

Approved 2-14-89
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 February 8, 19 89 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Bill Wolff, Legislative Research
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Paul Klotz, Executive Director, Association of Community Health Centers
John Randolph, PhD., Executive Director, Mental Health Center, Emporia
Bill Persinger, Jr., Executive Director, Community Health Center, Hiawatha
Dwight Young, Great Bend, KS
Jeanette Hanzlick, Executive Director, Kansas Psychological Association
William Albott, PhD, Member of Board of Behavioral Sciences
Written Testimony, John Peterson, Kansas Association of Professional
Psychologists

Paul Klotz told the committee that SB-97 would allow the Community Mental Health Centers to continue doing what they are now and have been doing in practice. He then introduced John Randolph.

John Randolph, PhD, told the committee that he had worked with psychiatrists, licensed psychologists, clinical social workers and masters level psychologists over the past 15 years. He further stated he was comfortable with the ability of experienced masters level psychologists to supervise others, including masters level psychologists. (Attachment 1)

Paul Persinger, Jr. told the committee that it had been hoped during the last two years that the issue of supervision of Masters Level Psychologists could be worked out through regulation and not through further legislation. The failure of the process of discussion and negotiation to permit supervision of masters level psychologists by registered masters level psychologists by the regulatory board has resulted in this request for legislation.

Dwight Young spoke to the committee stating that this legislation would correct problems with the current statutes, rules and regulations which concern Registered Masters Level Psychologists. He further stated the supervision changes were necessary because the Behavioral Sciences Regulatory Board refuses to alter proposed rules and regulations that perverts the original intent of the legislation. (Attachment 2)

Janette Hanzlick told the committee that the major concerns of the Kansas Psychological Association with SB-97 was the issue of supervision by the registered masters psychology practioner since the supervision requirements referred to in the bill provides the foundation upon which a prationer's skill will rest. Due to the fact that rules and regulations developed following 1988 legislative decisions were just recently put in place, Ms. Hanzlick requested time be allowed to ascertain how the rules and regulations will operate. (Attachment 3)

Written testimony was submitted by John Peterson, Kansas Association of Professional Psychologists stating that SB-97 was premature because the Board of Behavioral Sciences regulations were adopted January 30th and filed on February 3rd of this year. These regulations have not yet been before the Joint Committee on Administrative Rules and Regulations. He

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 526-S, Statehouse, at 10:00 a.m.~~pm~~ on February 8, 19 89

also stated that the Board had changed regulations in 2 of the 3 areas of disagreement. (Attachment 4)

William Albott, PhD was called on to answer a question by the committee as to how the Board was viewing supervision. He stated that supervision was viewed as the oversight, the monitoring, the critical review of professional work that is being carried out by someone who has not achieved minimal entry level qualifications. The supervisor determines if the work is adequate, if there is any need for change, or if additional study or work needs to be done and the supervisor takes responsibility for the work.

The chairman announced that he would give the two groups involved in SB-97 a week to make further effort to reach agreement on the supervision issue. If, at that time, no further compromise has been made the committee would take action on SB-97.

The chairman called for any requests for committee bills. Senator Reilly requested a bill to address the need of those persons who, in their professional duties, come in close contact with persons infected with the HIV virus (aids). (Attachment 5).

Senator Reilly moved, with a second by Senator Langworthy, that the committee accept this bill for committee introduction. The motion carried.

The meeting adjourned at 10:45 a.m. and will convene February 9, 1989 at 10:00 a.m. in Room 526-S.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE February 8, 1989

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Peter Cerf
Harriet Hebring
Marilyn Bradt
John Ryzdoff
Alynn Forkner
Jan SIDHAM

KINH
"
KINH
Mental Health Center of ^{East Central} Kansas
J.P.S.
D.P.S.

Mary Ann Mahel
William L. Albott

BSRB
BSRB

Janette Newjack
HAROLD C. PITTS

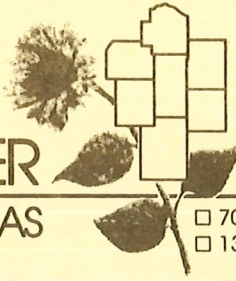
K Psychologists Assn
KCOA

Harold E. RIVEM

KAOM

Ken Baker
Tom Hitchcock

K. Assn of Prof. Psychologists
Bd. of Pharmacy



Chase
Coffey
Greenwood
Lyon
Morris
Osage
Wabaunsee

MENTAL HEALTH CENTER OF EAST CENTRAL KANSAS

705 S. Commercial • Emporia, Kansas 66801 • (316) 342-0548
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SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

Senator Roy Ehrlich
Chairman

Statement Presented by John Randolph, Ph.D.

It is my intent to make a few general statements in support of Senate Bill 97; Mr. Young will speak to specific issues which substantiate the need for this legislation.

In the 15 plus years that I have been with the Mental Health Center of East Central Kansas, I have worked with seven psychiatrists, six licensed psychologists, and numerous clinical social workers and masters level psychologists. Over the years, I have participated often in utilization reviews of staff clinical work. I am comfortable with the ability of experienced masters level psychologists to supervise others, including masters level psychologists.

Centers are required to have in place a system for formally reviewing and granting clinical privileges, which in our Center includes the privilege of supervising others. We are asking your support in continuing to carry out our responsibilities in establishing appropriate supervision arrangements.

SP/HW
2-8-89
Attachment 1



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

Senate Bill 97 REGISTERED MASTERS LEVEL PSYCHOLOGIST February - 1989

The Association of Community Mental Health Centers of Kansas (ACMHCK) supports this legislation to correct problems with the current statutes, rules and regulations regarding Registered Masters Level Psychologists (RMLP). This bill will accomplish three things:

1. It will permit RMLP to provide supervision for individuals who are working under a temporary registration in order to get the 1500 hours of work experience necessary for permanent registration. It will also allow RMLP to provide supervision to practicum students. Both functions would be performed under the direction of a physician or licensed psychologist.

2. It will change the "grandfathering" date to May 1, 1989 which is the implementation date of the law. This will assure continuation of employment for those individuals hired during the two years that it has taken to write rules and regulations needed to implement the law.

3. Finally, the bill contains technical changes that correct problems with the way the original law was drafted.

The supervision changes are necessary because the Behavioral Sciences Regulatory Board refuses to alter proposed rules and regulations that perverts the original intent of the legislation. By requiring that only Licensed Psychologist provide supervision, the Board accomplishes the following:

(A) It unnecessarily creates a danger to the public and increases the liability for the community mental health centers by forcing the centers to use supervisors who may not be the best clinician for the job.

(B) It increases cost in the health care delivery system by forcing one-third of the community mental health center to employ Licensed Psychologist. The potential financial impact of this would be over \$500,000, if enough Licensed Psychologist could be found to fill the positions required to meet this mandate.

(C) The Board's policy creates a windfall for the Licensed Psychologist at the public's expense with no increased benefit in terms of consumer protection.

The changes in the "grandfathering" dates are necessary because with the questions raised by the proposed rules and regulations, it has been impossible to predict who will qualify for registration when the law is implemented May 1, 1989. Therefore, since July 1, 1987, the centers have had to rely on their own Professional Standards Committee for approval of staff.

Kermit George
President

John Randolph
President Elect

Steve Solomon
Vice President

Dwight Young
Past President *SPW/W*

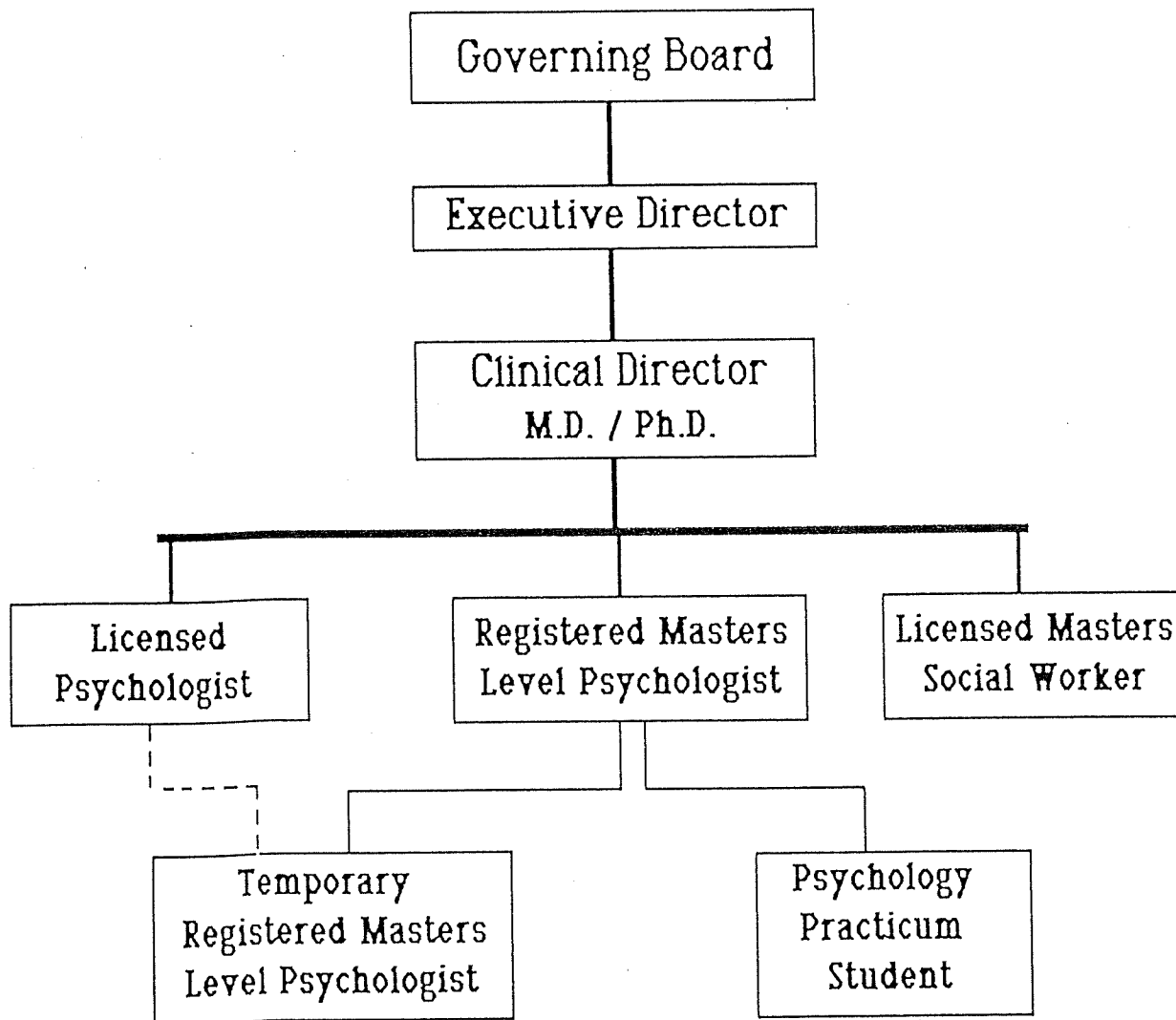
Jim Sunderland
Treasurer

Eunice Ruttinger
Secretary

Pam Bachman
Bd. Memb. at Large

2-8-89
Attachment 2

SAMPLE ORGANIZATIONAL CHART



ADDENDUM

Mental Health Centers With No Licensed Psychologist

1. Four County MHC - Independence
2. Cowley Co. MHC - Winfield
3. Southwest Guidance Center - Liberal
4. Kanza M H & Guidance Center, Inc. - Hiawatha
5. Sumner Co. MHC - Wellington
6. Horizons MHC - Hutchinson
7. Family Consultation Service - Wichita
8. Family Life Center, Inc. - Columbus
9. The Center for Counseling & Consultation - Great Bend

Mental Health Centers With Contractual Or Part Time
Licensed Psychologist

1. Crawford Co. MHC - Pittsburg
2. Franklin Co. M H Clinic - Ottawa
3. Family Service & Guidance Center of Topeka, Inc. - Topeka
4. Iroquois Center For Human Development, Inc. - Greensburg



KANSAS PSYCHOLOGICAL ASSOCIATION

TESTIMONY

by Janette Hanzlick, Executive Director

Kansas Psychological Association

for

Kansas Senate Public Health and Welfare Committee

regarding

SB 97



KANSAS PSYCHOLOGICAL ASSOCIATION

Chairman Ehrlich, members of the Committee, I am Janette Hanzlick, Executive Director of the Kansas Psychological Association. I appear before you today on behalf of the Association, it's Board of Governors, and it's President, Dr. Terry Pfannenstiel, in regard to Senate Bill 97. I will address some concerns our organization has with some aspects of the bill.

Our major concern is with the proposal that the 750 clock hours of academically supervised practicum work and the 1,500 clock hours of supervised work experience be permitted to be under the supervision of another registered masters level psychologist. We feel the inclusion of the registered masters practitioner as a supervisor is ill-advised. Supervision entails the detailed scrutiny and teaching of clinical work as it pertains to the practice of psychology. The supervision requirements referred to in this section provides the foundation upon which a practitioners skill will rest. Therefore, it is our belief that this supervision needs to be completed under the psychologist practitioner who has achieved both doctoral level training and licensure. In support of this stance I make the following points.

1. Just last year the Legislature decided that the "Direction" of Registered Masters Level Psychologists (RMLP's) should only be under either a physician or a licensed psychologist, the only two groups licensed in this state to practice independently and diagnose and treat mental disorders. The Legis-

lature rejected proposals that RMLP's also be allowed to provide that "Direction". I would point out that supervision encompasses even greater responsibility and demand in guiding and directing the learning practitioner's work than does "Direction". It makes sense that RMLP's would not be permitted to provide supervision when just last year the Legislature decided they should not provide the less intense and critical function of direction.

2. The Kansas Attorney General's Opinion No. 87-184 states that only licensed psychologists meet the criteria to supervise registered master's level psychologists. (December 21, 1987).

3. I would also point out that supervision requirements for the licensed psychologist is quite stringent, requiring that supervision be provided not just by a licensed psychologist, but by a psychologist who has been licensed for two years.

4. The proposal is contradictory to the Rules and Regulations governing the RMLP's which were just approved by the Behavioral Sciences Regulatory Board just a couple weeks ago. After much testimony and study, that Board voted overwhelmingly to require the supervision be under a licensed psychologist and not under an RMLP.

Secondly, we are concerned about the proposal to lower the fees for applications for RMLP's. We would ask that this Committee consult with the B.S.R.B. concerning the fiscal impact such a change would have on that Board. If fees are

set too low it could endanger the fiscal integrity of the B.S.R.B. and force the other professions which are regulated by that Board to pay for supporting regulation of another profession.

We have no difficulty with subsection (e), allowing the B.S.R.B. to investigate the merits of a training program. In fact, we would heartily endorse such a provision to assure quality training of practitioners in the State of Kansas.

In closing, we now have Rules and Regulations which were based on last year's legislative decisions on this subject. Let's give them time to work. I respectfully request that this bill not be passed.

Thank you.

TESTIMONY OF JOHN PETERSON
KANSAS ASSOCIATION OF PROFESSIONAL PSYCHOLOGISTS
SENATE PUBLIC HEALTH AND WELFARE COMMITTEE
SENATE BILL 97
FEBRUARY 8, 1989

Mr. Chairman and Senators, my name is John Peterson, and I am appearing today on behalf of the Kansas Association of Professional Psychologists, an association of licensed psychologists in private practice in Kansas.

We appear in opposition to Senate Bill 97. During this past year the Board of Behavioral Sciences has had numerous hearings as they have written and developed regulations for "registered masters level psychologists". During this time the proponents of this legislation raised three major areas of disagreement with the regulations as proposed. The Board changed the regulations in accordance with their wishes in two of the three areas. Only in the case of supervision of a person who is applying for licensure, did the Board fail to go along with their position.

The Board did so because masters programs do not offer training in supervision. But regardless of its merits or lack thereof, SB 97 is premature. The Board regulations were adopted on Jan. 30th and were filed only on February 3rd. The law requiring registration doesn't take effect until May 1st of this year. These regulations have not yet been before the Joint Committee on Administrative Rules and Regulations. Until that Committee has reviewed these regulations and given their input to the agency, the legislature should not pass a law the sole purpose of which is to undo one of those regulations.

Thank you for your time and consideration of this matter.

SPH/W
2-8-89
Attachment 4

STATE OF KANSAS



TOPEKA

SENATE CHAMBER

January 27, 1989

EDWARD F. REILLY, JR.
SENATOR, THIRD DISTRICT
LEAVENWORTH AND JEFFERSON COUNTIES
430 DELAWARE
LEAVENWORTH, KANSAS 66048-2733
913/682-1236

COMMITTEE ASSIGNMENTS
CHAIRMAN FEDERAL AND STATE AFFAIRS
AND INSURANCE SUBCOMMITTEE
VICE CHAIRMAN ELECTIONS
MEMBER CONFIRMATIONS
FINANCIAL INSTITUTIONS AND
INSURANCE
PUBLIC HEALTH AND WELFARE

The Honorable Roy Ehrlich
State Senator
Chm., Public Health & Welfare

Dear Roy,

I had a meeting on Wednesday with Senators Bogina, Burke, Bond and Chiefs of Police from various areas of the state. The discussion centered on the need to address those persons infected with the HIV virus (Aids). Concern was expressed for those who come in direct and close contact with infected persons in their professional duties. These would be such persons as police officers, firemen, EMS personnel, morticians, and other emergency personnel. It is felt extremely necessary that there be a way that they can be informed about the physical condition of those persons and that that information be disclosed to the officer for their protection. Those Senators meeting with these Chiefs of Police indicated that they would be willing to recommend to the committee consideration for introduction of such a proposal in this session of the Legislature. Your consideration of this matter will be deeply appreciated and these officers will be delighted to appear at any time to provide testimony.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'E. Reilly'.

Edward F. Reilly
State Senator

EFR:mr

P.S. It is my understanding that the State of Texas has a bill that might be appropriate and that we should have staff look at that bill in developing the necessary Kansas proposal.

SPd/W
2-8-89
Attachment 5