

Approved: 3-18-97
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE.

The meeting was called to order by Chair Sandy Praeger at 10:00 a.m. on March 12, 1997 in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Emalene Correll, Legislative Research Department
Norman Furse, Revisor of Statutes
Jo Ann Bunten, Committee Secretary

Conferees appearing before the committee:

Roger Werholtz, Deputy Secretary, Kansas Department of Corrections

Others attending: See attached list

Hearing on HB 2129 - Licensed masters level psychologists practice requirements

Roger Werholtz, Deputy Secretary, Kansas Department of Corrections, expressed his support for HB 2129 which would amend several statutes concerning the restrictions on the practice of licensed masters level psychologists in a correctional facility, licensed community mental health center, licensed medical care facility, psychiatric hospital or any other facility operated by a governmental agency to the same extent as a person directly employed by those entities. Mr. Werholtz noted that passage of this bill would allow the Department of Corrections and its contractors to continue to employ masters level psychologists as it has for several years, and if they are required to employ doctoral level psychologists, approximately \$300,000.00 would be required annually to employ the number of psychologists needed. He also noted in his written testimony that recruitment of doctoral level psychologists is problematic in Kansas, particularly in the western part of the state. (Attachment 1)

There were no opponents to the bill.

Action on HB 2129

Staff called attention to several technical changes that needed to be made in the bill, as well as briefing the Committee on a proposed amendment that would address the concerns of licensure renewal of a masters level psychologist. Senator Salmans also briefed the Committee on the proposed amendments. (See Attachment 2)

Senator Hardenburger made a motion the Committee adopt the proposed amendments, seconded by Senator Bleeker. The motion carried.

Staff briefed the Committee on proposed amendments that related to the institutional license of a psychiatrist under the Healing Arts Act. (See Attachment 3) Larry Buening, Executive Director, Kansas Board of Healing Arts, also answered questions during Committee discussion related to the impact of the proposed amendments.

Senator Salmans made a motion the Committee adopt the proposed amendments with the clarification that the amendment would also apply to mental health services, and that staff would draft technical changes that needed to be made in the bill relating to "licensed" instead of "registered" masters level psychologists, seconded by Senator Hardenburger. The motion carried.

Staff briefed the Committee on another proposed change in the bill relating to a policy issue that would eliminate language in the bill that enumerates the various practice locations.

The Chair noted that further action on the bill would be delayed until staff could draft a balloon of the bill showing the proposed amendments to HB 2129 as well as obtaining comments from Mary Ann Gabel, Executive Director, Behavioral Sciences Regulatory Board, on how these proposed amendments would work under current law.

Adjournment

The meeting was adjourned at 11:00 a.m.

The next meeting is scheduled for March 13, 1997

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE GUEST LIST

DATE: 3-12-97

| NAME | REPRESENTING |
|---------------------|--|
| KETH R LANDIS | CHRISTIAN SERVICE COMMITTEE ON PUBLICATION FOR KANSAS |
| Mary Ann Gabel | BSRB |
| Kinderknecht | BSRB |
| David Edlemy | K.A.M.P. Ks Assoc. of masters in Psych. |
| Rosetta Arcovato | Fort Hays State Univ. |
| Don Kahl | Fort Hays State University |
| Bruce Lala | Children's Palliative |
| Harry Soyster | Kansas Assoc. of School Psychologists |
| Pisa Meyer | Ks Gov. Consulting |
| LARRY BUENING | BD OF HEALING ARTS. |
| Mart Stafford | " |
| Chip Wheelen | Ks Psychiatric Society |
| Ellen Piekolchewicz | Assoc. of CMHCs |
| Dr EO Rimando | Topeka State Hospital |
| DR/mrs Jose Buldan | Topeka State Hosp |
| Marilyn Saliman | Visitor |
| Shonda Seifray | Visitor |
| Levi Percy | Visitor |
| Don Wilson | Visitor - Kansas Dental Association |



KANSAS DEPARTMENT OF CORRECTIONS

A Safer Kansas through Effective Correctional Services

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**Testimony Before the Senate Public Health and Welfare Committee
on HB 2129
Roger Werholtz, Deputy Secretary of Corrections
March 12, 1997**

The Department of Corrections supports the passage of HB 2129. Current law clearly permits masters level psychologists credentialed by the Behavioral Sciences Regulatory Board to practice in licensed community mental health centers, governmental agencies, medical care facilities or psychiatric hospitals if the psychologist is an employee of those agencies. Additionally, such psychologists may be employed by the "contract affiliates" of a licensed community mental health center. The current law, however, is not clear relative to the status of masters level psychologists employed by a contractor who is performing the same services on behalf of a governmental agency or health facilities other than a community mental health center. The current statutory language clearly did not anticipate the current trend toward privatization of many governmental services. The Department of Corrections' contractors currently have approximately 25 such individuals employed by their medical/mental health and sex offender treatment contractors.

Until recently, the Behavioral Sciences Regulatory Board had followed a rather broad interpretation of K.S.A. 74-5363 and allowed contractors of government agencies to employ masters level psychologists credentialed by the Board. In a September 9, 1996 meeting the Board decided to adopt a literal interpretation of the statute and gave notice to all current and prospective masters level psychologists seeking to be credentialed that unless the statute was amended, the Board, effective July 1, 1997, would no longer credential masters level psychologists working for contractors of state agencies.

Passage of this bill will simply allow the Department of Corrections and its contractors to continue to do business as it has for several years. Failure to pass the bill will have the following adverse effects:

○ If contractors are not permitted to hire masters level psychologists and instead must rely on doctoral level psychologists to provide services pursuant to contracts with governmental agencies, the cost of those services will be significantly increased.

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Attachment No. 1



Equal Opportunity Employer

○ Recruitment of doctoral level psychologists is problematic in Kansas, particularly in the western part of the state. Current KDOC contracts require that one Ph.D. level psychologist be on staff at Larned Correctional Mental Health Facility. Historically it has been difficult to retain one such psychologist. Recruiting twenty five such individuals would be an extremely difficult task.

○ This would create a situation where a member of the public seeking mental health services through a community mental health center could be treated by a masters level psychologist, but an inmate in the custody of the Department of Corrections would have to be treated by a doctoral level psychologist since those services are provided by contract vendors. Such a distinction is difficult to justify.

In summary, prohibiting the use of masters level psychologists by contractors performing services for exempt entities would increase the cost of obtaining those services. In some circumstances, a requirement that services previously provided by masters level psychologists now be performed by doctoral level psychologists due to the contracting of those services by the governmental entity would result in the service not being obtained as a result of the unavailability or unwillingness of doctoral level psychologists to provide the service. HB 2129 extends the ability, now limited to community mental health centers, to contract for the services of masters level psychologists to all federal, state, county or municipal agencies or other political subdivisions including the Kansas Department of Corrections. Passage of this bill would serve the best interests of the department and the state. The department urges that favorable consideration be given to HB 2129.

Proposed Amendment to HB 2129

Be amended by inserting the following:

Sec. . K.S.A. 1996 Supp. 74-5366 is hereby amended to read as follows: 74-5366. (a) All licenses shall be effective upon the date issued and shall expire at the end of 24 months from the date of issuance.

(b) A license may be renewed by the payment of the renewal fee and the execution and submission of a signed statement, on a form provided by the board, attesting that the applicant's license has been neither revoked nor currently suspended, ~~that the applicant currently meets the employment requirements of part (7) of subsection (b) of K.S.A. 74-5363 and amendments thereto~~ and that the applicant has met the requirements for continuing education set forth in this act.

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

(d) If the application for renewal, including payment of the required renewal fee, is not made on or before the date of the expiration of the license, the license is void, and no license shall be reinstated except upon payment of the required renewal fee, plus a penalty equal to the renewal fee, and proof satisfactory to the board of compliance with the continuing education requirements. Upon receipt of such payment and proof, the board shall reinstate the license, except that no license shall be reinstated if such payment and proof is received more

than one year after the date of expiration of the license.

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

(f) A person registered as a masters level psychologist on December 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 shall apply to the board for a license in lieu of registration upon payment of the fee set by the board for renewal of license. Any application for registration filed but which has not been granted prior to January 1, 1997, shall be processed as an application for licensure pursuant to this act. For exchange of a license in lieu of registration pursuant to this subsection, a fee not to exceed \$100.

(g) The board shall collect a fee not to exceed \$100 for exchange of a license in lieu of a registration pursuant to subsection (f).

And by adjusting the repealer and title accordingly.

Proposed Amendment to HB 2129

Sec. 3. K.S.A. 65-2895 is hereby amended to read as follows:
 65-2895. (a) There is hereby created a designation of institutional license which may be issued by the board to a person who is a graduate of an accredited school of the healing arts or a school which has been in operation for not less than 15 years and the graduates of which have been licensed in another state or states which have standards similar to Kansas and who is employed by the department of social and rehabilitation services, employed by any institution within the department of corrections or employed pursuant to a contract entered into by the department of social and rehabilitation services or the department of corrections with a third party. An applicant for an institutional license shall pass an examination in the basic sciences approved by the board. The institutional license shall confer upon the holder the right and privilege to practice that branch of the healing arts in which the holder of the institutional license is proficient and shall obligate the holder to comply with all requirements of such license. The practice privileges of institutional license holders are restricted as follows: The institutional license shall be valid only during the period in which the holder is ~~employed by the department of social and rehabilitation services, employed by any institution within the department of corrections or employed pursuant to a contract entered into by the department of social and rehabilitation services or the department of corrections with a third party, and only within the institution to which the holder is assigned~~ in

the employ of a Kansas licensed community mental health center, or one of its contracted affiliates, or a federal, state, county or municipal agency, or other political subdivision, or a contractor of a federal, state, county or municipal agency, or other political subdivision, or a duly chartered educational institution, or a medical care facility licensed under K.S.A. 65-425 et seq. and amendments thereto, or a contractor of such educational institution, medical care facility or psychiatric hospital, and whose practice, in any such employment, is a part of the duties of such applicant's paid position and is performed solely on behalf of the employer.

(b) An institutional license shall be valid for a period of two years after the date of issuance and may be renewed if the applicant for renewal is eligible to obtain an institutional license under this section, has successfully completed the examination required under subsection (a)(3) of K.S.A. 65-2873 and amendments thereto and has submitted evidence of satisfactory completion of a program of continuing education required by the board. The board shall require each applicant for renewal of an institutional license under this section to submit evidence of satisfactory completion of a program of continuing education required by the board of licensees of the branch of the healing arts in which the applicant is proficient.

(c) This section shall be a part of and supplemental to the Kansas healing arts act.

And by amending the repealer and title accordingly.