

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES.

The meeting was called to order by Chairperson Carlos Mayans at 1:30 p.m. on February 22, 1996 in Room 423-S of the Capitol.

All members were present.

Committee staff present: Norman Furse, Revision of Statutes
Emalene Correll, Legislative Research Department
Francie Marshall, Committee Secretary

Conferees appearing before the committee: None

Others attending: See Guest List: Attachment 1

The minutes of the meeting held on February 29, 1996, were approved.

HB 2692 - Licensing, master level psychologists, master level psychologists, marriage and family therapists, and professional psychologists

Chairperson Mayans asked the committee to consider action on **HB 2692**. He also thanked the subcommittee for their help and effort in developing the "balloon" amendments (see Attachment 2). Representative Gilmore, Chairperson of the Subcommittee for **HB 2692**, reported the amendments involved implementation of an education and training forum in which mental health facilitators would be able to effectively interact. In addition, the committee discussed an amendment increasing the licensure requirements for professional counselors to at least 4,000 supervised hours of professional experience. Finally, amendments regarding increased fees, temporary permits and the possible "grandfathering" of the bill were also discussed.

On motion of Representative Gilmore, seconded by Representative Morrison, the committee unanimously adopted the subcommittee "balloon" amendments.

Discussion continued on **HB 2692** with Representative Geringer questioning the viability of grandfathering the bill, along with Representative Henry's concern over increased fees. Also, Representative Kirk expressed concerns with the issue of credentialing and questioned the process of the licensure proposals.

Representative Mayans made a motion to pass the bill as amended; the motion was seconded by Representative Merritt and the committee voted for **HB 2692** be passed as amended. Representative Gilmore will carry the bill.

HB 2949 - Partnership for prevention of teenage pregnancy act

Chairperson Mayans asked the committee which bills they would like to take action on, with consensus to **HB 2949**. Representative Ballard, sponsor of the bill, proposed amendments replacing the following council members: elected officials with two legislators, law enforcement members on the council to physicians, and three citizens with three teenage students. Representative Henry moved to accept the amendments of the council members which was seconded by Representative Kirk.

There was further discussion and concerns expressed about the duplication of health care workers and the make up of the council members. Representative O'Connor express concern that parents were not included and offered a substitute motion to amend the members of the council to four parents, two health care workers, two clergy, and three students. Representative Hutchins seconded the motion and the committee voted to accept the substitute motion. The original motion failed.

Further discussion continued on **HB 2949**. Representative Henry moved to pass the bill out favorably which was seconded by Representative Goodwin. Representative Morrison offered a substitute motion to table the bill. Representative Landwehr seconded the motion and the committee voted to table **HB 2949**. The original motion failed.

Chairperson Mayans reminded the members no meetings are scheduled for the week of February 26, 1996.

The meeting was adjourned at 2:45 p.m.

House Health & Human Services COMMITTEE GUEST LIST

DATE February 22, 1996

NAME	REPRESENTING
Lloyd Stone	KMHA
Melissa Wangemann	Heen Elect & Weir
David Ebsbury	KAMF
Dan How	KAMFT
Julie Hein	Mental Health Credentialing
Mary Ellen Carlos	Via Christi Health System
Ruth Mann	Kansas Health Institute
Leif Gray	KDHE
Amy Campbell	KS State Ophthalmological Society
Jill Gordon	Self
Andrea RHEM	KA 2 11
Dana Baldwin	TC
MaryAnn Grabel	BSRB
Gary Haymark	KPA
Michelle Peterson	Peterson Public Affairs Group
Rich Pittman	Health Midwest
GARY Robbins	Ks Optometric Assn
Tommy Bell	Ks. Hosp. Assn
Don Richards	Ks Resp Care Socy

Janet Stubbs
KATH & LANDIS

KRCS

CHRISTIAN SCIENCE COMMITTEE ON PUBLICATIONS FOR KS

H & HS Comm.
2-22-96
atn. #1

HOUSE BILL No. 2692

By Committee on Health and Human Services

1-22

9 AN ACT concerning the behavioral sciences regulatory board; relating to
10 licensure, regulation and scope of practice issues of professional coun-
11 selors, marriage and family therapists and masters level psychologists;
12 amending K.S.A. 65-5801, 65-5802, 65-5803, 65-5804, 65-5806, 65-
13 5807, 65-5808, 65-5809, 65-5810, 65-5811, 65-5812, 65-5813, 65-5815,
14 65-5816, 65-6401, 65-6402, 65-6403, 65-6404, 65-6405, 65-6406, 65-
15 6407, 65-6408, 65-6409, 65-6410, 65-6412, 74-5361, 74-5362, 74-5363,
16 74-5364, 74-5365, 74-5366, 74-5367, 74-5369, 74-5371, 74-5372, 74-
17 7501 and 74-7507 and K.S.A. 1995 Supp. 65-6411 and repealing the
18 existing sections; also repealing K.S.A. 65-5814 and 74-5368.

Revisor's Amendments

19
20 *Be it enacted by the Legislature of the State of Kansas:*

21 Section 1. K.S.A. 65-5801 is hereby amended to read as follows: 65-
22 5801. K.S.A. 65-5801 through 65-5816 shall be known and may be cited
23 as the professional counselors ~~registration~~ *licensure* act.

24 Sec. 2. K.S.A. 65-5802 is hereby amended to read as follows: 65-
25 5802. As used in the professional counselors ~~registration~~ *licensure* act:

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

28 (b) "Practice of professional counseling" means assisting an individual
29 or group for a fee, monetary or otherwise, through counseling, assess-
30 ment, consultation and referral.

31 (c) "Professional counseling" means to assist an individual or group
32 to develop understanding of personal strengths and weaknesses, to re-
33 structure concepts and feelings, to define goals and to plan actions as
34 these are related to personal, social, educational and career development
35 and adjustment.

36 (d) "Assessment" means selecting, administering, scoring and inter-
37 preting instruments designed to describe an individual's aptitudes, abili-
38 ties, achievements, interests and personal characteristics.

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

42 (f) "Referral" means the evaluation of information to identify prob-
43 lems and to determine the advisability of referral to other practitioners.

H+HS Comm
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Attn # 2

1 (g) "Registered Licensed professional counselor" means a person who
2 engages in the private practice of professional counseling and is registered
3 licensed under this act.

4 Sec. 3. K.S.A. 65-5803 is hereby amended to read as follows: 65-
5 5803. (a) On and after ~~January 1, 1988~~ July 1, 1996, no person shall engage
6 in the practice of professional counseling or represent that such person is
7 a registered licensed professional counselor, registered licensed counselor
8 or professional counselor without having first obtained a registration li-
9 cense as a professional counselor under the professional counselors reg-
10 istration licensure act.

11 (b) Violation of this section is a class B misdemeanor.

12 Sec. 4. K.S.A. 65-5804 is hereby amended to read as follows: 65-
13 5804. (a) Applications for registration licensure as a professional counselor
14 shall be made to the board on a form and in the manner prescribed by
15 the board. Each application shall be accompanied by the fee fixed under
16 K.S.A. 65-5808 and amendments thereto.

17 (b) Each applicant for registration licensure as a professional coun-
18 selor shall furnish evidence satisfactory to the board that the applicant:

21

- 19 (1) Is at least [18] years of age;
- 20 (2) has completed 60 graduate semester hours including a graduate
21 degree in counseling from a college or university approved by the board
22 and which includes 45 graduate semester hours distributed among each
23 of the following areas:

- 24 (A) Counseling theory and practice;
- 25 (B) the helping relationship;
- 26 (C) group dynamics, processing and counseling;
- 27 (D) human growth and development;
- 28 (E) life-style and career development;
- 29 (F) appraisal of individuals;
- 30 (G) social and cultural foundations;
- 31 (H) research and evaluation;
- 32 (I) professional orientation;
- 33 (J) supervised practicum and internship; and

34 ~~(3) has three years of supervised full time experience in professional
35 counseling acceptable to the board. An applicant may subtract one year
36 of the required professional experience for every 30 graduate semester
37 hours obtained beyond the 60 graduate semester hours required for reg-
38 istration licensure, provided that such hours are clearly related to the field
39 of professional counseling. In no case shall the applicant have less than
40 one year of the required professional experience; and~~

41 (4) has passed an examination required by the board.

42 (c) The board shall adopt rules and regulations establishing the cri-
43 teria which a college or university shall satisfy in order to be approved by

(3) (A) has over a minimum period of two years with a minimum of 4,000 supervised hours of professional experience as a professional counselor inclusive of at least 1,000 supervised hours of actual client contact acceptable to the board.
(B) has received a minimum of 200 hours of supervision including (1) 100 hours of administrative supervision regarding general professional functioning, and (2) 100 hours of clinical supervision regarding delivery of direct client contact services with no more than 50 hours conducted as group supervision and no less than 50 hours conducted as individual supervision and no less than four hours of clinical supervision contact monthly. (C) One half of this requirement may be waived for persons with a PH.D in professional counseling or a related field acceptable to the board.

(5) has satisfied the board that the applicant is a person who merits the public trust.

1 the board. The board may send a questionnaire developed by the board
 2 to any college or university for which the board does not have sufficient
 3 information to determine whether the school meets the requirements for
 4 approval and rules and regulations adopted under this section. The ques-
 5 tionnaire providing the necessary information shall be completed and
 6 returned to the board in order for the college or university to be consid-
 7 ered for approval. The board may contract with investigative agencies,
 8 commissions or consultants to assist the board in obtaining information
 9 about colleges and universities. In entering such contracts the authority
 10 to approve college and universities shall remain solely with the board.

See Insert A

11 Sec. 5. K.S.A. 65-5806 is hereby amended to read as follows: 65-
 12 5806. (a) An applicant who meets the requirements for ~~registration licen-~~
 13 ~~sure~~ pursuant to this act, has paid the ~~registration license~~ fee provided for
 14 by K.S.A. 65-5808 *and amendments thereto* and has otherwise complied
 15 with the provisions of this act shall be ~~registered licensed~~ by the board.

16 (b) ~~Registrations Licenses~~ issued pursuant to this act shall expire 24
 17 months from the date of issuance unless revoked prior to that time. A
 18 ~~registration license~~ may be renewed upon application and payment of the
 19 fee provided for by K.S.A. 65-5808 *and amendments thereto*. The appli-
 20 cation for renewal shall be accompanied by evidence satisfactory to the
 21 board that the applicant has completed during the previous 24 months
 22 the continuing education required by rules and regulations of the board.

23 (c) A person whose ~~registration license~~ has been suspended or re-
 24 voked may make written application to the board requesting reinstatement
 25 of the ~~registration license~~ upon termination of the period of sus-
 26 pension or revocation in a manner prescribed by the board, which
 27 application shall be accompanied by the fee provided for by K.S.A. 65-
 28 5808 *and amendments thereto*.

29 Sec. 6. K.S.A. 65-5807 is hereby amended to read as follows: 65-
 30 5807. The board may at its discretion waive the statutory requirements
 31 of an applicant for ~~registration licensure~~ as a ~~registered licensed~~ profes-
 32 sional counselor if such applicant is licensed, registered, certified or oth-
 33 erwise authorized to practice professional counseling by a similar board
 34 in another state and if the standards and qualifications required for the
 35 practice of professional counseling in the state in which the applicant is
 36 so authorized are substantially the same as those required under the pro-
 37 fessional counselors ~~registration licensure~~ act.

38 Sec. 7. K.S.A. 65-5808 is hereby amended to read as follows: 65-
 39 5808. (a) The board shall fix by rules and regulations the following fees:

- 40 (1) For application for ~~registration licensure~~, not more than \$100;
- 41 (2) for examination, not more than \$150;
- 42 (3) for renewal of a ~~registration license~~, not more than \$100;
- 43 (4) for reinstatement of a ~~registration license~~, not more than \$100;

- (2) for original licensure, not more than
\$175;
- ~~(2)~~ (3) for examination, not more than
~~\$150~~ \$175;
- ~~(3)~~ (4) for renewal of a ~~registration~~
license, not more than ~~\$100~~ \$175;
- ~~(4)~~ (5) for reinstatement of a ~~registration~~
license, not more than ~~\$100~~ \$175;

INSERT A

(1) A person who intends to pursue the postgraduate supervised training experience shall apply to the board for a temporary permit to practice as a licensed professional counselor by (A) paying an application fee of no more than \$150, (B) providing evidence of graduating from a masters or doctoral program in ~~marriage and family therapy~~ ^{professional counseling} acceptable to the board, (C) submitting letters from 3 professionals attesting to the applicant's integrity, competence, and worthiness to merit the public's trust, one of whom has provided direct clinical supervision of the applicant's graduate program clinical training, and (D) completing a postgraduate supervised training plan on forms supplied by the board describing services to be provided, place of employment, persons responsible for administrative oversight and clinical supervision, and statement acknowledging BSRB postgraduate training requirements.

(2) A temporary permit may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee set by the board for issuance of new licenses.

(3) A temporary permit issued by the board shall expire at such time as final action on the application is completed or two years after the date of issuance of the permit. A temporary permit may be renewed for one additional two year period if the board finds that satisfactory progress toward the supervised experience requirement is being met.

(4) A person practicing ~~marriage and family therapy~~ ^{professional counseling} with a temporary permit may not use the title "licensed professional counselor" or the initials "LPC" independently. The word "licensed" may be used only when followed by the words "by temporary permit" such as licensed professional counselor by temporary permit, or professional counselor licensed by temporary permit.

~~(5)~~ (6) for replacement of a registration license, not more than \$10
~~(6)~~ (7) for application for endorsement in a specialty, not more
 than \$100-\$175; and-
~~(7)~~ (8) for biennial renewal for endorsement in a specialty, not
 more than \$100 \$175; and
~~(8)~~ (9) for exchange of a license in lieu or registration pursuant
 to subsection (b) of K.S.A. 65-5811 and amendments thereto
 not to exceed \$25 \$150; and
 (10) for late renewal penalty, an amount equal to the fee for
 renewal of a license.

1 ~~(5) for replacement of a registration license, not more than \$20,~~
 2 ~~(6) for application for endorsement in a specialty, not more than~~
 3 ~~\$100, and~~
 4 ~~(7) for biennial renewal for endorsement in a specialty, not more than~~
 5 ~~\$100, and~~
 6 ~~(8) for exchange of a license in lieu of registration pursuant to sub-~~
 7 ~~section (b) of K.S.A. 65-5811 and amendments thereto, not to exceed \$25.~~

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

9 Sec. 8. K.S.A. 65-5809 is hereby amended to read as follows: 65-
 10 5809. The board may refuse to issue, suspend, limit, refuse to renew or
 11 revoke any ~~registration license~~ or specialty designation granted under the
 12 professional counselors ~~registration licensure~~ act for any of the following
 13 reasons:

14 (a) Use of drugs or alcohol, or both, to an extent that impairs the
 15 individual's ability to engage in the practice of professional counseling;

16 (b) the individual has been convicted of a felony and, after investi-
 17 gation, the board finds that the individual has not been sufficiently re-
 18 habilitated to merit the public trust;

19 (c) use of fraud, deception, misrepresentation or bribery in securing
 20 any ~~registration license~~ issued pursuant to the provisions of the profes-
 21 sional counselors ~~registration licensure~~ act or in obtaining permission to
 22 take any examination given or required pursuant to the provisions of the
 23 professional counselors ~~registration licensure~~ act;

24 (d) obtaining or attempting to obtain any fee, charge, tuition or other
 25 compensation by fraud, deception or misrepresentation;

26 (e) incompetence, misconduct, fraud, misrepresentation or dishon-
 27 esty in the performance of the functions or duties of a professional coun-
 28 selor;

29 (f) violation of, or assisting or enabling any individual to violate, any
 30 provision of the professional counselors ~~registration licensure~~ act or any
 31 rule and regulation adopted under such act;

32 (g) impersonation of any individual holding a ~~registration license~~ or
 33 allowing any individual to use a ~~registration license~~ or diploma from any
 34 school of a person ~~registered licensed~~ under the professional counselors
 35 ~~registration licensure~~ act or a diploma from any school of an applicant for
 36 ~~registration licensure~~ under the professional counselors ~~registration licen-~~
 37 ~~sure~~ act;

38 (h) revocation or suspension of a ~~registration license~~ or other author-
 39 ization to practice counseling granted by another state, territory, federal
 40 agency or country upon grounds for which revocation or suspension is
 41 authorized by the professional counselors ~~registration licensure~~ act;

42 (i) the individual is mentally ill or physically disabled to an extent that
 43 impairs the individual's ability to engage in the practice of professional

2-6

- 1 counseling;
- 2 (j) assisting or enabling any person to hold oneself out to the public
- 3 or offer to hold oneself out to the public as a ~~registered licensed~~ profes-
- 4 sional counselor who is not ~~registered licensed~~ under the provisions of
- 5 the professional counselors ~~registration licensure~~ act;
- 6 (k) the issuance of the ~~registration license~~ was based upon a material
- 7 mistake of fact;
- 8 (l) violation of any professional trust or confidence;
- 9 (m) use of any advertisement or solicitation which is false, misleading
- 10 or deceptive to the general public or persons to whom the advertisement
- 11 or solicitation is primarily directed;
- 12 (n) unprofessional conduct as defined by rules and regulations
- 13 adopted by the board; or
- 14 (o) the ~~registrant licensee~~ has had a registration, license or certificate
- 15 as a professional counselor revoked, suspended or limited, or has had
- 16 other disciplinary action taken, or an application for a registration, license
- 17 or certificate denied, by the proper regulatory authority of another state,
- 18 territory, District of Columbia, or other country, a certified copy of the
- 19 record of the action of the other jurisdiction being conclusive evidence
- 20 thereof.

21 Sec. 9. K.S.A. 65-5810 is hereby amended to read as follows: 65-

22 5810. The confidential relations and communications between a ~~regis-~~

23 ~~tered licensed~~ professional counselor and such counselor's client are

24 placed on the same basis as provided by law for those between an attorney

25 and an attorney's client.

26 Sec. 10~~1~~. K.S.A. 65-5811 is hereby amended to read as follows: 65-

27 5811. ~~(a) Before January 1, 1988 1998, the board, upon receipt of a proper~~

28 ~~application and payment of fees, shall issue a registration license without~~

29 ~~examination to a person who prior to July 1, 1987 1996:~~

30 ~~(a) (1) Has practiced full time as a professional counselor for at least~~

31 ~~five years and possesses a graduate degree in counseling from a college~~

32 ~~or university approved by the board and is currently engaged in the prac-~~

33 ~~tice of professional counseling; or~~

34 ~~(b) (2) has practiced full time as a professional counselor for at least~~

35 ~~two years, possesses a graduate degree with at least 60 graduate semester~~

36 ~~hours in counseling from a college or university approved by the board~~

37 ~~and is currently engaged in the practice of professional counseling and is~~

38 ~~otherwise qualified to be licensed as a professional counselor.~~

39 (b) A person registered as a professional counselor on the day im-

40 mediately preceding July 1, 1996, shall be deemed to be a licensed pro-

41 fessional counselor under this act. Such person shall not be required to

42 file an original application for licensure under this act, but may apply to

43 the board for a license in lieu of registration. ~~Any application for regis-~~

65-5811 (a) Prior to July 1, 1998, the board, upon receipt of a proper application and payment of fees, shall issue a license or a license by temporary permit shall be issued to an applicant without examination if the board is satisfied that the applicant meets the requirements of paragraphs (1) to (3), inclusive, of subsection (a) of K.S.A. 65-5804 and amendments thereto or if the board is satisfied that the applicant has completed a master's or doctoral degree in a related field. In addition, the applicant has practiced professional counseling continuously for five years immediately prior to application for licensure under this act and is otherwise qualified to be licensed as a professional counselor.

and payment of the fee set by the board for renewal of license.

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1 ~~ration filed prior to July 1, 1996, shall be processed as an application for~~
2 ~~licensure pursuant to this act.~~

[but which has not been granted

3 Sec. 11. K.S.A. 65-5812 is hereby amended to read as follows: 65-
4 5812. Nothing in the professional counselors ~~registration~~ licensure act
5 shall be construed:

6 (a) To apply to the activities and services of qualified members of
7 other professional groups including, but not limited to, attorneys, physi-
8 cians, psychologists, ~~masters level psychologists, marriage and family ther-~~
9 ~~apists, registered nurses or social workers performing counseling consis-~~
10 ~~tent with the laws of this state, their training and any code of ethics of~~
11 ~~their professions, so long as they do not represent themselves by any title~~
12 ~~or description in the manner prescribed in K.S.A. 65-5803 and amend-~~
13 ~~ments thereto;~~

[, others performing counseling not for a fee,
or others

[including school, industrial, financial,
vocational, rehabilitation or any similar
type counselor

14 (b) to apply to the activities, services and use of an official title on the
15 part of an individual employed as a counselor by any federal, state, county
16 or municipal agency or public ~~or~~ private educational institution, so long
17 as such individuals are performing counseling or counseling-related ac-
18 tivities within the scope of their employment;

[; including a Christian Science practitioner,

[, any

19 (c) to apply to the activities and services rendered by a nonresident
20 individual not more than 30 days during any calendar year, such individual
21 is duly authorized to perform such activities and services under the laws
22 of the state or country of such individual's principal residence;

or any public or private not-for-profit organization, corporation,
or association, including but not limited to camp counselors,
crisis center counselors or community not-line counselors, suicide
hot-line counselors.

23 (d) to apply to the activities and services of a rabbi, priest, minister
24 or clergy person of any religious denomination or sect, ~~so long as such~~
25 ~~activities and services are within the scope of the performance of such~~
26 ~~individual's regular or specialized ministerial duties;~~

(f) prohibit the activities of persons licensed or otherwise
regulated by the state board of education or otherwise licensed,
registered, or otherwise regulated by the laws of this state and
who are performing services consistent with the laws of this state,
their training and any code of ethics of their profession;
(g) to prohibit the activities of students or interns enrolled in
an approved academic program while engaged in such academic
program;

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

29 ~~Sec. 12. K.S.A. 65-5813 is hereby amended to read as follows: 65-~~
30 ~~5813. (a) In accordance with the provisions of this section, the board may~~
31 ~~establish specialties within the practice of professional counseling and~~
32 ~~provide for the endorsement of registered licensed professional counsel-~~
33 ~~ors in such specialties. The board shall adopt rules and regulations ap-~~
34 ~~plicable to the endorsement of specialties which:~~

(h) in any way to restrict any person from carrying on any of the
aforesaid activities in the free expression or exchange of ideas
concerning the practice of mental health counseling, the application
of its principles, the teaching of such subject matter, and the
conducting of research on problems relating to human behavior if
such person does not represent such person or such person's services
in any manner prohibited by this act;
(i) to prohibit the activities of persons performing services
pursuant to a temporary permit issued pursuant to this act; or
(j) to the activities of persons working under the supervision of a
mental health counselor;
(k) to prohibit the activities of any weight control consultants or
advisors in recognized, legitimate programs or business environments;
(l) to prevent qualified persons from doing work within the standards

35 (1) Establish categories of specialties within the practice of profes-
36 sional counseling which are consistent with specialties recognized by the
37 profession of counseling;

38 (2) establish education, training and qualifications necessary for en-
39 dorsement for each category of specialty established by the board at a
40 level adequate to assure the competent performance of the specialty; and

41 (3) define each category of specialty established under this section
and establish limitations and restrictions on each category, as appropriate.
The definition of each category of specialty established under this para-

and ethics of their respective professions and callings provided that
do not hold themselves out to the public by any title or
description of services as being engaged in the practice of
~~social work.~~ professional counseling

2-9

1 graph (a)(3) shall be consistent with the education, training and qualifi-
2 cations required to obtain an endorsement in that category of specialty
3 and shall be consistent with the protection of the public health and safety.

4 ~~(b) A registered licensed professional counselor holding an endorse-~~
5 ~~ment from the board in a specialty within the practice of counseling may~~
6 ~~represent to the public that such individual is endorsed in such specialty.~~
7 ~~It shall be unlawful for any individual not endorsed in a specialty within~~
8 ~~the practice of professional counseling to intentionally represent to the~~
9 ~~public that such individual is endorsed in such specialty. Violation of this~~
10 ~~subsection (b) is a class B misdemeanor.~~

11 Sec. ~~13~~ K.S.A. 65-5815 is hereby amended to read as follows: 65-
12 5815. Proceedings under the professional counselors registration ~~licen-~~
13 ~~sure~~ act shall be conducted in accordance with the Kansas administrative
14 procedure act. Judicial review and civil enforcement of agency actions
15 under the professional counselors registration ~~licensure~~ act shall be in
16 accordance with the act for judicial review and civil enforcement of
17 agency actions.

[12

18 Sec. ~~14~~ K.S.A. 65-5816 is hereby amended to read as follows: 65-
19 5816. If any part or parts of the professional counselors registration ~~li-~~
20 ~~censure~~ act are held to be invalid or unconstitutional by any court, it shall
21 be conclusively presumed that the legislature would have enacted the
22 remainder of this act without such invalid or unconstitutional part or
23 parts.

[13

24 Sec. ~~15~~ K.S.A. 65-6401 is hereby amended to read as follows: 65-
25 6401. K.S.A. 65-6401 through 65-6412, and amendments thereto, shall
26 be known and may be cited as the marriage and family therapists ~~regis-~~
27 ~~tration licensure~~ act.

[14

28 Sec. ~~16~~ K.S.A. 65-6402 is hereby amended to read as follows: 65-
29 6402. As used in the marriage and family therapists registration ~~licensure~~
30 act:

[15

31 (a) "Board" means the behavioral sciences regulatory board created
32 under K.S.A. 74-7501 and amendments thereto.

33 (b) "Marriage and family therapy" means the assessment and treat-
34 ment of cognitive, affective or behavioral problems within the context of
35 marital and family systems.

36 (c) "Registered Licensed marriage and family therapist" means a per-
37 son who engages in the practice of marriage and family therapy and is
38 registered licensed under this act.

[16

39 Sec. ~~17~~ K.S.A. 65-6403 is hereby amended to read as follows: 65-
40 6403. (a) On and after July 1, ~~1992~~ 1996, no person shall engage in the
41 practice of marriage and family therapy or represent that such person is
42 a registered licensed marriage and family therapist or a marriage and
43 family therapist without having first obtained a registration license as a

1 registered marriage and family therapist under the marriage and family
2 therapist registration licensure act.

3 (b) Violation of this section is a class B misdemeanor.

4 Sec. 18. K.S.A. 65-6404 is hereby amended to read as follows: 65-

5 6404. (a) An applicant for registration licensure as a registered marriage
6 and family therapist shall furnish evidence that the applicant:

7 (1) Has attained the age of majority;

8 ~~(2) has at least 500 client contact hours of supervised postgraduate
9 experience in marriage and family therapy satisfactory to the board;~~

10 (3) (A) has completed a master's or doctoral degree from a marriage
11 and family therapy program, in an educational institution with standards
12 consistent with those of the state universities of Kansas, approved by the
13 board; or (B) has completed a master's or doctoral degree from an edu-
14 cational institution in a related field for which the course work is consid-
15 ered by the board to be equivalent to that provided in clause (3)(A) of
16 this paragraph and consists of a minimum of nine semester hours in hu-
17 man development, nine semester hours in theories of marriage and family
18 functioning, nine semester hours of marital and family assessment and
19 therapy, three semester hours in professional studies and three semester
20 hours in research; or (C) completed a master's or doctoral degree from
21 an educational institution in a related field with additional work from an
22 educational program in marriage and family therapy approved by the
23 board and such degree program and additional work includes the course
24 work requirements provided in clause (3)(B) of this paragraph; and

25 (4) has passed an examination approved by the board.

26 (b) Each applicant shall pay an application fee and examination fee
27 established by the board under K.S.A. 65-6411 and amendments thereto.

28 Sec. 19. K.S.A. 65-6405 is hereby amended to read as follows: 65-
29 6405. Prior to July 1, 1996, a registration shall be issued to an applicant
30 without examination if the board is satisfied that the applicant meets the
31 requirements of paragraphs (1) to (3), inclusive, of subsection (a) of K.S.A.
32 65-6404 and amendments thereto or if the board is satisfied that the
33 applicant has completed a master's or doctoral degree in a related field
34 and has practiced marriage and family therapy continuously for five years
35 immediately prior to application for registration under this act. A person
36 registered as a marriage and family therapist on June 30, 1996, shall be
37 deemed to be a licensed marriage and family therapist under this act.
38 Such person shall not be required to file an original application for licen-
39 sure under this act, but may apply to the board for a license in lieu of
40 registration. Any application for registration filed prior to July 1, 1996,
41 shall be processed as an application for licensure pursuant to this act.

42 Sec. 20. K.S.A. 65-6406 is hereby amended to read as follows: 65-
43 6406. The board shall issue a registration license to an individual who is

[17]

[21]

SEE INSERT B

(5) has satisfied the board that the applicant is a person who merits the public trust.

[18]

SEE INSERT C

SEE INSERT D

[19]

SEE INSERT E

over a minimum period of two years with a

INSERT B

(3) (A) has a minimum of two years or 4,000 supervised hours of professional experience as a marriage and family therapist inclusive of at least 1,000 supervised hours of actual client contact acceptable to the board. (B) has received a minimum of 200 hours of supervision including (1) 100 hours of administrative supervision regarding general professional functioning, and (2) 100 hours of clinical supervision regarding delivery of direct client contact services with no more than 50 hours conducted as group supervision and no less than 50 hours conducted as individual supervision and no less than four hours of clinical supervision contact monthly. (C) One half of this requirement may be waived for persons with a Ph.D. in marriage and family therapy or a related field acceptable to the board.

INSERT C

. In addition, the applicant

Prior to July 1, 1998, the board, upon receipt of a proper application and payment of fees, shall issue a license or a license by temporary permit to an applicant without examination if the board is satisfied that the applicant meets the requirements of paragraphs (1) to (3), inclusive, of subsection (a) of K.S.A. 65-6404 and amendments thereto or if the board is satisfied that the applicant has completed a master's or doctoral degree in a related field and has practiced marriage and family therapy continuously for five years immediately prior to application for licensure under this act and is otherwise qualified to be licensed as a marriage and family therapist.

INSERT D

upon payment of the fee required by the board for renewal of license.

INSERT E

~~upon fulfillment of~~ ^{under} the requirements defined for credentialing at the time of application

1 registered marriage and family therapist under the marriage and family
2 therapist registration licensure act.

3 (b) Violation of this section is a class B misdemeanor.

4 Sec. 18. K.S.A. 65-6404 is hereby amended to read as follows: 65-
5 6404. (a) An applicant for registration licensure as a registered marriage
6 and family therapist shall furnish evidence that the applicant:

7 (1) Has attained the age of majority;

8 (2) has at least 500 client contact hours of supervised postgraduate
9 experience in marriage and family therapy satisfactory to the board;

10 (3) (A) has completed a master's or doctoral degree from a marriage
11 and family therapy program, in an educational institution with standards
12 consistent with those of the state universities of Kansas, approved by the
13 board; or (B) has completed a master's or doctoral degree from an edu-
14 cational institution in a related field for which the course work is consid-
15 ered by the board to be equivalent to that provided in clause (3)(A) of
16 this paragraph and consists of a minimum of nine semester hours in hu-
17 man development, nine semester hours in theories of marriage and family
18 functioning, nine semester hours of marital and family assessment and
19 therapy, three semester hours in professional studies and three semester
20 hours in research; or (C) completed a master's or doctoral degree from
21 an educational institution in a related field with additional work from an
22 educational program in marriage and family therapy approved by the
23 board and such degree program and additional work includes the course
24 work requirements provided in clause (3)(B) of this paragraph; and

25 (4) has passed an examination approved by the board.

26 (b) Each applicant shall pay an application fee and examination fee
27 established by the board under K.S.A. 65-6411 and amendments thereto.

28 Sec. 19. K.S.A. 65-6405 is hereby amended to read as follows: 65-
29 6405. Prior to July 1, 1993, a registration shall be issued to an applicant
30 without examination if the board is satisfied that the applicant meets the
31 requirements of paragraphs (1) to (3), inclusive, of subsection (a) of K.S.A.
32 65-6404 and amendments thereto or if the board is satisfied that the
33 applicant has completed a master's or doctoral degree in a related field
34 and has practiced marriage and family therapy continuously for five years
35 immediately prior to application for registration under this act. A person
36 registered as a marriage and family therapist on June 30, 1996, shall be
37 deemed to be a licensed marriage and family therapist under this act.
38 Such person shall not be required to file an original application for licen-
39 sure under this act, but may apply to the board for a license in lieu of
40 registration. Any application for registration filed prior to July 1, 1996,
41 shall be processed as an application for licensure pursuant to this act.

42 Sec. 20. K.S.A. 65-6406 is hereby amended to read as follows: 65-
43 6406. The board shall issue a registration license to an individual who is

(1) A person who intends to pursue the postgraduate supervised training experience shall apply to the board for a temporary permit to practice as a licensed marriage and family therapist by (A) paying an application fee of no more than \$150, (B) providing evidence of graduating from a masters or doctoral program in marriage and family therapy acceptable to the board, (C) submitting letters from 3 professionals attesting to the applicant's integrity, competence, and worthiness to merit the public's trust, one of whom has provided direct clinical supervision of the applicant's graduate program clinical training, and (D) completing a postgraduate supervised training plan on forms supplied by the board describing services to be provided, place of employment, persons responsible for administrative oversight and clinical supervision, and statement acknowledging BSRB postgraduate training requirements.

(2) A temporary permit may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee set by the board for issuance of new licenses.

(3) A temporary permit issued by the board shall expire at such time as final action on the application is completed or two years after the date of issuance of the permit. A temporary permit may be renewed for one additional two year period if the board finds that satisfactory progress toward the supervised experience requirement is being met.

(4) A person practicing marriage and family therapy with a temporary permit may not use the title "licensed marriage and family therapist" or the initials "LMFT" independently. The word "licensed" may be used only when followed by the words "by temporary permit" such as licensed marriage and family therapist by temporary permit, or marriage and family therapist, licensed by temporary permit.

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currently registered, certified or licensed to practice marriage and family therapy in another jurisdiction if the board determines that the standards for registration, certification or licensure to practice marriage and family therapy in the other jurisdiction are at least equivalent to or exceed the requirements of the marriage and family therapists registration licensure act and rules and regulations of the board. An applicant for a registration license under this section shall pay an application fee established by the board under K.S.A. 65-6411 and amendments thereto.

9 ~~Sec. 21.~~ K.S.A. 65-6407 is hereby amended to read as follows: 65- [20
10 6407. (a) An applicant who meets the requirements for registration licen-
11 sure pursuant to this act, has paid the registration license fee provided for
12 by K.S.A. 65-6411 and amendments thereto and has otherwise complied
13 with the provisions of this act shall be registered licensed by the board.

(b) Registrations Licenses issued pursuant to this act shall expire 24 months from the date of issuance unless revoked prior to that time. A registration license may be renewed upon application and payment of the fee provided for by K.S.A. 65-6411 and amendments thereto. The application for renewal shall be accompanied by evidence satisfactory to the board that the applicant has completed during the previous 24 months the continuing education required by rules and regulations of the board.

(c) A person whose registration license has been suspended or revoked may make written application to the board requesting reinstatement of the registration license upon termination of the period of suspension or revocation in a manner prescribed by the board, which application shall be accompanied by the fee provided for by K.S.A. 65-6411 and amendments thereto.

27 ~~Sec. 22.~~ K.S.A. 65-6408 is hereby amended to read as follows: 65- [21
28 6408. The board may refuse to grant registration licensure to, or may
29 suspend, revoke, condition, limit, qualify or restrict the registration licen-
sure of any individual who the board, after a hearing, determines:

31 (1) Is incompetent to practice marriage and family therapy, or is
32 found to engage in the practice of marriage and family therapy in a man-
33 ner harmful or dangerous to a client or to the public;

34 (2) is convicted by a court of competent jurisdiction of a crime that
35 the board determines is of a nature to render the convicted person unfit
36 to practice marriage and family therapy;

37 (3) has violated a provision of the marriage and family therapists reg-
38 istration licensure act or one or more of the rules and regulations of the
39 board;

40 (4) has obtained or attempted to obtain a registration license or reg-
41 istration license renewal by bribery or fraudulent representation;

(5) has knowingly made a false statement on a form required by the board for registration license or registration license renewal;

2-13

2-14

1 (6) has failed to obtain continuing education credits required by rules
2 and regulations of the board;

3 (7) has been found guilty of unprofessional conduct as defined by
4 rules and regulations established by the board; or

5 (8) has had a registration, license or certificate as a marriage and
6 family therapist revoked, suspended or limited, or has had other discipli-
7 nary action taken, or an application for registration, license or certificate
8 denied, by the proper regulatory authority of another state, territory, Dis-
9 trict of Columbia or another country, a certified copy of the record of the
10 action of the other jurisdiction being conclusive evidence thereof.

22

11 Sec. 23. K.S.A. 65-6409 is hereby amended to read as follows: 65-
12 6409. (a) Nothing in the marriage and family therapists registration licen-
13 sure act shall be construed:

14 (a) To prevent marriage and family therapy practice by students or
15 interns or individuals preparing for the practice of marriage and family
16 therapy to practice under qualified supervision of a professional, recog-
17 nized and approved by the board, in an educational institution or agency
18 so long as they are designated by titles such as "student," "trainee," "in-
19 tern" or other titles clearly indicating training status;

20 (b) ~~Nothing in this act shall be construed~~ to authorize the practice of
21 psychology, medicine and surgery, *marriage and family therapy, masters*
22 *level psychology* or licensed social work;

23 (c) ~~Nothing in the marriage and family therapists registration act shall~~
24 ~~be construed~~ to apply to the activities and services of a rabbi, priest,
25 minister, clergy person or organized ministry of any religious denomi-
26 nation or sect (unless such person or individual who is a part of the or-
27 ganized ministry is a registered licensed marriage and family therapist;

], including a Christian Science Practitioner,

28 [or]

29 (d) *to apply to the activities and services of qualified members of other*
30 *professional groups including, but not limited to, attorneys, physicians,*
31 *psychologists, masters level psychologists, professional counselors, regis-*
32 *tered nurses or social workers performing services consistent with the laws*
33 *of this state, their training and the code of ethics of their profession, so*
34 *long as they do not represent themselves as being a marriage and family*
35 *therapist]; or*

(e) to prevent qualified persons from doing work within the standards and ethics of their respective professions and callings provided they do not hold themselves out to the public by any title or description of services as being a marriage and family therapist.

36 Sec. 24. K.S.A. 65-6410 is hereby amended to read as follows: 65-
37 6410. A person registered licensed under the marriage and family ther-
38 apists registration licensure act and employees and professional associates
39 of the person shall not be required to disclose any information that the
40 person, employee or associate may have acquired in rendering marriage
41 and family therapy services, unless:

23

42 (a) Disclosure is required by other state laws;

43 (b) failure to disclose the information presents a clear and present

2-16

danger to the health or safety of an individual;

(c) the person, employee or associate is a party defendant to a civil, criminal or disciplinary action arising from the therapy, in which case a waiver of the privilege accorded by this section is limited to that action;

(d) the patient is a defendant in a criminal proceeding and the use of the privilege would violate the defendant's right to a compulsory process or the right to present testimony and witnesses in that persons behalf; and

(e) a patient agrees to a waiver of the privilege accorded by this section, and in circumstances where more than one person in a family is receiving therapy, each such family member agrees to the waiver. Absent a waiver from each family member, a marriage and family therapist shall not disclose information received by a family member.

Sec. 25. K.S.A. 1995 Supp. 65-6411 is hereby amended to read as follows: 65-6411. (a) The board shall fix by rules and regulations and shall collect the following fees:

- (1) For application for registration licensure, not to exceed \$150;
- (2) for examination, not to exceed \$275;
- (3) for renewal of a registration license, not to exceed \$150;
- (4) for reinstatement of a registration license, not to exceed \$150;
- (5) for replacement of a registration license, not to exceed \$20; and
- (6) for late charges, not to exceed \$5 for each 30 days of delay beyond the date the renewal application was to be made; and
- (7) for exchange of a license in lieu of a registration pursuant to K.S.A. 65-6405 and amendments thereto, not to exceed \$25.

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

Sec. 26. K.S.A. 65-6412 is hereby amended to read as follows: 65-6412. Proceedings under the marriage and family therapists registration licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the marriage and family therapists registration licensure act shall be in accordance with the act for judicial review and civil enforcement of agency actions.

Sec. 27. K.S.A. 74-5361 is hereby amended to read as follows: 74-5361. As used in this act:

- (a) "Practice of psychology" shall have the meaning ascribed thereto in K.S.A. 74-5302 and amendments thereto.
- (b) "Board" means the behavioral sciences regulatory board created by K.S.A. 74-7501 and amendments thereto.
- (c) "Registered Licensed masters level psychologist" means a person registered licensed by the board under the provisions of this act.
- (d) "Masters level psychology" means the practice of psychology pursuant to the restrictions set out in K.S.A. 74-5362 and 74-5363 and amend-

Sec. 28 K.S.A. 65-6314 is hereby amended to read as follows: 65-6314. (a) The following license and examination fees shall be established by the board by rules and regulations in accordance with the following limitations:

- (a) (1) Renewal or reinstatement fee for a license as a social work associate shall be not more than \$100 \$150.
- (b) (2) Application, new license, reinstatement or renewal fee for a license as a baccalaureate social worker shall be not more than \$100 \$150.
- (c) (3) Application, new license, reinstatement or renewal fee for a license as master social worker shall be not more than \$100 \$150.
- (d) (4) Application, new license, reinstatement or renewal fee for a license in a social work specialty shall be not more than \$100 \$150.
- (e) (5) Examination fee for a license as a baccalaureate social worker, for a license as a master social worker or for a license in a social work specialty shall be not more than \$150 \$200. If an applicant fails an examination, such applicant may be admitted to subsequent examinations upon payment of an additional fee prescribed by the board of not more than \$150 \$200.
- (f) (6) Replacement fee for reissuance of a license certificate due to loss or name change shall be not more than \$20.
- (g) (7) Temporary license fee for a baccalaureate social worker, master social worker or a social work specialty shall be not more than \$50.
- (8) Application fee for approval as board-approved continuing education sponsors shall be as follows:
 - (A) Initial application fee for one-year provisionally approved providers shall be not more than \$125;
 - (B) three-year renewal fees for approved providers shall be not more than \$350; and
 - (C) application fees for single program providers shall be not more than \$50 for each separately offered continuing education activity for which prior approval is sought.
- (b) Fees paid to the board are not refundable.

24

\$100

25

26

- (2) for original licensure, not to exceed \$175;
- (3) for examination, not to exceed \$275;
- (4) for renewal of a registration license, not to exceed \$150 \$175;
- (5) for reinstatement of a registration license, not to exceed \$150 \$175;
- (6)
- (7)
- (8) for exchange of a license in lieu of a registration pursuant to K.S.A. 65-6405 and amendments thereto, not to exceed \$150.

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line 34

27

Sec. 4. K.S.A. 74-5310 is hereby amended to read as follows: 74-5310. (a) The board shall issue a license as a psychologist to any person who pays an application fee prescribed by the board, not in excess of \$150 and an original license fee not in excess of \$200, which shall not be refunded, who either satisfies the board as to such person's training and experience after a thorough review of such person's credentials or who passes a satisfactory examination in psychology. Any person paying the fee must also submit evidence verified by oath and satisfactory to the board that such person: (1) Is at least 21 years of age; (2) is of good moral character; (3) has received the doctor's degree based on a program of studies in content primarily psychological from an educational institution having a graduate program with standards consistent with those of the state universities of Kansas, or the substantial equivalent of such program

← in both subject matter and extent of training; and (4) has had at least two years of supervised experience, a significant portion of which shall have been spent in rendering psychological services satisfying the board's approved standards for the psychological service concerned.

(b) The board shall adopt rules and regulations establishing the criteria which an educational institution shall satisfy in meeting the requirements established under item (3) of subsection (a). The board may send a questionnaire developed by the board to any educational institution for which the board does not have sufficient information to determine whether the educational institution meets the requirements of item (3) of subsection (a) and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the educational institution to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about educational institutions. In entering such contracts the authority to approve educational institutions shall remain solely with the board.

28

Sec. 5. K.S.A. 74-5320 is hereby amended to read as follows: 74-5320. Applications for renewal of license must be made biennially on or before the first day of July and if not so made an additional fee of \$1 for each 30 days of delay beyond the first day of July equal to the renewal fee shall be added to the regular renewal fee.

110

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1 ments thereto.

2 Sec. ~~28~~ K.S.A. 74-5362 is hereby amended to read as follows: 74-
 3 5362. Any person who is registered *licensed* under the provisions of this
 4 act as a registered *licensed* masters level psychologist shall have the right
 5 to practice only in a licensed community mental health center or one of
 6 its contracted affiliates, in any federal, state, county or municipal agency,
 7 or other political subdivision, in a duly chartered educational institution,
 8 in a medical care facility licensed under K.S.A. 65-425 *et seq.* and amend-
 9 ments thereto or in a psychiatric hospital licensed under K.S.A. 75-3307b
 10 and amendments thereto insofar as such practice is part of the duties of
 11 such person's paid position and is performed solely on behalf of the em-
 12 ployer, so long as such practice is under the direction of a person licensed
 13 to practice medicine and surgery or a person licensed to provide mental
 14 health services as an independent practitioner and whose licensure allows
 15 for the diagnosis and treatment of psychological disorders. Such regis-
 16 tered *licensed* person may use the title ~~registered licensed~~ masters level
 17 psychologist and the abbreviation RMLP LMLP.

29

masters level psychologist
 but may not use the title licensed psychologist or
 psychologist.

18 Sec. ~~29~~ K.S.A. 74-5363 is hereby amended to read as follows: 74-
 19 5363. (a) Any person who desires to be registered *licensed* under this act
 20 shall apply to the board in writing, on forms prepared and furnished by
 21 the board. Each application shall contain appropriate documentation of
 22 the particular qualifications required by the board and shall be accom-
 23 panied by the required fee.

30

24 (b) The board shall register *license* as a registered *licensed* masters
 25 level psychologist any applicant for registration *licensure* who pays the
 26 fee prescribed by the board under K.S.A. 74-5365 and amendments
 27 thereto, which shall not be refunded, who has satisfied the board as to
 28 such applicant's training and who complies with the provisions of this
 29 subsection (b). An applicant for registration *licensure* also shall submit
 30 evidence verified under oath and satisfactory to the board that such ap-
 31 plicant:

- 32 (1) Is at least 21 years of age;
- 33 (2) has received at least a master's degree in clinical psychology based
 34 on a program of studies in psychology from an educational institution
 35 having a graduate program in psychology consistent with state universities
 36 of Kansas; or has received at least a master's degree in psychology and
 37 during such master's or post-master's coursework completed a minimum
 38 of 12 semester hours or its equivalent in psychological foundation courses
 39 such as, but not limited to, philosophy of psychology, psychology of per-
 40 ception, learning theory, history of psychology, motivation, and statistics
 41 and 24 semester hours or its equivalent in professional core courses such
 42 as, but not limited to, two courses in psychological testing, psychopa-
 43 thology, two courses in psychotherapy, personality theories, developmen-

(2) has satisfied the board that the applicant is
 a person who merits public trust.

(2) (3)

2-18

1 tal psychology, research methods, social psychology; or has passed com-
 2 prehensive examinations or equivalent final examinations in a doctoral
 3 program in psychology and during such graduate program completed a
 4 minimum of 12 semester hours or its equivalent in psychological foun-
 5 dation courses such as, but not limited to, philosophy of psychology, psy-
 6 chology of perception, learning theory, history of psychology, motivation,
 7 and statistics and 24 semester hours or its equivalent in professional core
 8 courses such as, but not limited to, two courses in psychological testing,
 9 psychopathology, two courses in psychotherapy, personality theories, de-
 10 velopmental psychology, research methods, social psychology;

11 ~~(3)~~ has completed 750 clock hours of academically supervised prac-
 12 ticum or 1,500 clock hours of postgraduate supervised work experience;

13 [and]

14 ~~(4)~~ is in the employ of a Kansas licensed community mental health
 15 center, or one of its contracted affiliates, or a federal, state, county or
 16 municipal agency, or other political subdivision, a duly chartered educa-
 17 tional institution, a medical care facility licensed under K.S.A. 65-425 *et*
 18 *seq.* and amendments thereto or a psychiatric hospital licensed under
 19 K.S.A. 75-3307b and amendments thereto and whose practice is a part
 20 of the duties of such applicant's paid position and is performed solely on
 21 behalf of the employer.

22 ~~(e) Until October 1, 1988, the board shall waive the educational or~~
 23 ~~degree and supervision requirements, or all such requirements, under~~
 24 ~~subsection (b) so long as the person applying for registration as a regis-~~
 25 ~~tered masters level psychologist has a graduate degree and either (1) has~~
 26 ~~been employed for at least three years as a psychologist by a licensed~~
 27 ~~community mental health center, or one of its contracted affiliates, or a~~
 28 ~~federal, state, county or municipal agency, or other political subdivision,~~
 29 ~~or a duly chartered educational institution, or a medical care facility li-~~
 30 ~~icensed under K.S.A. 65-425 et seq. and amendments thereto or a psy-~~
 31 ~~chiatric hospital licensed under K.S.A. 75-3307b and amendments~~
 32 ~~thereto; or (2) as of July 1, 1987, was employed in this state as a psy-~~
 33 ~~chologist or was recognized as a masters level psychologist by the profes-~~
 34 ~~sional standards committee of the association of community mental health~~
 35 ~~centers of Kansas.~~

36 ~~(d) Upon application for registration as a registered masters level psy-~~
 37 ~~chologist made prior to January 1, 1980, the board shall waive the edu-~~
 38 ~~ational, degree and supervision requirements under subsection (b) and~~
 39 ~~shall grant such registration if the applicant for registration at the time of~~
 40 ~~application has been employed for 10 years or more as a psychologist by~~
 41 ~~an institution within the department of social and rehabilitation services,~~
 42 ~~as defined under K.S.A. 76-12a18 or 76-12b01, and amendments to such~~
 43 ~~sections.~~

4.] in the masters degree program

7.

(5) has completed 2000 clock hours of post-graduate work experience under the supervision of a licensed psychologist or a currently licensed masters level psychologist with three years experience;

(6) for applicants on and after the effective date of this act, has passed an examination approved by the board with a minimum score of 60% correct or a score higher than the mean score of all first-time masters candidates, whichever is lower; and

2-19

1 (e) (c) The board shall adopt rules and regulations establishing the
 2 criteria which an educational institution shall satisfy in meeting the
 3 requirements established under item (2) of subsection (b). The board may
 4 send a questionnaire developed by the board to any educational institu-
 5 tion for which the board does not have sufficient information to deter-
 6 mine whether the educational institution meets the requirements of item
 7 (2) of subsection (b) and rules and regulations adopted under this section.
 8 The questionnaire providing the necessary information shall be com-
 9 pleted and returned to the board in order for the educational institution
 10 to be considered for approval. The board may contract with investigative
 11 agencies, commissions or consultants to assist the board in obtaining in-
 12 formation about educational institutions. In entering such contracts the
 13 authority to approve educational institutions shall remain solely with the
 14 board.

15 ~~Sec. 30. K.S.A. 74-5364 is hereby amended to read as follows: 74-~~
 16 ~~5364. Any person registered licensed as a registered licensed masters level~~
 17 ~~psychologist shall be required to complete 25 hours of continuing edu-~~
 18 ~~cation each two-year period.~~

19 ~~Sec. 31. K.S.A. 74-5365 is hereby amended to read as follows: 74-~~
 20 ~~5365. The application and renewal fee for registration a license under this~~
 21 ~~act shall be fixed by the board by rules and regulations in an amount not~~
 22 ~~to exceed \$100.~~

23 ~~Sec. 32. K.S.A. 74-5366 is hereby amended to read as follows: 74-~~
 24 ~~5366. (a) All registrations licenses shall be effective upon the date issued~~
 25 ~~and shall expire at the end of 24 months from the date of issuance.~~

26 (b) Registration A license may be renewed by the payment of the
 27 renewal fee and the execution and submission of a signed statement, on
 28 a form provided by the board, attesting that the applicant's registration
 29 license has been neither revoked nor currently suspended, that the ap-
 30 plicant currently meets the employment requirements of part (4) of sub-
 31 section (b) of K.S.A. 74-5363 and amendments thereto and that the ap-
 32 plicant has met the requirements for continuing education set forth in
 33 this act.

34 (c) The application for renewal shall be made at least 30 days before
 35 the date of the expiration of the registration license.

36 (d) If the application for renewal, including payment of the required
 37 renewal fee, is not made on or before the date of the expiration of the
 38 registration license, the registration license is void, and no registration
 39 license shall be reinstated except upon payment of the required renewal
 40 fee, plus a penalty equal to the renewal fee, and proof satisfactory to the
 41 board of compliance with the continuing education requirements. Upon
 42 receipt of such payment and proof, the board shall reinstate the registra-
 43 tion license, except that no registration license shall be reinstated if such

31

Sec. 30. K.S.A. 74-5365 The application for
 renewal shall be accompanied by evidence
 satisfactory to the Board that the applicant has
 completed, during the previous 24 months, the
 continuing education required by rules and
 regulations of the board.

32.

5365(a) The application original and renewal fee for registra-
 tion a license under this act shall be fixed by the
 board by rules and regulations in an amount not to
 exceed \$100 \$200.
(b) The application fee for licensure under this act shall be
 fixed by rules and regulations in an amount not to exceed
 \$100.
(c) Fees paid to the board are not refundable.

2-20

payment and proof is received more than one year after the date of expiration of the registration license.

(c) A duplicate registration license shall be issued by the board upon receipt of a \$20 fee.

(f) A person registered as a masters level psychologist on June 30, 1996, shall be deemed to be a licensed masters level psychologist under this act. Such person shall not be required to file an original application for licensure under this act, but may apply to the board for a license in lieu of registration. Any application for registration filed prior to July 1, 1996, shall be processed as an application for licensure pursuant to this act.

upon payment of the fee set by the board for renewal of license.

(g) The board shall collect a fee not to exceed \$100 for exchange of a license in lieu of a registration pursuant to K.S.A. 74-5366(f).

Sec. 33. K.S.A. 74-5367 is hereby amended to read as follows: 74-5367. (a) The board may issue a temporary permit to practice as a registered licensed masters level psychologist to any person who pays a fee prescribed by the board under this section, which shall not be refunded, and who: (1) Meets all the requirements for registration licensure under this act as a registered licensed masters level psychologist, but whose application for registration licensure is pending; or (2) meets all the requirements for registration licensure under this act as a registered licensed masters level psychologist except the requirement of postgraduate supervised work experience or current employment, or both.

[32]

act. For exchange of a license in lieu of registration pursuant to the subsection, a fee not to exceed \$100.

(b) A temporary permit issued by the board under clause (1) of subsection (a) shall expire at such time as final action on the application is completed, but all such temporary permits shall expire one year after the date of issuance of the permit. A temporary permit issued by the board under clause (2) of subsection (a) shall expire six months after the date of issuance and may be renewed for one additional six month period if the board finds that satisfactory progress toward the supervised experience requirement is being met.

[twelve]

(c) The board shall fix by rules and regulations fees for application and renewal of each type of temporary permit under this section. The application and renewal fee shall not exceed \$100 except that the fee for application for and renewal of the two-year temporary permit under clause (1) of subsection (a) shall not exceed \$200.

(d) The application for a temporary permit may be denied or a temporary permit which has been issued may be suspended or revoked on the same grounds as provided for suspension or revocation of a registration license under K.S.A. 74-5369 and amendments thereto.

[34]

Sec. 34. K.S.A. 74-5369 is hereby amended to read as follows: 74-5369. An application for registration licensure under K.S.A. 74-5361 to 74-5371, inclusive, and amendments thereto, may be denied or a registration license granted under this act may be suspended, limited, revoked or not renewed by the board upon proof that the applicant or registered

18.21

- 1 *licensed* masters level psychologist:
- 2 (a) Has been convicted of a felony involving moral turpitude;
- 3 (b) has been found guilty of fraud or deceit in connection with the
- 4 rendering of professional services or in establishing such person's quali-
- 5 fications under this act;
- 6 (c) has aided or abetted a person not licensed as a psychologist, reg-
- 7 istered *licensed* under this act or an uncertified assistant, to hold oneself
- 8 out as a psychologist in this state;
- 9 (d) has been guilty of unprofessional conduct as defined by rules and
- 10 regulations of the board;
- 11 (e) has been guilty of neglect or wrongful duties in the performance
- 12 of duties; or
- 13 (f) has had a registration, license or certificate as a masters level psy-
- 14 chologist revoked, suspended or limited, or has had other disciplinary
- 15 action taken, or an application for a registration, license or certificate
- 16 denied, by the proper regulatory authority of another state, territory, Dis-
- 17 trict of Columbia or another country, a certified copy of the record of the
- 18 action of the other jurisdiction being conclusive evidence thereof.

19 Administrative proceedings under K.S.A. 74-5361 to 74-5371, inclu-
 20 sive, and amendments thereto shall be conducted in accordance with the
 21 Kansas administrative procedure act. Judicial review and civil enforce-
 22 ment of agency actions under K.S.A. 74-5361 to 74-5371, inclusive, and
 23 amendments thereto shall be in accordance with the act for judicial review
 24 and civil enforcement of agency actions.

25 Sec. 35. K.S.A. 74-5371 is hereby amended to read as follows: 74-
 26 5371. (a) ~~On and after May 1, 1980,~~ No person shall *engage in practice*
 27 *of masters level psychology* or represent oneself as a ~~registered licensed~~
 28 masters level psychologist or use the abbreviation ~~RMLP LMLP~~ or use
 29 any word, letter, signs, figures or devices to indicate that such person
 30 using the same is a ~~registered licensed~~ masters level psychologist unless
 31 such person holds a valid ~~registration license~~ as a ~~registered licensed~~ mas-
 32 ters level psychologist.

33 (b) A violation of this section is a class C misdemeanor.

34 Sec. 36. K.S.A. 74-5372 is hereby amended to read as follows: 74-
 35 5372. The confidential relations and communications between a ~~regis-~~
 36 ~~tered licensed~~ masters level psychologist and such psychologist's client
 37 are placed on the same basis as provided by law for those between an
 38 attorney and an attorney's client.

39 ~~New Sec. 37. Nothing in the masters level psychology statutes shall~~
 40 ~~be construed to apply to the activities and services of qualified members~~
 41 ~~of other professional groups including, but not limited to, attorneys, phy-~~
 42 ~~sicians, psychologists, marriage and family therapists, professional coun-~~
 43 ~~sultors, registered nurses or social workers performing services consistent~~

New Sec. 37. Nothing in the masters level psychology statutes shall be construed to apply to the activities and services of qualified members of other professional groups including, but not limited to, attorneys, physicians, psychologists, marriage and family therapists, professional counselors, registered nurses, social workers, rabbis, priests, ministers, or clergy persons, including Christian Science practitioners, performing services consistent with the laws of this state, their training, and the code of ethics of their profession, so long as they do not present themselves as being a masters level psychologist.

~~with the laws of this state, their training and the code of ethics of their profession, so long as they do not represent themselves as being a masters level psychologist.~~

Sec. 38. K.S.A. 74-7501 is hereby amended to read as follows: 74-7501. (a) There is hereby created a behavioral sciences regulatory board ~~consisting which shall consist prior to June 30, 1998, of seven~~ 13 members. *Members of the board shall be appointed by the governor. The membership of the board prior to June 30, 1998, shall be as follows: Two members of the board shall be licensed psychologists; two members of the board shall be licensed to engage in the practice of social work social workers; two members of the board shall be licensed marriage and family therapists; two members of the board shall be licensed professional counselors; two members of the board shall be licensed masters level psychologists; and three members of the board shall be from and represent the general public. On and after June 30, 1998, the behavioral sciences regulatory board shall consist of seven members as follows: One member of the board shall be a licensed psychologist; one member of the board shall be a licensed social worker; one member of the board shall be a licensed marriage and family therapist; one member of the board shall be a licensed professional counselor; one member of the board shall be a licensed masters level psychologist and two members of the board shall be from and represent the general public. Each member of the board shall be a citizen of the United States and a resident of this state.*

(b) The term of office of each member of the board shall be four years, except that the term of office ~~of for~~ the members first appointed pursuant to ~~the first board this act~~ shall be as follows: ~~Three members shall be appointed for terms of two years; three members shall be appointed for terms of three years and one member shall be appointed for a term of four years. The governor shall designate the term of office for each member appointed to the first board~~ One member licensed to engage in the practice of marriage and family therapy shall have a term of one year, the other member licensed to engage in the practice of marriage and family therapy shall have a term of two years as specified by the governor; one member licensed to engage in the practice of masters level psychology shall have a term of two years, the other member licensed to engage in the practice of masters level psychology shall have a term of four years as specified by the governor; the two members licensed to engage in the practice of professional counseling shall have terms of two years. All positions whose term of office expires June 30, 1998, shall terminate and no reappointments shall be made therefor, except that one position for a person licensed to practice professional counseling shall be retained and an appointment made therefor. Effective July 1, 1998, the board shall be seven members. No member of the board shall be appointed for more

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1 than two successive terms. Upon the expiration of a member's term of
2 office, the governor shall appoint a qualified successor. Each member
3 shall serve until a successor is appointed and qualified. Whenever a va-
4 cancy occurs in the membership of the board prior to the expiration of a
5 term of office, the governor shall appoint a qualified successor to fill the
6 unexpired term. The governor may remove any member of the board for
7 misconduct, incompetency or neglect of duty.

8 (c) The board shall organize annually at its first meeting subsequent
9 to June 30 and shall select from its members a chairperson and a vice-
10 chairperson. Other meetings shall be held as the board designates. Four
11 ~~seven~~ members of the board shall constitute a quorum for the transaction
12 of business.

Until June 30, 1998,

After June 30, 1998, four members of the board shall constitute a quorum for the transaction of business.

(d) The board may appoint an executive director who shall be in the
14 unclassified service of the Kansas civil service act and shall receive an
15 annual salary fixed by the board, subject to approval by the governor. The
16 board may employ clerical personnel and other assistants, all of whom
17 shall be in the classified service under the Kansas civil service act. The
18 board may make and enter into contracts of employment with such pro-
19 fessional personnel as necessary, in the board's judgment, for the per-
20 formance of its duties and functions and the execution of its powers.

21 (e) Members of the behavioral sciences regulatory board attending
22 meetings of the board, or attending a subcommittee meeting thereof au-
23 thorized by the board, shall be paid compensation, subsistence allow-
24 ances, mileage and other expenses as provided in K.S.A. 75-3223, and
25 amendments thereto.

39
38.

26 Sec. ~~39~~. K.S.A. 74-7507 is hereby amended to read as follows: 74-
27 7507. The behavioral sciences regulatory board shall have the following
28 powers, duties and functions:

2 (a) Recommend to the appropriate district or county attorneys pros-
30 ecution for violations of this act, the licensure of psychologists act of the
31 state of Kansas, the professional counselors ~~registration licensure~~ act,
32 K.S.A. 65-6301 to 65-6318, inclusive, and amendments thereto, *K.S.A. 74-*
33 *5361 to 74-5372, inclusive, and amendments thereto*, the marriage and
34 family therapists *registration licensure* act or the alcohol and other drug
35 abuse counselor registration act;

36 (b) compile and publish annually a list of the names and addresses of
37 all persons who are licensed under this act, are licensed under the licen-
38 sure of psychologists act of the state of Kansas, are *registered licensed*
39 under the professional counselors ~~registration licensure~~ act, are licensed
40 under K.S.A. 65-6301 to 65-6318, inclusive, and amendments thereto, *are*
41 *used under K.S.A. 74-5361 to 74-5372, inclusive, and amendments*
42 *thereto*, are registered *licensed* under the marriage and family therapists
43 registration *licensure* act or are registered under the alcohol and other

1 drug abuse counselor registration act;

2 (c) prescribe the form and contents of examinations required under
3 this act, the licensure of psychologists act of the state of Kansas, the
4 professional counselors ~~registration~~ licensure act, K.S.A. 65-6301 to 65-
5 6318, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5372,
6 inclusive, and amendments thereto, the marriage and family therapists
7 ~~registration~~ licensure act or the alcohol and other drug abuse counselor
8 registration act;

9 (d) enter into contracts necessary to administer this act, the licensure
10 of psychologists act of the state of Kansas, the professional counselors
11 ~~registration~~ licensure act, K.S.A. 65-6301 to 65-6318, inclusive, and
12 amendments thereto, K.S.A. 74-5361 to 74-5372, inclusive, and amend-
13 ments thereto, the marriage and family therapists ~~registration~~ licensure
14 act or the alcohol and other drug abuse counselor registration act;

15 (e) adopt an official seal;

16 (f) adopt and enforce rules and regulations for professional conduct
17 of persons licensed under the licensure of psychologists act of the state
18 of Kansas, ~~registered~~ licensed under the professional counselors ~~registra-~~
19 ~~tion~~ licensure act, licensed under K.S.A. 65-6301 to 65-6318, inclusive,
20 and amendments thereto, ~~registered~~ licensed under K.S.A. 74-5361 to 74-
21 5372, inclusive, and amendments thereto, licensed under the marriage and
22 family therapists ~~registration~~ licensure act or registered under the alcohol
23 and other drug abuse counselor registration act;

24 (g) adopt and enforce rules and regulations establishing requirements
25 for the continuing education of persons licensed under the licensure of
26 psychologists act of the state of Kansas, ~~registered~~ licensed under the
27 professional counselors ~~registration~~ licensure act, licensed under K.S.A.
28 65-6301 to 65-6318, inclusive, and amendments thereto, licensed under
29 K.S.A. 74-5361 to 74-5372, inclusive, and amendments thereto, licensed
30 under the marriage and family therapists licensure act or registered under
31 the alcohol and other drug abuse counselor registration act;

32 (h) adopt rules and regulations establishing classes of social work spe-
33 cialties which will be recognized for licensure under K.S.A. 65-6301 to
34 65-6318, inclusive, and amendments thereto;

35 (i) adopt rules and regulations establishing procedures for examina-
36 tion of candidates for licensure under the licensure of psychologists act
37 of the state of Kansas, for ~~registration~~ licensure under the professional
38 counselors ~~registration~~ licensure act, for licensure under K.S.A. 65-6301
39 to 65-6318, inclusive, and amendments thereto, ~~registered~~ for licensure
40 under K.S.A. 74-5361 to 74-5372, inclusive, and amendments thereto, for
41 licensure under the marriage and family therapists ~~registration~~ licensure
42 act, ~~registered~~ for registration under the alcohol and other drug abuse
43 counselor registration act and for issuance of such certificates and such

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1 licenses;

2 (j) adopt rules and regulations as may be necessary for the adminis-
3 tration of this act, the licensure of psychologists act of the state of Kansas,
4 the professional counselors ~~registration licensure~~ act, K.S.A. 65-6301 to
5 65-6318, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5372,
6 *inclusive, and amendments thereto*, the marriage and family therapists
7 ~~registration licensure~~ act and the alcohol and other drug abuse counselor
8 registration act and to carry out the purposes thereof;

9 (k) appoint an executive director and other employees as provided in
10 K.S.A. 74-7501 and amendments thereto; and

11 (l) exercise such other powers and perform such other functions and
12 duties as may be prescribed by law.

13 ~~New Sec. 40. The behavioral sciences regulatory board shall have the
14 power and responsibility to consider, conduct hearings on, and make rec-
15 ommendations to the legislature with regard to changes to the licensure
16 acts for masters level psychologists, psychologists, social workers, profes-
17 sional counselors and marriage and family therapists.~~

18 Sec. 41. K.S.A. 65-5801, 65-5802, 65-5803, 65-5804, 65-5806, 65-
19 5807, 65-5808, 65-5809, 65-5810, 65-5811, 65-5812, 65-5813, 65-5814,
20 65-5815, 65-5816, 65-6401, 65-6402, 65-6403, 65-6404, 65-6405, 65-
21 6406, 65-6407, 65-6408, 65-6409, 65-6410, 65-6412, 74-5361, 74-5362,
22 74-5363, 74-5364, 74-5365, 74-5366, 74-5367, 74-5368, 74-5369, 74-
23 5371, 74-5372, 74-7501 and 74-7507 and K.S.A. 1995 Supp. 65-6411 are
24 hereby repealed.

25 Sec. 42. This act shall take effect and be in force from and after its
26 publication in the statute book.



65-6314, 74-5310, 74-5320,

