

Approved 1-31-91
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH & WELFARE

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

1:30 a.m./p.m. on January 23, 1991 in room 531-N of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Legislative Research
Jo Ann Buntten, Committee Secretary

Conferees appearing before the committee:

Tom Bell, Kansas Hospital Association
Robert Mullen, Hospital Administrator, District #1, Lyons
Representative Jack Wempe
Senator Bill Brady
Roger Werholtz, Deputy Secretary of Corrections
Charles Sell, District Judge of Labette County
Theresa Hodges, Department of Health and Environment
Mary Ann Gabel, Executive Dir., Behavioral Sciences Regulatory Board
Stuart M. Frager, Ph.D., Council of Administrative Psychologists
John Peterson, Kansas Association of Professional Psychologists

Chairman Ehrlich called the meeting to order at 1:30 p.m.

The chairman asked for bill requests. Tom Bell, KHA, yielded to Bob Mullen, hospital administrator from Lyons, Kansas. Mr. Mullen presented background information on proposed legislation regarding a senior housing apartment complex on ground adjacent to and owned by the hospital which would be financed by revenue bonds. (Attachment 1) After committee discussion, Senator Hayden moved to introduce the bill. Motion was withdrawn for introduction of Representative Jack Wempe appearing in support of the proposed bill. Chair then recognized Senator Hayden's motion, seconded by Senator Langworthy. Motion carried. The committee voted to introduce a bill that would accomplish a purpose the hospital administrator requested.

SB 1 - Exemptions for certain laboratories providing tests for controlled substances.

Senator Bill Brady appeared in support of SB 1, who yielded to Roger Werholtz of the Department of Corrections who presented testimony for quick passage of SB 1. It is the Department's position that the Labette Correctional Conservation Camp is a program similar to those operated by the Kansas Department of Corrections and this program has a need to conduct regular urinalysis surveillance of the program participants. (Attachment 2) Charles Sell, District Judge of Labette County and chairman of the Correctional Camp administrative board, explained the type of facility involved.

Testifying against SB-1 was Theresa Hodges of the Department of Health and Environment who passed out testimony and a balloon of the bill with the Department's suggested amendments. (Attachments #3 and #4)

After considerable discussion, it was the consensus of the committee to have the Department of Corrections and the Department of Health and Environment combine and submit their requests in one bill that is acceptable and workable to both agencies, and then submit their request to the committee.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH & WELFARE,
room 531-N Statehouse, at 1:30 a.m./p.m. on January 23, 1991.

SB 35 - Qualifications for registration as a masters level
psychologist.

John Peterson spoke in opposition to SB 35 and asked support of a proposed bill that was submitted by the Council of Administrative Psychologists at the January 17, 1991 meeting of the committee.

Stuart M. Frager, Ph.D. appeared and submitted his testimony in opposition to SB 35. His main objection was certain language in the bill. (Attachment 5)

Mary Ann Gabel presented her testimony in opposition to SB 35 and submitted a copy of proposed amendments for consideration. These amendments incorporate the Council's proposed wording to provide for equity and at the same time enable the board to judiciously administer the registration program by reducing potential conflicts. (Attachment 6 and 7) A copy of the Attorney General's Opinion No. 90-104 which was requested by the behavioral sciences regulatory board concerning whether a person engaged in a doctoral psychology program, which does not confer a master's degree, may be registered under the RMLP act, was distributed to the committee. (Attachment 8)

No discussion was held.

The meeting was adjourned at 2:30 p.m.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 1/23/91

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

Theresa Hodges - Topeka

KDHE

Stuart M. Frager - TOPEKA

Council of Administrative Psychologists

Mary Ann Gabel "

BSRB

J.R. Wenzel

Regulator

Tom Bell

KHA

Robert Miller

Heop. Dist. #1, Topeka

John Peters

KS Psyc Prof Psychol.

Charles J. Sell

Lafayette Correctional Center
(Camp)

Roger Burkoff

Ks. Dept. of Corrections

Bell Boy

Senate

~~David J. McCauley~~

KS Psychological Assn.

~~Ken Baker~~

Am. Assn. of Prof. Psychologists

Proposed Amendment to K.S.A. 80-2501

HOSPITALS AND HEALTH CARE FACILITIES

HOSPITALS

K.S.A. 80-2501. Definitions. As used in this act:

(a) "Board" means a hospital board which is selected in accordance with the provisions of this act and which is vested with the management and control of an existing hospital or a hospital established under the provisions of this act;

(b) "hospital" means a medical care facility as defined in K.S.A. 65-425 and amendments thereto and includes within its meaning any clinic, long-term care facility, child-care facility and emergency medical or ambulance service operated in connection with the operation of the medical care facility;

(c) "hospital moneys" means, but is not limited to, moneys acquired through the issuance of bonds, the levy of taxes, the receipt of grants, donations, gifts, bequests, interest earned on investments authorized by this act and state or federal aid and from fees and charges for use of and services provided by the hospital;

(d) "existing hospital" means a hospital established under the provisions of article 21 of chapter 80 of Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto prior to the effective date of this act and being maintained and operated on the effective date of this act;

(e) "long-term care facility" means:

(1) A Skilled Nursing Facility as defined in K.S.A. 39-923(a)(2);

(2) A limited care residential retirement facility, other than an adult care home as defined in K.S.A. 39-923(a)(1), constructed, developed, managed, maintained and operated by a hospital district, on real estate owned by a hospital district (as defined in K.S.A. 80-2501, et seq.), which there are separate apartment-style living units, with separate living areas, bedroom(s), bathrooms, and individual utilities; which facility is available only to individuals 55 years or older; and which facility has at least the following characteristics:

- (A) A common recreational and dining area;
- (B) planned recreation and social gatherings;
- (C) laundry facilities or services and housecleaning services;
- (D) special dietary programs providing at least one meal per day;
- (E) organized wellness programs;
- (F) a 24-hour emergency call system in each unit staffed by the hospital district;
- (G) a nursing staff from the hospital district on 24-hour call for residents.
- (H) availability of additional health related services, laundry services, housekeeping, means for individuals with special or additional needs.

~~(e)~~ (f) "political subdivision" means a township, a city or a hospital district established under the provisions of article 21 of chapter 80 of Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto prior to the effective date of this act or established under this act;

~~(f)~~ (g) "qualified elector" means any person who has been a bona fide resident within the territory included in the taxing district of a hospital for 30 days prior to the date of any annual meeting or election provided for in this act and who possesses the qualifications of an elector provided for in the laws governing general elections.

Proposed Amendment to K.S.A. 80-2525

K.S.A. 80-2525. Same; revenue bonds; procedure to issue; petition; election. The board may issue and sell revenue bonds for the purpose of acquiring an existing hospital building or buildings and improving, remodeling or repairing and equipping the same, or for the purpose of acquiring a site, constructing, equipping and furnishing an addition to an existing hospital building, or for the purpose of acquiring a site for constructing, equipping and furnishing a new building for all or any of those hospital purposes described in K.S.A. 80-2501(b) whether a part of, adjacent to, or separate and apart from an existing hospital building. Before any such bonds shall be issued, the board shall publish a resolution declaring its intention to issue such bonds, stating the purpose for which such bonds are to be issued, and the amount thereof. Such resolution shall be published, once each week for two consecutive weeks, in a newspaper of general circulation in the taxing district of the hospital. After publication, such bonds may be issued unless a qualified electors equal in number to not less than 5% of the qualified electors of the district, is filed with the board within 20 days following the last publication of such resolution. If such a petition is filed, the board shall submit the proposition to the qualified voters at an election called for such purpose and held within 90 days after the last publication of the resolution, and no bonds shall be issued unless such proposition shall receive the approval of a majority of the votes cast thereon. Such election shall be called and held in the manner provided by the general bond law.

TESTIMONY TO THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE
ON SB 1
ROGER WERHOLTZ, DEPUTY SECRETARY OF CORRECTIONS
DIVISION OF COMMUNITY AND FIELD SERVICES MANAGEMENT
JANUARY 23, 1991

The Department of Corrections would like to convey its support for the quick passage of Senate Bill #1. Senate Bill #1 amends KSA 65-1,108 to include the Labette Correctional Conservation Camp as one of the correctional agencies excluded from the definition of laboratory. It is the Department's position that the Labette Correctional Conservation Camp is a program similar to those operated by the Kansas Department of Corrections and the Office of Judicial Administration and that this program has a need to conduct regular urinalysis surveillance of the program participants. To require that this surveillance be conducted by an outside laboratory would result in prohibitive costs to the program. As with all other Department of Corrections programs, any action taken to revoke someone from the program and confine them in a Department of Corrections facility would require confirmation by GC-MS methods.

The Department of Corrections would like to urge the rapid passage of this bill because of the scheduled opening of the Labette Correctional Conservation Camp in the 2nd or 3rd week of March.



State of Kansas

Joan Finney, Governor

Department of Health and Environment
Kansas Health and Environmental Laboratory

Acting
Stanley C. Grant, Ph.D., Secretary

Forbes Field, Bldg. 740, Topeka, KS 66620-0002

(913) 296-1620
FAX (913) 296-6247

Testimony presented to
Senate Public Health and Welfare

by

The Kansas Department of Health and Environment

Senate Bill 1

All Kansas residents, including persons within the criminal justice system, deserve the right to accurate drug test results. Despite the exaggerated claims of some instrument manufacturers, accurate test results cannot be assured in the absence of minimum performance criteria. These would include a proven test method, a dependable instrument, a trained operator, and the routine use of standards and controls.

A number of interests, including the Department of Corrections and the Office of Judicial Administration, have successfully argued that simple, less reliable, and less expensive test results should be permitted providing that the results are used only for management purposes and not as a basis for parole and probation decisions. This bill proposes to add yet another exclusion to any required compliance with minimum test criteria. In principle, we are opposed to this bill and to the other exclusions presently listed in the statute. We believe that it is equally inappropriate, for example, for a physician office to perform pre-employment drug tests in the absence of minimum required performance criteria.

Perhaps there is a preferable alternative to this dilemma. The KDHE requests authorization to promulgate regulations establishing minimum standards for urinalysis drug screens in which the test results are restricted to limited application. The KDHE would also provide a list of approved screening tests. This same approach has worked very successfully for alcohol screening tests performed with preliminary breath test devices. This proposed alternative is outlined in the accompanying balloon bill.

Section 1 amends K.S.A. 65-1,107 to provide authority for the KDHE to establish procedures and minimum training requirements for personnel who perform urinalysis screening tests for controlled substances. It also allows the KDHE to approve screening tests to assure that these test systems work reliably. As noted earlier, this approach has worked successfully with preliminary breath alcohol test devices.

Senate P H&W
Attachment #3

01-23-91

Charles Konigsberg, Jr., M.D., M.P.H.,
Director of Health
(913) 296-1343

Director of Environment
(913) 296-1535

Lorne Phillips, Ph.D.,
Director of Information
Systems
(913) 296-1415

Roger Carlson, Ph.D.,
Director of the Kansas Health
and Environmental Laboratory
(913) 296-1620

The substantive change to SB1 begins on line 23, where we propose to delete all exclusions to the definition of a laboratory except the Kansas Bureau of Investigation forensic laboratory and insert the wording indicated in the balloon. In practical terms, the facilities of Department of Corrections, Office of Judicial Administration, Social Rehabilitation Services, and physician's offices will be able to continue to perform screening tests for controlled substances by following the recommended procedures. However, these test results are not to be used for pre-employment or employee testing, medical treatment, revoking or denying parole or probation, or as evidence in any court proceeding or hearing.

Test results which are used for these important applications must be backed by the documented quality assurance and rigid controls and confirmations which are required in approved drug test laboratories.

In summary, this proposal will bring some uniformity and minimum recommended standards to improve the quality of all urine drug screen tests performed in Kansas.

SENATE BILL No. 1

By Senator Johnston

1-14

8 AN ACT concerning laboratory testing; relating to approval and reg-
9 ulation of laboratories; amending K.S.A. 1990 Supp. 65-1,108 and
10 repealing the existing section.

1989 Supp. 65-1,107,

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

See attachment 1.
Sec. 2

12 Section 1. ~~K.S.A. 1990 Supp. 65-1,108~~ is hereby amended to
13 read as follows: 65-1,108. (a) It shall be unlawful for any person or
14 laboratory to perform prenatal tests for syphilis, tests for human
15 immunodeficiency virus or tests for controlled substances included
16 in schedule I or II of the uniform controlled substances act unless
17 the laboratory in which such tests are performed has been approved
18 by the secretary of health and environment to perform such tests.
19 Any person violating any of the provisions of this section shall be
20 deemed guilty of a class B misdemeanor.

21 (b) As used in this section and in K.S.A. 65-1,107 and amend-
22 ments thereto, "laboratory" shall not include: (1) ~~The office or clinic~~
23 ~~of a person licensed to practice medicine and surgery in which~~
24 ~~laboratory tests are performed as part of and incidental to the ex-~~
25 ~~amination or treatment of a patient of such person;~~ (2) the Kansas
26 bureau of investigation forensic laboratory; (3) ~~urinalysis tests for~~
27 ~~controlled substances performed only for management purposes on~~
28 ~~inmates, parolees or probationers by personnel of the department~~
29 ~~of corrections or office of judicial administration and which shall not~~
30 ~~be used for revoking or denying parole or probation;~~ (4) ~~urinalysis~~
31 ~~tests approved by the secretary of corrections for controlled sub-~~
32 ~~stances performed by the community corrections programs;~~ (5) ~~uri-~~
33 ~~nalysis tests approved by the secretary of corrections for controlled~~
34 ~~substances performed by personnel of the community correctional~~
35 ~~conservation camp in Labette county which is operated under agree-~~
36 ~~ments entered into by the secretary of corrections and the board of~~
37 ~~county commissioners of Labette county pursuant to K.S.A. 1990~~
38 ~~Supp. 75-52,132 and amendments thereto;~~ or (5) (6) urinalysis tests
39 performed for management purposes only by personnel of alcohol
40 and drug treatment programs which are licensed or certified by the
41 secretary of social and rehabilitation services.

Facilities performing controlled substance testing utilizing urinalysis tests approved by the secretary of health and environment. Such tests shall not be used for (a) employee testing, (b) medical treatment, (c) revoking or denying parole or probation, or (d) evidence in any court proceeding or hearing,

or

Delete

42 Sec. 2. K.S.A. 1990 Supp. 65-1,108 is hereby repealed.

3
1989 Supp. 65-1,107

1 Sec. 8. This act shall take effect and be in force from and after → 4
2 its publication in the Kansas register.

4-2

Section 1. K.S.A. 1988 Supp. 65-1,107 is hereby amended to read as follows: 65-1,107. The secretary of health and environment is hereby authorized and empowered to promulgate rules and regulations establishing:

(a) The procedures and qualifications for approving laboratories performing prenatal tests for syphilis, tests for human immunodeficiency virus and tests for controlled substances included in schedule I or II of the uniform controlled substances act;

(b) *the procedures, qualifications of personnel and standards of performance of urinalysis screening used in limited application for controlled substances included in schedule I or II of the uniform controlled substances act.*

(c) *a list of approved urinalysis screening tests for controlled substances included in 65-1,107(b).*

~~(b)~~ (d) the procedures, qualifications of personnel and standards of performance in the testing of human breath for law enforcement purposes, including procedures for the periodic inspection of apparatus, equipment and devices, other than preliminary screening devices, approved by the secretary of health and environment for the testing of human breath for law enforcement purposes;

~~(e)~~ (e) the requirements for the training, certification and periodic testing of persons who operate apparatus, equipment or devices, other than preliminary screening devices, for the testing of human breath for law enforcement purposes;

~~(d)~~ (f) criteria for preliminary screening devices for testing of breath for law enforcement purposes, based on health and performance considerations; and

~~(e)~~ (g) a list of preliminary screening devices which are approved for testing of breath for law enforcement purposes and which law enforcement agencies may purchase and train officers in the use of as aids in determining probable cause to arrest and grounds for requiring testing pursuant to K.S.A. 8-1001 and amendments thereto.

Testimony
Senate Public Health and Welfare Committee
January 23, 1991

Senate Bill 35

The problem addressed by SB 35, and the alternative committee bill requested by the Council of Administrative Psychologists of SRS (attached), arose from Attorney General's Opinion No. 90-104 (attached) clarifying Kansas statutes covering the Registered Masters Level Psychologist Act. The specific issue is that a Masters degree in Psychology is a requirement for RMLP registration, even if the applicant has a doctorate in Psychology or has completed all the coursework and training requirements for a doctorate in Psychology with the exception of the dissertation or final paper. Currently I have a psychologist on my staff with a Ph.D. in Counseling Psychology from the University of Kansas who is still being paid as a student intern as she does not currently meet the requirements for her RMLP. This, of course, also limits her practice for the hospital.

While SB35 does address these difficulties the concern the Council of Administrative Psychologists would have rests with the suggested language changes. The wording "substantial equivalent" would be open to wide interpretation and is a potential source of conflict and litigation. Other professions require that the degree be in that profession e.g. physicians require M.D. or D.O. degrees, attorneys require J.D. or L.L.B. degrees and nurses require R.N. or BSN degrees.

The Council would request that, as an alternative, the Senate Public Health and Welfare Committee consider the changes suggested in the alternative committee bill. These changes were the result of input requested from a wide array of interested parties (see attached). The wording of this alternative bill has been structured to address the difficulties arising subsequent to the Attorney General's opinion without creating ambiguity in the statutes which could lead to new, unforeseen problems. Specifically the wording "at least a masters degree in psychology" addresses the problem of those holding doctoral degrees without a masters degree. The section on all but dissertation or final paper (i.e., A.B.D.) would allow for registration, and subsequent hiring, of applicants, many of whom are from Kansas, after completing their coursework and training. As the market for psychologists in the midwest has become increasingly more competitive this would provide

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Testimony
Senate Public Health and Welfare Committee
January 23, 1991

Senate Bill 35

one further avenue for hiring, and also for retaining Kansas students in Kansas, who are qualified by degree, education and training. Thank you for your consideration.

Stuart M. Frager, Ph.D.
Chair, Council of
Administrative Psychologists
Psychology Department
Topeka State Hospital
2700 West 6th
Topeka, Kansas 66606
Telephone: (913) 296-4413

PROPOSED CHANGES TO STATUTES REGULATING
REGISTRATION OF MASTERS LEVEL PSYCHOLOGISTS
(Proposed changes are underlined and in bold)

74-5363. Registration; application for; qualifications; waiver of certain requirements, when.

New (b)(2) has received at least a master's degree in clinical psychology based on a program of studies in psychology from an educational institution having a graduate program in psychology consistent with state universities of Kansas or has received at least a master's degree in psychology and during such master's and/or post-master's coursework completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learning theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories, developmental psychology, research methods, social psychology or has met all the requirements for a Ph.D. or Psy.D. in psychology with the exception of the dissertation or final Psy.D. paper and during such graduate program completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learning theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories, developmental psychology, research methods, social psychology;

Stuart M. Frager, Ph.D.
Chair, Council of
Administrative Psychologists
Psychology Department
Topeka State Hospital
2700 West 6th
Topeka, Kansas 66606

Response to the proposed changes to statutes regulating registration level psychologists was requested from the following:

Acting Chief Psychologist
Winfield State Hospital
P.O. Box 548
Winfield, Kansas 67156

Charlie Befort, Ph.D.
Chief Psychologist
Larned State Hospital
R.R.#3, Box 89
Larned, Kansas 67550

Denis J. Carville, Ph.D.
Kansas Association of Professional Psychologists
The Corinth Group
4000 Somerset Drive, Suite C
Prairie Village, Kansas 66208

Thomas T. Coolidge, M.D.
Superintendent
Topeka State Hospital
2700 W. Sixth Street
Topeka, Kansas 66606-1898

Gary J. Daniels, Ph.D.
Superintendent
Parsons State Hospital & Training Center
2601 Gabriel
Parsons, Kansas 67357

Linda DeCoursey
Executive Director
Kansas Psychological Association
400 S.W. Croix
Topeka, Kansas 66611

Lois Dixon, Ph.D.
Chief Psychologist
Kansas Neurological Institute
3107 West 21st Street
Topeka, Kansas 66604

Gary Forbach, Ph.D., Chairman
Psychology Department
Washburn University
Topeka, Kansas 66621

Gerald Gentry, Ph.D.
Chief Psychologist
Osawatomie State Hospital
Osawatomie, Kansas 66064

Francis Gerner, Ph.D.
Chief Psychologist
Reception & Diagnostic Center
3401 East Sixth
Topeka, Kansas 66607

George Goetz, M.D.
Superintendent
Larned State Hospital
R.R.#3, Box 89
Larned, Kansas 67550

Rita Goss, Ph.D.
Chair, Legislative Committee
Kansas Association of Professional Psychologists
Lyndon and Mahoney
1650 Georgetown, Suite 160
Wichita, Kansas 67218

Harvey Hillin, Ph.D.
(SRS Liaison to Council of Administrative Psychologists)
MH/RS, 5th Floor
Docking State Office Building
Topeka, Kansas 66612

James W. Lichtenberg, Ph.D.
Co-Training Director
Department of Counseling Psychology
University of Kansas
Lawrence, Kansas 66045

Carrol Mills, Ph.D.
Chief Psychologist
Youth Center at Topeka
1440 N.W. 25th Street
Topeka, Kansas 66608

John Randolph, Ph.D.
President, Association of Community Mental Health Centers
Mental Health Center of East Central Kansas
1000 Lincoln
Emporia, Kansas 66801

David Rodeheffer, Ph.D.
KPA Legislative Committee
909 S.W. 10th
Topeka, Kansas 66604

Tom Runge, M.S.
(RMLP Advisory Committee to BSRB)
High Plains Mental Health Center
208 East 7th Street
Hays, Kansas 67601

Richard Snyder, Ph.D.
Director, Clinical Psychology Program
Psychology Department
University of Kansas
Lawrence, Kansas 66045

Carol Spotts, Ph.D.
Rainbow Mental Health Facility
2205 West 36th Street
Box 3208
Kansas City, Kansas 66103

Norma Stephens
Superintendent
Osawatomie State Hospital
Osawatomie, Kansas 66064

George Vranekovic, Ph.D.
Chief Psychologist
Parsons State Hospital & Training Center
2601 Gabriel
Parsons, Kansas 67357

Joseph Weaver, Ph.D.
(President, Kansas Psychological Association)
Children's Rehabilitation Unit
University of Kansas Medical Center
39th & Rainbow Boulevard
Kansas City, Kansas 66103

C. ROBERT BORRESEN, Ph.D., *Chairman*
MARY ANN GABEL, *Executive Director*



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

BOARD MEMBERS:
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BETTIE E. DUNCAN
JOHN PREBLE
JOSEPH N. ROBB

Psychology
C. ROBERT BORRESEN, Ph.D.
DONALD J. FORT, Ph.D.

Social Work
GLARICE HARRIS, MSW
SHARON T. RUSSELL, MSW

BEHAVIORAL SCIENCES REGULATORY BOARD

LICENSED PROFESSIONALS:
Psychologists
Social Workers

REGISTERED PROFESSIONALS:
Master Level Psychologists
Professional Counselors

TESTIMONY BEFORE THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

S.B. 35

Wednesday, January 23, 1991

CHAIRPERSON EHRLICH, VICE-CHAIRPERSON LANGWORTHY, AND COMMITTEE MEMBERS:

I am Mary Ann Gabel, Executive Director of the Behavioral Sciences Regulatory Board, appearing before you today on behalf of the board. The board is not opposed to amending the RMLP statutes; however, it is opposed to the proposed wording contained in Section 1 of S.B. 35.

Section 1. (b) (page 1, lines 27-40) includes the phrase "or the substantial equivalent thereof." Phrases of this nature in this context create difficulties for the board in terms of interpretation and set the board up for continual conflicts and possible litigation with applicants.

The board first became aware of possible omissions in the existing statute regarding the educational qualifications for registration as a masters level psychologist with the publication of Attorney General's Opinion No. 90-104. A copy of the opinion is attached for your information.

The board has been working with the Council of Administrative Psychologists at Topeka State Hospital on wording that will permit persons with "at least" a master's degree in psychology with specific coursework to be eligible for registration just as persons with "at least" a master's degree in clinical psychology are currently eligible.

Attached is a copy of proposed amendments to S.B. 35 for your consideration. These amendments incorporate the Council's proposed wording to provide for equity and at the same time enable the board to judiciously administer the registration program by reducing potential conflicts.

Senate P H&W
Attachment #6
01-23-91

PAGE 2

I will be happy to go into greater detail regarding the requirements for registration if the committee desires or to answer any questions you may have.

Thank you for allowing the board an opportunity to express its concerns and for your consideration of its request.

Attachments

SENATE BILL No. 35

By Senator Johnston

1-14

BEHAVIORAL SCIENCES REGULATORY BOARD - PROPOSED AMENDMENTS TO S.B. 35

(27) received at least a master's degree in clinical psychology, ~~or the~~
(28) ~~substantial equivalent thereof in both subject matter and extent of~~
(29) ~~training, based on a program of studies in psychology, or the sub-~~
(30) ~~stantial equivalent thereof, from an educational institution having a~~
(31) ~~graduate program in psychology, or the substantial equivalent~~
(32) ~~thereof, consistent with state universities of Kansas or has received~~
(33) ~~at least a master's degree in psychology, or the substantial equivalent thereof~~
(34) ~~in both subject matter and extent of training, and during such grad-~~
(35) ~~uate program master's or post-master's coursework completed a minimum of 12~~
semester hours or its
(36) equivalent in psychological foundation courses, ~~or equivalent courses,~~
(37) such as, but not limited to, philosophy of psychology, psychology of
(38) perception, learning theory, history of psychology, motivation, and
(39) statistics and 24 semester hours or its equivalent in professional core
(40) courses, ~~or equivalent courses,~~ such as, but not limited to, two
(41) courses in psychological testing, psychopathology, two courses in
(42) psychotherapy, personality theories, developmental psychology, re-
(43) search methods, social psychology or has met all the requirements for a doctoral degree
in psychology with the exception of the dissertation or final Psy.D. paper and during
such graduate program completed a minimum of 12 semester hours or its equivalent in
psychological foundation courses such as, but not limited to, philosophy or psychology,
psychology of perception, learning theory, history of psychology, motivation, and
statistics and 24 semester hours or its equivalent in professional core courses such
as, but not limited to, two courses in psychological testing, psychopathology, two
courses in psychotherapy, personality theories, developmental psychology, research
methods, social psychology; (3) has completed 750 clock hours

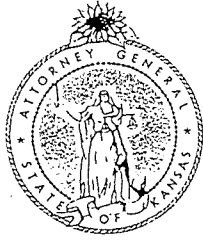
8 AN ACT concerning the registration of masters level psychologists;
9 amending K.S.A. 1990 Supp. 74-5363 and repealing the existing
10 section.
11

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

13 Section 1. K.S.A. 1990 Supp. 74-5363 is hereby amended to read
14 as follows: 74-5363. (a) Any person who desires to be registered
15 under this act shall apply to the board in writing, on forms prepared
16 and furnished by the board. Each application shall contain appro-
17 priate documentation of the particular qualifications required by the
18 board and shall be accompanied by the required fee.

19 (b) The board shall register as a registered masters level psy-
20 chologist any applicant for registration who pays the fee prescribed
21 by the board under K.S.A. 1989 1990 Supp. 74-5365 and amend-
22 ments thereto, which shall not be refunded, who has satisfied the
23 board as to such applicant's training and who complies with the
24 provisions of this subsection (b). An applicant for registration also
25 shall submit evidence verified under oath and satisfactory to the
26 board that such applicant: (1) Is at least 21 years of age; (2) has
* 27 received at least a master's degree in clinical psychology, *or the*
* 28 *substantial equivalent thereof in both subject matter and extent of*
* 29 *training, based on a program of studies in psychology, or the sub-*
* 30 *stantial equivalent thereof, from an educational institution having a*
* 31 *graduate program in psychology, or the substantial equivalent*
* 32 *thereof, consistent with state universities of Kansas or has received*
* 33 *a master's degree in psychology, or the substantial equivalent thereof*
* 34 *in both subject matter and extent of training, and during such grad-*
* 35 *uate program completed a minimum of 12 semester hours or its*
* 36 *equivalent in psychological foundation courses, or equivalent courses,*
* 37 *such as, but not limited to, philosophy of psychology, psychology of*
* 38 *perception, learning theory, history of psychology, motivation, and*
* 39 *statistics and 24 semester hours or its equivalent in professional core*
* 40 *courses, or equivalent courses, such as, but not limited to, two*
* 41 *courses in psychological testing, psychopathology, two courses in*
* 42 *psychotherapy, personality theories, developmental psychology, re-*
* 43 *search methods, social psychology; (3) has completed 750 clock hours*

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 Attacher # 7
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STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

September 7, 1990

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ATTORNEY GENERAL OPINION NO. 90- 104

Mary Ann Gabel
Executive Director
Behavioral Sciences Regulatory Board
Landon State Office Bldg., 855-S
Topeka, Kansas 66612



Re: State Boards, Commissions and Authorities --
Regulation of Psychologists -- Registration of
Masters Level Psychologists; Qualifications for
Registration

Synopsis: To be registered as a master's level psychologist,
an applicant must first obtain a master's degree in
psychology as specified by statute. A person
engaged in a doctoral psychology program which does
not also confer a master's degree, and who
completes all course requirements except the
dissertation, may not be registered as a master's
level psychologist unless the applicant has met the
educational requirements through a separate
master's program. Cited herein: K.S.A. 1989
Supp. 74-5363, as amended by L. 1990, ch. 286,
§ 6.

* * *

Dear Ms. Gabel:

On behalf of the behavioral sciences regulatory board, you
have requested our opinion concerning educational requirements
for registration as a master's level psychologist (RMLP).
Specifically, you ask whether a person engaged in a doctoral
psychology program which does not confer a master's degree,

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and who completes all course requirements but not the dissertation may be registered under the RMLP act.

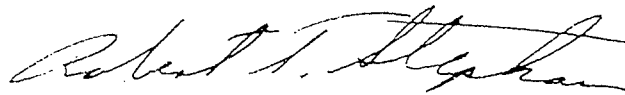
Persons desiring registration under the RMLP act must meet the requirements of K.S.A. 1989 Supp. 74-5363, as amended by L. 1990, ch. 286, § 6. Subsection (b)(2) was not amended by the 1990 law, and states that the applicant must have

"received at least a master's degree in clinical psychology . . . or . . . a master's degree in psychology and during such graduate program completed a minimum of 12 semester hours or its equivalent in psychological foundation courses . . . and 24 semester hours or its equivalent in professional care courses. . . ." K.S.A. 1989 Supp. 74-5363(b)(2), as amended by L. 1990, ch. 286, § 6.

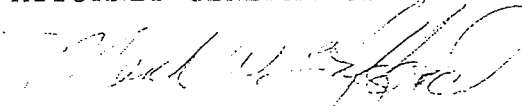
Based upon the grammatical construction of the statute, the phrase "or its equivalent" refers the number of hours of course work and not to the academic degree conferred or the type of courses required. C.f., Fox v. Board of Regents of State of N.Y., 527 N.Y.S.2d 652, 653 (A.D. 3 Dept. 1988). Thus, a master's degree must have been conferred on the applicant prior to registration as an RMLP.

In conclusion, it is our opinion that a person engaged in a doctoral psychology program which does not also confer a master's degree, and who completes all course requirements except the dissertation, may not be registered as a master's level psychologist unless the applicant has met the educational requirements through a separate master's program.

Very truly yours,



ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS



Mark W. Stafford
Assistant Attorney General

RTS:JLM:MWS:bas