATE OF KANSAS

GERALD "JERRY" KARR
SENATOR, SEVENTEENTH DISTRICT
CHASE, LYON, MARION, MORRIS,
OSAGE COUNTIES
R R 2 BOX 101
EMPORIA, KANSAS 66801



TOPEKA

SENATE CHAMBER
January 20, 1988

COMMITTEE ASSIGNMENTS
MEMBER AGRICULTURE
ASSESSMENT AND TAXATION
FINANCIAL INSTITUTIONS AND
INSURANCE
ECONOMIC DEVELOPMENT
EDUCATION
JOINT COMMITTEE ON ADMINISTRATIVE
RULES AND REGULATIONS
LEGISLATIVE EDUCATIONAL PLANNING
COMMITTEE

TO: Members of the Public Health and
Welfare Committee

FROM: Senator Gerald "Jerry" Karr

TOPIC: Senate Bill No. 469

I appreciate the opportunity to appear before the Committee to discuss minor changes that should be made in the Act that was passed in the 1987 Session regarding registered masters level psychologists. I am suggesting three changes in the bill that you have before you. First, I would like to include in Section 1 "the not for profit corporations", which would primarily be hospitals that may have a masters level psychologist on their staff.

In Section 2, in order to make certain that we are not putting any master level psychologist at a disadvantage during this transition period, I would like to change the language that says "by state agency" to "in this state". I think this would clarify the situation for the individual that may be caught in the transition.

And third, in the bill which you have before you, I would like to add a new section on Line 131, which would allow the Advisory Committee to expire on July 1, 1989.

As a Committee, I would like to recommend some additional thoughts. If the Advisory Committee for the masters level psychologist is allowed to expire, as you did for counselors, I think the Committee should consider developing a new makeup for the Board of Behavioral Sciences. As you know the current board of seven members include, two social workers, two psychologist, and three members from the general public. I think with the two new groups moving under the umbrella of the board, they need to be directly represented on the Board.

And last, I would like to suggest a possible additional amendment to the bill before you. This admendment has been suggested by the Behavioral Sciences Regulatory Board and it would involve adding a new Section 5 starting on Line 134. The new language is on the attached copy of the bill.

Senate Public Health & Welfare
—January 20, 1988
Attachment 1

STATE OF KANSAS

GERALD "JERRY" KARR
SENATOR, SEVENTEENTH DISTRICT
CHASE, LYON, MARION, MORRIS,
OSAGE COUNTIES
R R 2, BOX 101
EMPORIA, KANSAS 66801



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS
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COMMITTEE

By adding this new Section 5, I think we would address the confidentiality that we have always wanted between clients and licensed pschologist and social workers. This would put all of these providers on the same level of confidentiality in the light of Kansas Law.

I know there are others today who wish to speak on this bill and may have additional suggestions for the improvement of the Registered Masters Level Psychologist Bill. I certainly will be pleased to answer any questions that the Committee might have at this point.

0119 tion as a registered masters level psychologist; review the appli-
 0120 cations for compliance with this act; and make their recommen-
 0121 dations for acceptance, rejection or other actions to be taken by
 0122 the board. The board shall accept and act on the committee's
 0123 recommendations so long as the recommendations are in com-
 0124 pliance with this act.

0125 (f) The board shall make support staff available to the com-
 0126 mittee.

0127 (g) Members of the committee attending meetings of the
 0128 committee authorized by the board shall be paid compensation,
 0129 subsistence allowances, mileage and other expenses as provided
 0130 in K.S.A. 75-3223 and amendments thereto.

0131 (h) *This section shall expire on July 1, 1989.*

0132 Sec. 4. K.S.A. 1987 Supp. 74-5362, 74-5363 and 74-5368 are
 0133 hereby repealed.

0134 ~~Sec. 5. This act shall take effect and be in force from and~~
 0135 ~~after its publication in the Kansas register.~~

0134 New Sec. 5. The confidential relations and communications between a
 0135 registered masters level psychologist and his or her client are placed
 0136 on the same basis as provided by law for those between an attorney and
 0137 an attorney's client.

0138 ~~Sec. 5~~ Sec. 6. This act shall take effect and be in force from and after
 0139 its publication in the Kansas register.

SENATE BILL No. 469

By Senator Karr

12-28

0016 AN ACT concerning registered masters level psychologists;
0017 amending K.S.A. 1987 Supp. 74-5362, 74-5363 and 74-5368
0018 and repealing the existing sections.

0019 *Be it enacted by the Legislature of the State of Kansas:*

0020 Section 1. K.S.A. 1987 Supp. 74-5362 is hereby amended to
0021 read as follows: 74-5362. Any person who is registered under the
0022 provisions of this act as a registered masters level psychologist
0023 shall have the right to practice only in a licensed community
0024 mental health center or one of its contracted affiliates, in any
0025 federal, state, county or municipal agency, or other political
0026 subdivision, ~~or~~ in a duly chartered educational institution *or in a*
0027 *not-for-profit corporation* insofar as such practice is part of the
0028 duties of such person's paid position and is performed solely on
0029 behalf of the employer, so long as such practice is under the
0030 direction of a person licensed to provide mental health services
0031 as an independent practitioner and whose licensure allows for
0032 the diagnosis and treatment of psychological disorders. Such
0033 *registered* person may use the title registered masters level
0034 psychologist and the abbreviation RMLP.

0035 Sec. 2. K.S.A. 1987 Supp. 74-5363 is hereby amended to read
0036 as follows: 74-5363. (a) Any person who desires to be registered
0037 under this act shall apply to the board in writing, on forms
0038 prepared and furnished by the board. Each application shall
0039 contain appropriate documentation of the particular qualifica-
0040 tions required by the board and shall be accompanied by the
0041 required fee.

0042 (b) The board shall register as a registered masters level
0043 psychologist any applicant for registration who pays the fee
0044 prescribed by the board under K.S.A. 1987 Supp. 74-5365 *and*

0045 *amendments thereto*, which shall not be refunded, who has
0046 satisfied the board as to such applicant's training and who com-
0047 plies with the provisions of this subsection (b). An applicant for
0048 registration also shall submit evidence verified under oath and
0049 satisfactory to the board that such applicant: (1) Is at least 21
0050 years of age; (2) has received at least a master's degree in clinical
0051 psychology based on a program of studies in psychology from an
0052 educational institution having a graduate program in psychology
0053 consistent with state universities of Kansas or has received a
0054 master's degree in psychology and during such graduate program
0055 completed a minimum of 12 semester hours or its equivalent in
0056 psychological foundation courses such as, but not limited to,
0057 philosophy of psychology, psychology of perception, learning
0058 theory, history of psychology, motivation, and statistics and 24
0059 semester hours or its equivalent in professional core courses
0060 such as, but not limited to, two courses in psychological testing,
0061 psychopathology, two courses in psychotherapy, personality
0062 theories, developmental psychology, research methods, social
0063 psychology; (3) has completed 750 clock hours of academically
0064 supervised practicum or 1,500 clock hours of postgraduate su-
0065 pervised work experience; and (4) is in the employ of a Kansas
0066 licensed community mental health center, or one of its con-
0067 tracted affiliates, or a federal, state, county or municipal agency,
0068 or other political subdivision, ~~or~~ a duly chartered educational
0069 institution *or a not-for-profit corporation* and whose practice is a
0070 part of the duties of such applicant's paid position and is per-
0071 formed solely on behalf of the employer.

0072 (c) Until ~~July 1, 1988~~ *October 1, 1988*, the board shall waive
0073 the educational or degree and supervision requirements, or all
0074 such requirements, under subsection (b) so long as the person
0075 applying for registration as a registered masters level psycholo-
0076 gist has a graduate degree and either (1) has been employed for
0077 at least three years as a psychologist by a licensed community
0078 mental health center, or one of its contracted affiliates, or a
0079 federal, state, county or municipal agency, or other political
0080 subdivision, ~~or~~ a duly chartered educational institution *or a*
0081 *not-for-profit corporation*; or (2) as of July 1, 1987, was em-

0082 ployed by a state agency in this state as a psychologist, or was
0083 recognized as a masters level psychologist by the professional
0084 standards committee of the association of community mental
0085 health centers of Kansas or was employed by a licensed commu-
0086 nity mental health center or one of its contracted affiliates as a
0087 psychologist.

0088 Sec. 3. K.S.A. 1987 Supp. 74-5368 is hereby amended to read
0089 as follows: 74-5368. (a) The board shall establish a masters level
0090 psychologist registration committee consisting of three members
0091 appointed by the chairperson of the board.

0092 (b) All members of the committee shall be registered masters
0093 level psychologists or prior to January 1, 1988, persons qualified
0094 under this act to be registered as registered masters level psy-
0095 chologists. Each member of the committee shall be a citizen of
0096 the United States and resident of this state.

0097 (c) Each member of the committee shall serve for three years
0098 except that the terms on the committee first appointed shall be as
0099 follows: One member shall be appointed for a one-year term, one
0100 member shall be appointed for a two-year term and one member
0101 shall be appointed for a three-year term. The chairperson of the
0102 board shall designate the term for each member first appointed
0103 to the committee. No member of the committee shall be ap-
0104 pointed for more than two successive terms. Upon the expiration
0105 of a member's term on the committee, the chairperson shall
0106 appoint a qualified successor. Each member shall serve until a
0107 successor is appointed and qualified. Whenever a vacancy occurs
0108 in the membership of the committee prior to the expiration of a
0109 term, the chairperson of the board shall appoint a qualified
0110 successor to fill the unexpired term. The chairperson of the
0111 board may remove any member of the committee for misconduct,
0112 incompetency or neglect of duty.

0113 (d) The committee shall organize annually at its first meeting
0114 subsequent to June 30 and shall select from its members a
0115 chairperson. Other meetings shall be held as the committee
0116 designates. Two members of the committee shall constitute a
0117 quorum for the transaction of business.

0118 (e) The committee shall receive all applications for registra-

0119 tion as a registered masters level psychologist; review the appli-
0120 cations for compliance with this act; and make their recommen-
0121 dations for acceptance, rejection or other actions to be taken by
0122 the board. The board shall accept and act on the committee's
0123 recommendations so long as the recommendations are in com-
0124 pliance with this act.

0125 (f) The board shall make support staff available to the com-
0126 mittee.

0127 (g) Members of the committee attending meetings of the
0128 committee authorized by the board shall be paid compensation,
0129 subsistence allowances, mileage and other expenses as provided
0130 in K.S.A. 75-3223 and amendments thereto.

0131 (h) *This section shall expire on July 1, 1989.*

0132 Sec. 4. K.S.A. 1987 Supp. 74-5362, 74-5363 and 74-5368 are
0133 hereby repealed.

0134 Sec. 5. This act shall take effect and be in force from and
0135 after its publication in the Kansas register.

Statement of Position - Senate Bill #469

TO: Public Health and Welfare Committee
Kansas Senate

FROM: Bill Crockett, M.S., Clinical Psychologist
1812 Crestway, Garden City, KS

I am in support of Senate Bill #469 which is designed to include not-for-profit corporations in the list of locations in which a Registered Master's Level Psychologist can be employed.

I have a Master's Degree in Clinic Psychology and am employed as a Clinical Psychologist for the Psychiatric Unit - St. Catherine Hospital, Garden City, Kansas. St. Catherine Hospital is a 132-bed general hospital in Garden City, operated as a not-for-profit corporation by the Sisters of St. Dominic.

As you know, Senate Bill #680 of the 1987 legislative session includes state institutions and community mental health centers as locations in which registered Master's level psychologists can be employed. Consequently, St. Catherine would be unable to continue to employ me in my present capacity.

Curiously, I was employed by the Area Mental Health Center, Garden City, as a staff psychologist for eight years prior to beginning my employment at St. Catherine in May, 1985. The so called "exclusion clause", 74-5344(c) of Article 53, establishing licensure regulations for psychologists, permitted my employment at St. Catherine as a psychologist, just as it allowed my employment with the local community mental health center for the previous eight years. This clause essentially allowed a master's level psychologist employment in "...federal, state, county, or municipal agency, or other political subdivision, or a duly chartered educational institution, or a not-for-profit corporation insofar as such practice is a part of the duty of such person's salaried position....".

Senate Bill #680 places my current employment in jeopardy, and for that matter, places the future of our psychiatric unit in jeopardy. It is essential that our unit provides psychological services, and a licensed Ph.D. psychologist may be quite difficult for the hospital to recruit. In fact, the eighteen counties of Southwest Kansas included in our catchment area, to my knowledge, only have two licensed Ph.D. psychologists. Additionally, we are the Psychiatric inpatient facility in our eighteen-county catchment area and only one of two such facilities west of the state hospital at Larned.

Consequently, I urge you to support Senate Bill #469.

BC/bkm

JOHN PREBLE, *Chairperson*
MARY ANN GABEL, *Executive Secretary*



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BEHAVIORAL SCIENCES REGULATORY BOARD

SENATE BILL NO. 469

TESTIMONY BEFORE THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

JANUARY 20, 1988

Mr. Chairman and Committee Members:

I am Mary Ann Gabel, Executive Secretary of the Behavioral Sciences Regulatory Board, appearing before you today in support of SB 469 and to ask the committee's consideration of amending the bill to include a new section 5 concerning confidentiality.

The proposed amendments, including the rationale, is attached. This request is made at the suggestion of the board's legal counsel.

I will be happy to attempt to answer any questions you might have regarding this request.

Thank you.

Attachment

SENATE BILL NO. 469 PROPOSED AMENDMENTS

0134 New Sec. 5. The confidential relations and communications between a
0135 registered masters level psychologist and his or her client are placed
0136 on the same basis as provided by law for those between an attorney and
0137 an attorney's client.
0138 ~~Sec.5~~ Sec. 6. This act shall take effect and be in force from and after
0139 its publication in the Kansas register.

RATIONALE: There is specific statute pertaining to confidentiality between clients and licensed psychologists (K.S.A. 1987 Supp. 74-5323), social workers (K.S.A. 1987 Supp. 75-5360), and professional counselors (K.S.A. 1987 Supp. 65-5810). However, there is no similar provision in the RMLP act. The act can be amended by adding a statute identical to the one concerning counselors as noted above.