

Approved _____
Date 6/7/89

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS

The meeting was called to order by SENATOR AUGUST "GUS" BOGINA at
Chairperson

11:10 a.m. on MARCH 29, 1989 in room 123-S of the Capitol.

All members were present except:

All Present

Committee staff present:

Research Department: Diane Duffy, Debbie Duncan

Revisor: Norman Furse

Committee Staff: Judy Bromich, Pam Parker

Conferees appearing before the committee:

Paul Klotz, Association of Community Mental Health Centers of Kansas
Mary Ann Gabel, Executive Director, Behavioral Sciences Regulatory Board
Janette Hanzlick, Executive Director, Kansas Psychological Association
John Peterson, Kansas Association of Professional Psychologists

SB 365 - Supervision of masters level psychologist.

Paul Klotz presented the Committee with a written copy of his testimony. (Attachment 1) He reiterated that community hospitals and mental health facilities have come to rely upon master's level psychologists. He stated that the institutions are having a difficult time finding and hiring the professionals that the Behavioral Sciences Regulatory Board mandates for supervision of post graduate experience. He feels that the masters level persons are qualified to supervise these individuals without damaging the quality of service in the current programs. Mr. Klotz stated that the fiscal impact of not enacting SB 365 would be \$300,000. He also indicated that changing the dates in Line 57 and 67 to May 1, 1989 to coincide with when the rules and regulations would go into effect would allow them to retain people they'd already hired in the interim when they did not have rules and regulations to judge.

Mary Ann Gabel distributed copies of her written testimony. (Attachment 2 & 3) She stated that the fiscal impact of this legislation would be closer to \$48,000 instead of \$300,000. She stated that the Behavioral Sciences Regulatory Board is standing firm on this requirement due to the training and education of the master level psychologist. She stated that the controversy over this issue is that the Board's rules and regulations state that the post graduate supervised experience shall be provided by a licensed psychologist. The community mental health centers are saying that they cannot afford this and they have qualified masters level persons to provide that supervision. In answer to questions, Ms. Gabel stated post graduate supervised experience precedes registration and the Legislature enacted registration. If the public is not at risk, perhaps we don't need registration.

Janette Hanzlick distributed copies of her written testimony to Committee members. (Attachment 4) She stated that the proposals addressed by SB 365 have had ample hearings and that the inclusion of masters level psychologists as supervisors is ill-advised. It was expressed by one committee member that three hours of training per week for someone in a sensitive position to protect the public was "ludicrous." It was pointed out by a committee member that the Legislature's intent was that there be academically supervised practicum and that the Behavioral Sciences Regulatory Board decided it should be under a licensed psychologist.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON WAYS AND MEANS,
room 123-S, Statehouse, at 11:10 a.m./~~p.m.~~^{XX} on MARCH 29, 1989

John Peterson stated that he felt that the Legislative fiscal staff should look into the issue to determine realistic fiscal impact. He also contended that the proposals contained herein had already had sufficient hearings.

No action was taken on this bill until the end of the meeting.

HB 2028 - Sub. for HB 2028 by Committee on Appropriations - Appropriations for FY 90, department of social and rehabilitation services and state mental health and retardation institutions.

Senator Feleciano reviewed the FY 89 and FY 90 Subcommittee reports concerning the Rainbow Mental Health Facility and Topeka State Hospital. In answer to objection to the physical switching of the screening unit with the preadolescent unit, it was stated that there is merit to relocation because of the number of beds and staffing considerations.

Senator Doyen reviewed the FY 89 and FY 90 subcommittee report regarding Osawatomie State Hospital. In answer to a question, it was stated that the four FTE positions recommended by the Senate subcommittee would help with placement for chronic patients and follow-up with socializing problems.

Senator Doyen reviewed the FY 89 and FY 90 subcommittee report regarding Larned State Hospital. In answer to a request of the House subcommittee for 72 direct care positions, it was stated that in connection with SB 350 an interim study will be requested which will review the recruitment and retention of health care employees.

Senator Doyen moved, Senator Winter seconded, to introduce bill draft 9 RS 1361, an act concerning polygraphists; relating to licensure. Included in the motion was the recommendation to send this bill directly to the Committee of the Whole. The motion passed.

Senator Winter moved, Senator Doyen seconded to report SB 365 favorably for passage. The motion passed on a roll call vote.

The meeting was adjourned.

GUEST LIST

COMMITTEE: SENATE WAYS AND MEANS

DATE: 3-29-89 ^{AM}

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Janice Noyes	Topeka	Psychological Clinic
Marilyn Braedt	Lawrence	KUWH
George A. Duggan	Topeka	Ks. Dept. on Aging
Mark Intermill	Topeka	KCOA
Janet Summers	Topeka	SRS
Bill Henry	Topeka	PMA
Kirby L. Stegman	Mayetta	Div. of Bud.
Marty Kennedy	Topeka	DOB
MICHAEL P. ATLAND	FT Riley	U.S. Army
STEVE ERNST	Topeka	Ks. Dept. Commerce
Louis GERBER	TOPEKA	Ks Elect. Research
Anietie Abraham Altin	Wichita KS	Paper Pak Co.
WALT DARLING	Topeka	Division of Budget
Bert Jones	St. Louis	Burroughs Wellcome
Bill Howell	St. Louis / KALAMAZOO	UPDOWN CO.
Yvonne Bestgen	Topeka	KAREY
Shirley Farley	Topeka	AKC / Tania
Paul M. Klotz	Topeka	Assoc. of MHC's, Inc
Don Cress	Topeka	SOS
Blonda Jinko	Russell	Pring Task Force
Nancy Holland	Russell	Pring Task Force
David Goodell	Topeka	SRS - MHRS
Marlene Kern	Lawrence	KU
Mary Ann Gabel	Topeka	BSRB
May Ellen Linn	Topeka	Lg. of Women Voters
Jerry Larson	Topeka	Kansas Action for Children
John Blythe	Manhattan	Self
Al James	Topeka	SRS/MHRS
Mike Bohmhoff	Topeka	Div. of Budget
Ted Weather	Olath	Berean Chr. School
Carl Dahl	Hinwasse	A.H. Robbins
Dan Hummel	Topeka	KACOA



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 *or 365* 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 centers 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.

ATTACHMENT 1
SWAM 3-29-89
(AM)

Kermit George
President

John Randolph
President Elect

Steve Solomon
Vice President

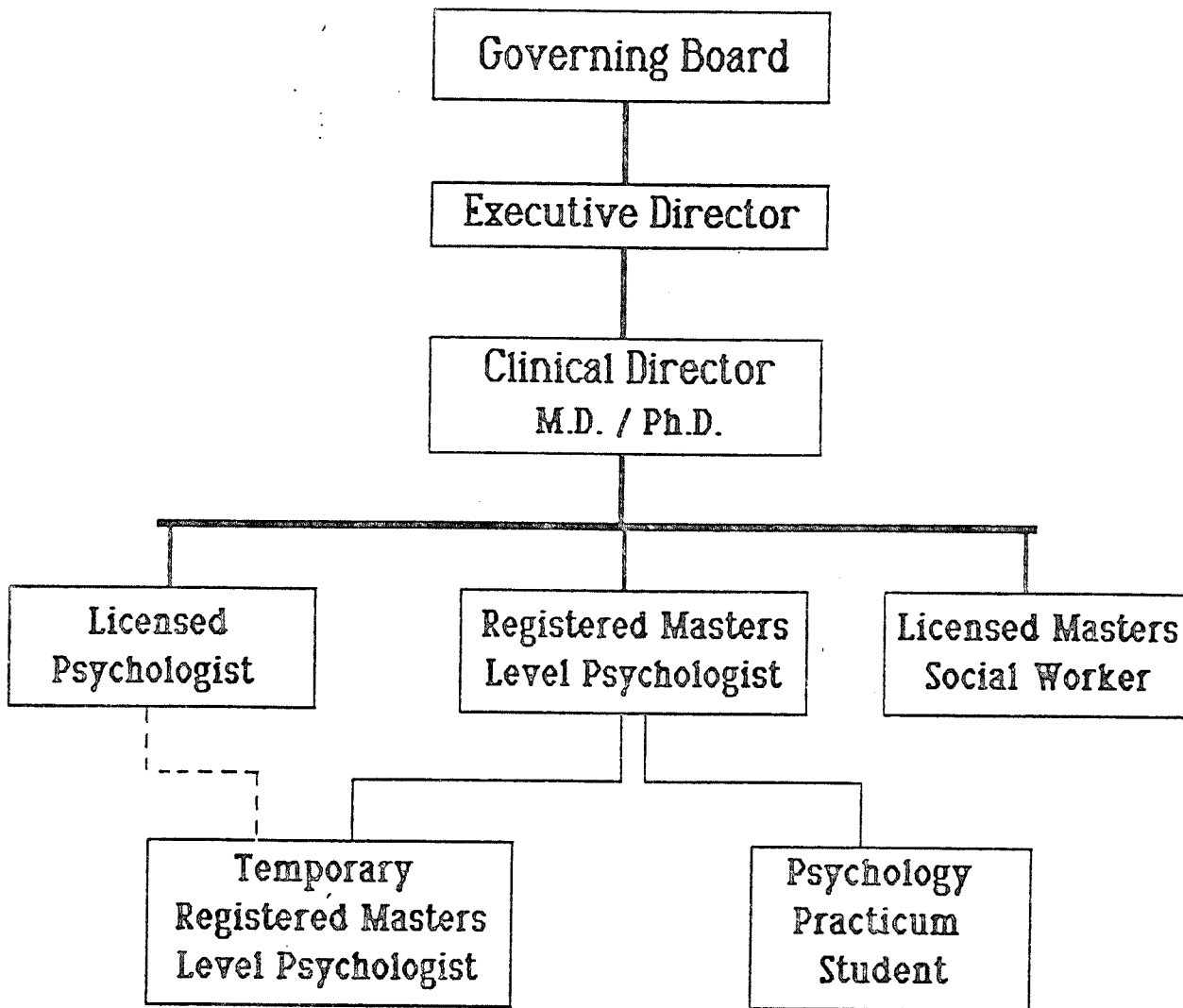
Dwight Young
Past President

Jim Sunderland
Treasurer

Janice Ruttinger
Secretary

Pam Bachman
Bd. Memb. at Large

SAMPLE ORGANIZATIONAL CHART



STATE OF KANSAS

JOHN PREBLE, B.S., *Chairperson*
MARY ANN GABEL, B.B.A., *Executive Director*



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

BOARD MEMBERS:
Public Members
BETTIE E. DUNCAN
DELBERT L. POTTER
JOHN PREBLE, B.S.

BEHAVIORAL SCIENCES REGULATORY BOARD

Psychology
WILLIAM L. ALBOTT, Ph.D.
C. ROBERT BORRESEN, Ph.D.

Social Work
CLARICE HARRIS, MSW
MARVIN A. KAISER, Ph.D.

LICENSED PROFESSIONALS:
Psychologists
Social Workers

REGISTERED PROFESSIONALS:
Master Level Psychologists
Professional Counselors

TESTIMONY BEFORE THE SENATE WAYS AND MEANS COMMITTEE

S.B. 365

TUESDAY, MARCH 28, 1989

CHAIRPERSON BOGINA, VICE-CHAIRPERSON WINTER AND COMMITTEE MEMBERS:

I am Mary Ann Gabel, Executive Director of the Behavioral Sciences Regulatory Board appearing before you today in opposition to S.B. 365.

S.B. 365 was requested, I believe, by the community mental health centers in response to the recent rules and regulations adopted for registered masters level psychologists. Therefore, I would like to first provide you with some background information.

When legislation was passed in the 1987 Session, K.S.A. 74-5362 provided that persons registered as masters level psychologists shall have the right to practice only in settings specified in the statute and "so long as such practice is under the direction of a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of psychological disorders." Attorney General Opinion 87-184 stated, in summary, that direction shall be provided by licensed psychologists.

The RMLP proponents expressed concerns about the availability of licensed psychologists and the way in which the board would define "direction." The statute was then amended in the 1988 Session to provided for direction being provided by either a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of psychological disorders or a person licensed to practice medicine and surgery.

The board gave assurances to the legislature that the term "direction" would not be defined in such a way as to be too restrictive. The rules and regulations are now in place and "direction" has been defined in K.A.R. 102-4-1 (j) as meaning, "professional monitoring and oversight of therapeutic relationships including regular periodic evaluation of treatment provided to a client or patient." There is nothing in the regulations

ATTACHMENT 2
SWAM 3-29-89 (AM)

regarding direction beyond this definition that imposes minimum hours or further restrictions which prevent the centers from satisfying this statutory requirement.

K.S.A. 1988 Supp. 74-5363 (a)(3), requires persons seeking registration as a RMLP to have "completed 750 clock hours of academically supervised practicum or (emphasis added) 1,500 clock hours of post-graduate supervised work experience." Supervision is defined in K.A.R. 102-4-1 (k), practicum is defined in K.A.R. 102-4-1 (m), and the requirements of post-graduate supervised work experience are stated in K.A.R. 102-4-6. I have attached a copy of the rules and regulations for your information.

I provide this clarification inasmuch as there seems to have been some confusion between the terms "direction" and "supervision." Direction applies to all registered master level psychologists. Supervision will apply to only those persons who are not grandfathered in as registered masters level psychologists and who will seek registration as some later point in time, and only to those applicants who will seek registration on the basis of 1,500 clock hours of post-graduate supervised work experience. This requirement will have a fiscal impact on only those centers that will have a potential applicant who will register on the basis of the post-graduate work experience, and then only if the center does not have a licensed psychologist on staff or under contract.

At the time the proponents first requested legislation to register masters level psychologists, they testified that the public was at risk and there existed a need for protection of the public. It was on this basis that the legislation was passed.

The board has now adopted rules and regulations that establish both training and education standards and standards of practice in response to the legislative intent. I want to assure the committee that the RMLP Advisory Committee and the board did not take its responsibility of promulgating these rules and regulations lightly. Many hours of work, discussion, and consideration are represented in the regulations. Two public hearings were held and representatives from the community mental health centers have been given an opportunity to appear before the board at each of its meetings for the past year. The community mental health centers' representatives have been granted each request they have made for amendments to the rules and regulations with the exception of post-graduate supervision. In fact, K.A.R. 102-4-1 (m)(7) was amended to include a provision for permitting registered or registrable psychologists to provide on site supervision in the practicum, internship or residency.

The board maintains its position on requiring that a licensed psychologist provide the post-graduate experience supervision as a standard for protection of the public. The problem, in the board's view, with permitting RMLP's to provide post-graduate experience supervision, which enables an applicant to become registered as a RMLP, is that persons who are not educationally trained to provide the supervision would be preparing applicants

for registration. Once registered, these persons may themselves serve as supervisors of other potential applicants; thus, the problem perpetuates itself and serves to lower the overall standards.

The intent of post-graduate supervision is to critically direct and oversee the supervisee's total practice. It provides for the integration of theory and practice, and for the development of practice skills and knowledge; skills which will enable the supervisee to practice at a minimal competency level without the same level of oversight once registered, as evidence by the definition of "direction."

Any comparison of RMLP post-graduate supervision to the master's degree in social work supervision the proponents may offer is misleading since the master's degree in social work is considered by the academic community to be the terminal degree. Therefore, it is the master's level social worker who must provide the supervision which integrates theory and practice. In the case of psychology, the doctoral degree is considered by the academic community to be the terminal degree. Therefore, if one does use the social work model, one then would determine that the doctoral level psychologist must provide the supervision.

I believe the question now becomes one of whether or not the public is at risk, and whether the RMLP should be registered under standards established for protection of the public. The board believes the proponents' original testimony presented in 1987 and believes that the public is at risk. The board, therefore, has adopted the standards that are set forth in the rules and regulations for the sole purpose of protecting the public as intended by the Legislature. It is on this basis that the board is opposed to S.B. 365.

I have prepared and attached, for your information, a chart that sets out the licensure/registration requirements for persons (other than master level and baccalaureate level social workers) who are regulated by this board.

Thank you for providing me an opportunity to appear before you today. I will be happy to answer any questions you may have.

**TEMPORARY RULES AND REGULATIONS
FOR THE REGISTRATION OF MASTER LEVEL PSYCHOLOGISTS**

102-4-1. Definitions. (a) "RMLP" means a registered masters level psychologist.

(b) "Fifteen hundred hours of supervised post-graduate work experience" means work experience while employed as a RMLP and under the supervision of a psychologist as defined in K.A.R. 102-4-1(k). The 1500 work hours shall not commence until all requirements for the graduate degree have been completed.

(c) "Year of employment" means a minimum of 2,000 employment clock hours during a 12-month period.

(d) In the case of academic employment, "year" means the period normally associated with full-time employment at the employing institution.

(e) "Part-time employment experience credit" means supervised work experience of at least six consecutive months which shall be credited on a prorated basis.

(f) "Client" or "patient" means a person who is a direct recipient of psychological services. These services may be either therapeutic or diagnostic in nature.

(g) "Therapeutic relationship" means a relationship between a RMLP and client or patient that is initiated by mutual consent or pursuant to law. The assessment of a client, or expert consultation regarding a client, by a RMLP for a third party, for purposes

of diagnosis. Assessment alone shall not be considered a therapeutic relationship.

(h) "Termination of a therapeutic relationship or active therapeutic treatment" means termination by either the mutual consent of both parties, the completion of treatment, dismissal of the RMLP or the transfer of the client to another professional for active treatment with belief that continuation of treatment will occur.

(i) "Psychological assessment" means the use, in any manner, of established psychological tests, procedures, and techniques with the intent of diagnosing adjustment, functional, mental, vocational, or emotional problems or establishing treatment methods for persons having such problems.

(j) "Under the direction" means professional monitoring and oversight of therapeutic relationships including regular periodic evaluation of treatment provided to a client or patient.

(k) "Supervision" means professional guidance and direction from an individual licensed, certified, licensable, or certifiable in that person's state to engage in the practice of psychology, and who has or had, in full or in part, legal, administrative or professional authority over and responsibility for the professional functioning of the applicant. The supervisor shall

provide a minimum of one hour of individual supervision for every 40 hours of professional experience of the supervisee. The supervisor shall be available to the supervisee at points of decision-making regarding diagnosis and treatment of clients or patients.

(l) "Consultant" means an individual who provides professional guidance, information, or advice, but who has no legal, administrative, or professional authority over or responsibility for the professional functioning of the applicant.

(m) "Practicum, internship or residency" means an organized program of academically supervised practice of psychology that:

(1) Consists of at least 750 clock hours of training;

(2) accepts as students, interns or residents only applicants enrolled in a graduate program as defined in K.A.R. 102-4-3;

(3) is directed by an individual who is certified, licensed, licensable, or certifiable to engage in the practice of psychology;

(4) provides training and close supervision in a wide range of professional activity. Professional activity shall include diagnosis, remediation techniques, inter-disciplinary relationships, consultation and experience with a population of clients or patients presenting a diverse set of problems and backgrounds;

(5) is taken after completion of graduate courses and in the area of emphasis or after completion of university

pre-practicum or training requirements;

(6) provides the student, intern or resident with a minimum of one hour of supervision for every 10 hours of training experience;

(7) provides on site supervision by a registered, certified, licensed, licensable or certifiable psychologist;

(8) stands as a distinct and organized program clearly recognizable within an institution or agency, as well as in pertinent, public, official documents issued by the institution or agency, as a training program for psychologists;

(9) identifies students, interns or residents as being in training and not as staff;

(10) has an identifiable registered, licensed, certified, licensable, or certifiable psychology training staff; and

(11) is an integrated, conceptually-organized entity, not an after-the-fact tabulation of experience.

(n) "Continuing education" means programs or activities that are designed to enhance the RMLP's level of knowledge, skill, and ability to practice psychology. These programs shall have content clearly related to enhancement of psychology practice, values and knowledge. Continuing education credits shall not be used as a substitute for basic professional education preparation as defined in K.A.R. 102-4-3.

(o) "Licensed community mental health center or affiliate" means an agency or its affiliate as defined by K.S.A.

75-3307(c).

(p) For purposes of K.S.A. 1987 Supp. 74-5363 (c) "graduate degree" means a degree:

(1) earned from a graduate school that is regionally accredited by an accrediting agency that is substantially equivalent to the accrediting agencies that accredit the universities of Kansas; and

(2) requiring completion of a program of studies as defined in K.A.R. 102-4-3. (Authorized by and implementing K.S.A. 1987 Supp. 74-5370; effective, T-112-2-23-89, February 23, 1989; effective April 3, 1989.)

102-4-2. Fees. Each applicant for registered masters level psychologist shall pay the appropriate fee set forth below:

(a) application, \$75;

(b) renewal of registration, \$75;

(c) duplicate registration, \$20; or

(d) temporary permit, \$75.

(Authorized by and implementing L. 1987, Chap. 306, Sec. 5, Sec. 6, and Sec. 7; effective, T-112-2-23-89, February 23, 1989; effective April 3, 1989.)

102-4-3. Educational requirements. Each applicant for registration shall have at least a masters degree in clinical psychology or a masters degree in psychology with core courses specified in K.S.A. 1987 Supp. 74-5363 (b). In determining whether educational requirements have been met, the board shall consider:

(a) Whether the training is in a graduate program of studies

offered by an institution of higher education that is regionally accredited by an accrediting agency that is substantially equivalent to the accrediting agencies that accredit the universities in Kansas;

(b) whether the program, wherever administratively housed, is clearly identified and specified in pertinent institutional catalogs as having the intent to educate and train master level psychologists or psychologists;

(c) whether the program stands as a recognized coherent organizational entity within the university;

(d) whether the program has clear authority and primary responsibility for the core and emphasis areas of psychology;

(e) whether the program, wherever administratively housed, is an organized sequence of study that is planned by responsible administrators to provide an integrated educational experience;

(f) whether there is an identifiable full-time faculty, and a person responsible for the program and whether those individuals are registered, licensed, certified, registrable, licensable, or certifiable at the doctoral level to engage in the practice of psychology and whether the student's major advisor is a member of the psychology faculty;

(g) whether the program has an identifiable body of students who are matriculated in the program for a degree with residency requirements substantially equivalent to the

requirements at the state universities in Kansas;

(h) whether the program includes appropriate practicum, internship, field or laboratory training;

(i) whether the curriculum encompasses at least 12 semester hours or its equivalent in which its graduates demonstrate mastery in psychological foundation courses such as but not limited to:

- (1) Philosophy of psychology;
- (2) learning theory;
- (3) history of psychology;
- (4) statistics;
- (5) motivation; and
- (6) psychology of perception;

(j) whether at least 24 semester hours or its equivalent are in professional core courses such as but not limited to:

- (1) Two courses in psychological testing;
- (2) psychopathology;
- (3) two courses in psychotherapy;
- (4) personality theories;
- (5) developmental psychology;
- (6) research methods; and
- (7) social psychology;

(k) whether the training program requires a satisfactory completion, as shown on the transcript, of at least 36 hours of formal graduate study in the psychology program, including:

- (1) 12 semester hours in psychological foundation courses and 24 semester hours in professional core courses as required in subsections 102-4-3 (i) and (j); and

(2) at least one continuing academic year of full time residency at the university granting the degree.

(l) whether the course work includes the skill courses appropriate for the applicant's major and psychological services to be provided;

(m) whether the program includes principles of professional ethics in regard to the use of assessment and intervention techniques and with regard to the confidentiality of patient or client interviews and records. The program shall also include ethical principles such as those pertaining to research with human subjects, the obligations to the parents or guardians of clients or patients and the obligations to the institutions;

(n) whether the program advertises in official documents, including course catalogues and announcements of program standards, admission requirements that are in part or in full based on objective, standardized achievement tests and measures that are substantially equivalent to those of the state universities in Kansas;

(o) whether the program includes ongoing objective review and evaluation of student learning and progress and reports this evaluation in the official transcript;

(p) whether the program includes an objective, comprehensive examination in general psychology and the applicant's area or major in psychology and whether the program requires that the applicant pass both examinations

before the awarding of the graduate degree;

(q) whether each student is required to initiate, prepare, conduct, and report research as part of the graduation requirements;

(r) whether the institution offering the graduate program has equipment and resources available, including suitable scientific and practical facilities, and a library. The equipment, resources, and library shall be adequate for the size of the student body and the scope of the program offered and shall be substantially equivalent to the state universities of Kansas; and

(s) whether the graduate program is housed in other than an academic setting. (Authorized by K.S.A. 1987 Supp. 74-5370; implementing K.S.A. 1987 Supp. 74-5363, as amended by L. 1988, Ch. 304, § 7, and further amended by L. 1988, Ch. 243, § 16; effective, T-112-2-23-89, February 23, 1989; effective April 3, 1989.)

102-4-4. Application for registration. (a) Each request for registration application forms shall be forwarded to the board's executive director. Each completed registration application form shall be returned to the board and shall include:

(1) The applicant's academic transcripts and proof of receipt of undergraduate and graduate degrees. This proof shall be provided directly to the board by the academic institution;

(2) documentation of

academic background form; and

(3) full payment of the appropriate fee.

(b) Three written references shall be required to provide proof that the applicant meets the requirements for professional conduct and competence pursuant to K.A.R. 102-4-6. The references shall be sent directly to the board on forms provided by the board.

(c) Any applicant for temporary permit registration as defined in K.S.A. 1987 Supp. 74-5367, and any amendments thereto, may be granted a temporary permit.

(d) Each applicant issued a temporary permit shall, upon renewing the temporary permit, have the applicant's supervisory psychologist provide written verification to the board the applicant has completed a minimum of 750 clock hours of supervision.

(e) Each applicant who holds a temporary permit shall be registered after the applicant's supervisor provides written verification to the board that the applicant has completed a minimum of 1500 clock hours of supervision.

(f) Each applicant for registration shall meet the requirements provided in K.S.A. 1987 Supp. 74-5363(c) and shall provide evidence of eligibility. Evidence of eligibility shall be provided to the board by the applicant's employer and shall include:

(1) the date of employment;

(2) the length of employment; and

(3) the position description.

(Authorized by K.S.A. 1987 Supp. 74-5370; implementing K.S.A. 1987 Supp. 74-5363, as amended by L. 1988, Ch. 304, § 7; K.S.A. 1987 Supp. 74-5366; and K.S.A. 1987 Supp. 74-5367; effective, T-112-2-23-89, February 23, 1989; effective April 3, 1989.)

102-4-5. Unprofessional conduct. (a) If the board finds a registered master level psychologist guilty of unprofessional conduct, the board may revoke, suspend, limit, or refuse to issue or renew the master level psychologist's registration.

(b) The following acts shall be evidence of unprofessional conduct:

(1) Knowingly engaging in fraudulent or misleading advertising;

(2) practicing psychology in an incompetent manner;

(3) misrepresenting professional competency by offering to perform services that are clearly unwarranted on the basis of education, training, or experience;

(4) being convicted of a crime resulting from or relating to the registrant's professional practice of psychology;

(5) reporting distorted, erroneous, or misleading psychological information;

(6) taking credit for work not personally performed;

(7) providing psychological services while using alcoholic beverages or drugs in an abusive manner;

(8) failing to obtain written, informed consent from a client or patient, or the client's or patient's legal

representative or representatives, before electronically recording sessions with the client or patient, or before releasing information to a third party concerning the client or patient, except as required by law;

(9) making sexual advances or engaging in sexual activities with clients, patients, or students of that master level psychologist;

(10) failing to provide clients or patients with a description of what the client or patient may expect in the way of tests, consultation, reports, fees, billing, therapeutic regimen, or schedule;

(11) failing to provide clients or patients with a description of possible effects of proposed treatment when there are clear and established risks to the client or patient;

(12) failing to inform the client or patient of any financial interest that might accrue to the master level psychologist for referral to any other service or for the use of any tests, books, or apparatus;

(13) refusing to cooperate in a timely manner with the board's investigation of complaints lodged against an applicant or a master level psychologist registered by the board. Persons taking longer than 30 days to provide requested information shall demonstrate that they have acted in a timely manner;

(14) impersonating another person holding a license or registration issued by this board;

(15) knowingly allowing another person to use one's registration;

(16) failing to notify the board of having a license, certificate, permit or registration, granted by this or any other state for the practice of psychology or school psychology, or other practice in the field of behavioral sciences, that has been limited, restricted, suspended or revoked, or of having been subject to other disciplinary action by a licensing or certifying authority or professional association or of having employment terminated or suspended for some form of misfeasance, malfeasance, or non-feasance.

(17) exercising undue influence on the client, patient, or student, including the promotion of the sales of services, goods, appliances, or drugs, in such manner as to exploit the patient, client or student for the financial gain or personal gratification of the practitioner or of a third party;

(18) directly or indirectly offering, giving, soliciting, receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of a client or patient or in connection with the performance of professional services;

(19) permitting any person to share in the fees for professional services, other than a partner, employee, an associate in a professional firm, or a consultant authorized to practice the same profession;

(20) making claims of professional superiority that cannot be substantiated by the master level psychologist;

(21) abandoning or neglecting a client or patient under and in need of immediate professional care without making reasonable arrangements for the continuation of that care, or abandoning a group practice, hospital clinic or other health care facility without reasonable notice and under circumstances that seriously impair the delivery of professional care to clients or patients;

(22) failing to maintain a record for each client or patient which accurately reflects the client or patient contact with the practitioner. Unless otherwise provided by law, each client or patient record shall be retained for at least two years after the date of termination of the contact or contacts;

(23) failing to exercise appropriate supervision over persons with whom the master level psychologist has a supervisory relationship;

(24) failing to notify the board within a reasonable time that a licensed psychologist or registered master level psychologist practicing or teaching psychology is, in the judgment of the master level psychologist, practicing or teaching psychology in violation of the laws or regulations regulating psychology unless the information was obtained from the licensed or registered psychologist in the context of confidentiality;

(25) guaranteeing that

satisfaction or a cure will result from the performance of professional services;

(26) continuing or ordering tests, treatment, or use of treatment facilities not warranted by the condition of the client or patient;

(27) claiming or using any secret or special method of treatment or diagnostic technique which the master level psychologist refuses to divulge to the board; or

(28) represents oneself as a registered master level psychologist in this state or practice psychology in this state in a setting other than that authorized in K.S.A. 1987 Supp. 74-5362.

(29) offering or providing services in a work setting other than that permitted by K.S.A. 1987 Supp. 74-5362, as amended by L. 1988, Ch. 304, § 6 as an independent or private provider of psychological services. (Authorized by K.S.A. 1987 Supp. 74-5370; implementing K.S.A. 1987 Supp. 74-5369, as amended by L. 1988, Ch. 304, § 2; effective, T-112-2-23-89, February 23, 1989; effective April 3, 1989.)

102-4-6. Professional references and supervised professional experience. (a) References. As a part of the application process, each applicant shall submit the names of three persons who are registered, licensed, certified, registrable, licensable, or certifiable in that person's state to engage in the practice of psychology and who can attest to the applicant's previous supervised practicum or

work experience, previous and current professional work, and compliance with the ethical standards. The board may request the submission of names of additional references. The attesting persons shall use forms supplied by the board. Members of the board shall not serve as endorsers unless they supervised the applicant.

(b) Requirements for supervised professional experience.

(1) Only professional practice in an organized public or private setting, institution or organization that provided the applicant an opportunity for contact with other disciplines, and an opportunity to utilize a variety of theories and to work with a broad range of populations and techniques shall be recognized by the board as supervised professional experience.

(2) Each applicant shall have been directly supervised by and under the guidance of a person who is licensed, certified, licensable, or certifiable in that person's state to engage in the practice of psychology.

(3) Each applicant's supervised experience in psychology shall have been consistent with the applicant's educational background and with the area or major in which the applicant intends to offer services to the public. At least half of the applicant's supervised experience shall have been relevant to the applicant's proposed areas of services to be performed.

(4) The supervisor shall have provided at least one hour

of individual supervision for every 40 hours of professional experience of the applicant.

(5) The supervisor shall be available to the applicant at the points of decision-making regarding diagnosis and treatment of clients or patients. The supervisor's relationship with the applicant shall be clearly differentiated from that of consultant.

(6) The supervisor shall not have a familial relationship with the applicant.

(7) The supervisor shall not be practicing under a license that is limited or restricted by action of the board. This provision may be waived by the board upon application by the proposed supervisor for review.

(c) The supervisor shall submit information that will enable the board to evaluate the extent and quality of the candidate's supervised practice and to assign credit for that practice.

(d) The supervised practice time during which the applicant has received an unsatisfactory rating from the supervisor shall not be credited toward the required supervised practice hours as defined in K.S.A. 1987 Supp. 74-5363, as amended by L. 1988, Ch. 304, § 7, and further amended by L. 1988, Ch. 243, § 16. (Authorized by K.S.A. 1987 Supp. 74-5370; implementing K.S.A. 1987 Supp. 74-5363, as amended by L. 1988, Ch. 304, § 7, and further amended by L. 1988, Ch. 243, § 16; effective, T-112-2-23-89, February 23, 1989; effective April 3, 1989.)

102-4-7. Registration action by the board. (a) The master level psychology registration advisory committee shall receive, review and make recommendations to the board on all applications for registration as a master level psychologist.

(b) Each applicant shall be registered when the applicant has met all qualifications for registration.

(c) Registration of an applicant shall require a majority of a quorum vote of the board.

(d) Each member of the master level psychology registration advisory committee who has a conflict of interest shall be disqualified from reviewing the application and from making a recommendation to the board.

(e) Each member of the board who has a conflict of interest shall be disqualified from voting. This disqualification shall not affect the existence of a quorum.

(f) Registration action by the board shall be reported in the board minutes with a listing of the relevant sections of the law under which the candidate qualified. If the board denies an application, each reason for the denial shall be reported.

(g) Each denied applicant shall be informed in writing of the reasons for the applicant's denial and of the applicant's right to reconsideration of the applicant's application. Each action of the board shall be considered completed when the notification has been received by the applicant. The applicant may request reconsideration of

the application by submitting a written statement, detailing the basis for the request, to the executive secretary within 30 days of receipt of the notification. The applicant may submit additional material in the request for reconsideration. If the request for reconsideration is not made within the 30-day period, the application shall expire. (Authorized by K.S.A. 1987 Supp. 74-5370; implementing K.S.A. 1987 Supp. 74-5363, as amended by L. 1988, Ch. 304, § 7, and further amended by L. 1988, Ch. 243, § 16 and K.S.A. 1987 Supp. 74-5358; effective, T-112-2-23-89, February 23, 1989; effective April 3, 1989.)

102-4-8. Registration. (a) Each applicant who meets standards for registration, as provided by the laws of the state of Kansas, shall receive a certificate appropriate for display.

(b) In the case of a revocation of registration, the registrant shall be informed of the board's action by certified mail, and the registrant shall return the certificate of registration to the board within 30 days. (Authorized by and implementing K.S.A. 1987 Supp. 74-5370; effective, T-112-2-23-89, February 23, 1989; effective April 3, 1989.)

102-4-9. Renewal. (a) Each registrant shall renew the registration by submitting a renewal form to the executive secretary together with the renewal fee as defined in K.A.R. 102-4-2.

(b) At the time of the

renewal, each registrant shall submit evidence of satisfactory completion of 25 continuing education hours as defined in K.A.R.102-4-10.

(c) At the time of renewal, each registrant shall have the individual who is providing direction to the registrant provide a statement to the board. This statement shall indicate whether the registrant has performed satisfactorily in providing services under the individual providing direction. (Authorized by K.S.A. 1987 Supp. 74-5370; implementing K.S.A. 1987 Supp. 74-5364 and 74-5366; effective, T-112-2-23-89, February 23, 1989; effective April 3, 1989.)

102-4-10. Continuing education. (a) Each applicant for renewal of registration shall have completed at least 25 continuing education hours in each two-year renewal period.

(b) One academic semester credit hour is equivalent to 15 continuing education hours.

(c) Each continuing education credit counting toward the required 25 hours shall be distributed over the following categories of activities so that at least three categories are represented, and with a maximum of 10 hours in any one category. These categories shall be:

(1) Activities that are sponsored, accredited or conducted by educational institutions, by professional associations, or by private institutions that are nationally or regionally accredited for training;

(2) activities conducted

by agencies and groups that do not meet the requirements of national or regional accreditation, if the content is clearly related to the enhancement of psychology skills and knowledge;

(3) presentation of courses, workshops, or other formal training activities, when the content is clearly related to the enhancement of psychology skills and knowledge. Continuing education credit shall be allowed only for the initial presentation. A maximum of five hours shall be allowed for providing supervision.

(4) publications and professional presentations. Five hours may be claimed for each publication or book chapter authored by the applicant and five hours may be claimed for each scientific or professional paper presented; and

(5) non-supervised, self-programmed activities including:

(A) Self-instruction. A maximum of five hours shall be allowed;

(B) participation in quality care, client or patient diagnosis review conferences, treatment utilization reviews, peer review, case consultation with another master level psychologist, or other quality assurance committees or activities. A maximum of five hours shall be allowed in this sub-category;

(C) participation in professional organizations, if the organization's goals are clearly related to the enhancement of psychology values, skills, and knowledge. Par-

ticipation may include holding office or serving on committees of the organization. A maximum of five hours shall be allowed; and

(D) receiving personal psychotherapy that is provided by a licensed or certified mental health provider. A maximum of five hours shall be allowed for personal therapy.

(d) If continuing education credits are claimed within paragraph (c) (1) of this regulation, at least one-fifth shall have been earned in activities sponsored by an agency or institution other than where the psychologist is employed.

(e) Each master level psychologist shall be responsible for maintaining personal continuing education records. Forms for the recording of continuing education activities may be provided by the board. Personal records of participation in continuing education activities shall be submitted to the board at a time or at times specified by the board but not later than 60 days prior to the date the current registration expires.

(f) In determining whether a claimed continuing education activity will be allowed, the master level psychologist may be required by the board to demonstrate that the content was clearly related to psychology, or to verify that master level psychologist's participation in any claimed or reported activity. If a master level psychologist fails to comply with this requirement, the claimed credit may be disallowed by the board.

(g) Contractual agreements

with sponsors of continuing education activities may be signed by the board.

(h) Each master level psychologist shall complete a program on professional ethics consisting of at least three hours of training. This program shall meet the requirements for inclusion in category 1 or, with prior approval of the board, in another category. (Authorized by K.S.A. 1987 Supp. 74-5370; implementing K.S.A. 1987 Supp. 74-5364; effective, T-112-2-23-89, February 23, 1989; effective April 3, 1989.)

102-4-11. Use of computerized psychological tests. (a) To utilize computers in any aspect of psychological testing, each master level psychologist shall consider each of the following issues in testing each client:

(1) Whether a particular test is appropriate for a particular client;

(2) whether the computerized version of a test is appropriate for use by a particular client;

(3) whether the evaluation, validity and reliability of the decision rules underlying interpretive statements and the supporting research are effective and adequate;

(4) whether the integration of findings is correct; and

(5) whether the conclusions and recommendations are appropriate;

(b) To utilize computers in any aspect of psychological testing, the master level psychologist shall also:

(1) Conform to the profes-

sional standards for testing, as adopted by the American psychological association in the standards for educational and psychological tests, 1985, which is hereby adopted by reference;

(2) not use the results of a computerized test in decision-making about clients or make such results part of official client records unless the results are signed by the master level psychologist utilizing the test;

(3) be involved in a direct, supervisory, or consultative relationship to the client or to those persons using test findings for decision-making regarding the client;

(4) assume the same degree of responsibility for the validity and reliability of interpretive statements and soundness of inferences, judgments, and recommendations based on computer-generated test results as would be assured if the master level psychologist had personally examined the client; and

(5) make an explicit statement on the report as to whether the master level psychologist has seen or examined the client in person. (Authorized by and implementing K.S.A. 1987 Supp. 74-5370; effective, T-112-2-23-89, February 23, 1989; effective April 3, 1989.)

BEHAVIORAL SCIENCES REGULATORY BOARD

LICENSURE/REGISTRATION REQUIREMENTS

	Psychology Licensure	Master Level Psychology Registration	Professional Counselor Registration	Specialist Clinical Social Work Licensure
Application Fee	\$100	\$75	\$ 75	\$70
Examination Fee	\$120	None	\$100	\$70
Examination Requirement	Yes	No	Yes	Yes
Continuing Education - 24 month period	100 hrs.	25 hrs.	50 hrs.	60 hrs.
Minimum Education	Doctoral Degree - Psychology	Master's Degree - Clinical Psychology	Master's Degree - Counseling	Master's Degree - Social Work
Post-Graduate Supervised Work Experience	2 years (3600 hrs.)	38 weeks (1500 hrs.) OR 750 clock hours of academically supervised practicum	3 years (6,000 hrs.) Reduced yrs. per hours beyond master's degree - Minimum 1 yr.	2 years (4,000 hrs.)
Minimum Supervision Hours of Post-Graduate Supervised Work Experience	One hour of individual supervision for every 40 hours of professional experience. In applied areas, one hour for every 20 hours of direct patient/client contact.	One hour of individual supervision for every 40 hours of professional experience.	One hour supervision for every 40 hours of professional experience.	One hour supervision for every 40 hours of professional experience.

	Psychology Licensure	Master Level Psychology Registration	Professional Counselor Registration	Specialist Clinical Social Work Licensure
Supervisor Qualifications	Licensed Psychol- ogist. Two years beyond own licen- sure. Area of emphasis consistent with applicant.	Licensed Psychologist. Area of emphasis consistent with applicant.	Registered Professional Counselor. Two years beyond own registration. Area of emphasis consistent with applicant.	Licensed Specialist Clinical Social Worker.
Rules and Regulations	K.A.R. 102-1-5	K.A.R. 102-4-6	K.A.R. 102-3-6	K.A.R. 102-2-a. and K.A.R. 102-2-12

A copy of each of the cited rules and regulations is attached for your information.

BEHAVIORAL SCIENCES REGULATORY BOARD
 900 Jackson, Room 855
 Topeka, Kansas 66612
 913/296-3240 or KANS-A-N 561-3240

M E M O R A N D U M

TO: Dr. William Wolff, and Emalene Correll,
 Legislative Research
 FROM: Mary Ann Gabel, Executive Director
 DATE: March 13, 1989
 RE: Fiscal Impact - Post-graduate Supervision of Potential
 RMLP Applicants Pursuant to Proposed Rules and
 Regulations

Bill Persinger and Paul Klotz have publicly stated on several occasions, and most recently on March 6 before the Joint Committee on Administrative Rules and Regulations, that the fiscal impact to community mental health centers (CMHCs) to provide post-graduate supervision to potential RMLP applicants would be \$300,000.

Using Mr. Persinger's example of contracting with a licensed psychologist to provide post-graduate supervision to potential applicants at the rate of \$70 per hour for three hours per week, the estimated cost per center appears to be \$210 per week or \$10,920 per year (3 hrs. @ \$70 x 52 weeks). Further, assuming that each of the eight centers which currently have no licensed psychologist on staff or under contract will have potential RMLP applicants, the estimated yearly fiscal impact appears to be \$87,360 (\$10,920 yr. x 8 CMHCs).

I recently visited with the director of Labette County CMC and learned that the yearly salary range for RMLPs is approximately \$22,000 - \$24,000, while the yearly salary range for licensed psychologists is approximately \$28,000 - \$30,000. Assuming that each of the eight CMHCs would hire one licensed psychologist in the place of a RMLP, the potential fiscal impact appears to be \$48,000 excluding payroll taxes, benefits, etc., (\$6,000 salary differential x 8 CMHCs).

I do not understand how Mr. Persinger and Mr. Klotz arrived at the \$300,000 figure. Further, it is clear to me or to the board members whether we should question their fiscal impact statement.

ATTACHMENT 3
 SWAM 3-29-89
 (AM)



KANSAS PSYCHOLOGICAL ASSOCIATION

Testimony

March 28, 1989

Senate Ways and Means

SB 365

Chairman Bogina and members of the committee, I am Janette Hanzlick and I am the Executive Director of the Kansas Psychological Association. I appreciate the opportunity to appear before you today to address our concerns regarding SB 365.

The proposals in this bill have also been introduced through SB 97, which was heard in the Senate Public Health and Welfare Committee. That bill lacked the votes needed to report favorably on the proposal. Additionally, the issues addressed in this bill have been previously heard in legislative committee hearings during the 1987 and 1988 sessions and also through the Behavioral Sciences Regulatory Board meetings and public hearing of that Board concerning the Rules and Regulations for implementing registration of master degreed persons. Indeed, we feel this issue has had ample discussion and previous rulings and recommendations have resulted in the registration law and rules which are not in place and only need be implemented. Those previous proposals also contained many items that were adopted by the B.S.R.B. and we feel the present product of those efforts is a workable plan. It has, however, not yet had the time to be implemented yet.

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 fell 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 provide 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 Master Level Psychologists (RMLP's) should only be under either a licensed psychologist or a licensed physician, the only two groups in this state who can practice independently and diagnose and treat mental disorders. The Legislature rejected proposals that RMLP's also be allowed to provide that "Direction". I would also point out that supervision encompasses even greater responsibilities and demands in guiding and directing the learning practitioner's work than does "Direction". It makes sense, therefore, 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 psychologist (December 21, 1987).

3. I would also point out that supervision requirements for licensed psychologists 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 recently approved by the Behavioral Sciences Regulatory Board. After much testimony and study, that Board voted unanimously, and by a roll call vote,

to require the supervision be under a licensed psychologist and not under an RMLP.

In closing, we now have Rules and Regulations which were based on the last years' legislative decisions on this subject. Let's give them time to work. I respectfully request that SB 365 not be passed.