

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 19, 1998 in Room 423-S-of the State Capitol.

All members were present except: Representative Tony Powell - excused

Committee staff present: Emalene Correll, Legislative Research Department
Robin Kempf, Legislative Research Department
Norman Furse, Revisor of Statutes
Lois Hedrick, Committee Secretary

Conferees appearing before the committee:

Dr. Larry Hays, President, Behavioral Sciences Regulatory Board
Dr. John Randolph, Member, Behavioral Sciences Regulatory Board

Others attending: See Guest List (Attachment 1)

The minutes of the committee meetings held on February 16, 17, and 18, 1998 were distributed for review and, by policy, will be approved as read if no changes are reported to the Chairperson by 5:00 p.m., February 19.

Chairperson Mayans opened the meeting for a hearing on **HB 2794** - Behavioral sciences regulatory board; licensure. Dr. Larry Hays, appearing on behalf of the Behavioral Sciences Regulatory Board, stated the bill was introduced at the board's request to address issues the board has found in the issuance of temporary licenses. He noted that present law authorizes the issuance of temporary licenses to five of the professional groups under its jurisdiction, but does not permit such licensing for doctoral psychology graduates during their requisite year of post-doctoral supervision. As a result there is an inequity caused as it limits employment opportunities for doctoral psychologists as they cannot practice their profession without a license. Those who have completed doctoral programs and are attempting to complete the prescribed post-doctoral work experience do not qualify for licensure and sometimes do not qualify as master's level psychologists, consequently employers will not hire them. (See testimony, Attachment 2.)

The Chairperson asked if temporary licenses can be renewed; and Dr. Hays answered they can be. Chairperson Mayans asked if this legislation passes, would it make it possible for a temporary licensee to be eligible for insurance reimbursement. Dr. Hays indicated that is correct. Representative Flaharty asked how long the temporary license would be effective. Dr. Hays indicated it could actually be 24 months at the maximum, and does not believe a temporary license would be extended past that time except in extenuating circumstances. Tests are administered every six months: in October and April. Representative Geringer asked how many programs are there in Kansas for clinical psychologists. Dr. Hays answered three: at the University of Kansas, experimental psychology at Kansas State; and a program at Wichita State which offers a Ph.D. In Community/Clinical Psychology. Norman Furse asked if the \$200 fee set out in Section 1(b)(5) applies to each temporary license. Dr. Hays replied it does. Chairperson Mayans asked if one of the reasons for this change is to provide more care; and Dr. Hays answered that an agency would normally receive insurance payment for services except that new doctoral psychologists cannot bill for reimbursement since they are not licensed.

Chairperson Mayans asked about the \$15 fee for 90-day licenses set out in Section 1(a), as compared to the \$200 fee for other temporary licenses. Dr. Hays indicated currently there are about 40 nonresident psychologists who are temporarily employed for services in Kansas. Most of them are from Missouri. Emalene Correll asked why there needed to be a change in licensing when these psychologists practice with persons who are fully licensed. Dr. Hays explained that under the new guidelines, only those persons who perform the services can bill for insurance reimbursement. Representative Gilmore noted that the committee has passed a resolution which, if passed by the Legislature, will establish a task force to study the issues surrounding the treatment of mental disorders and asked Dr. Hays if the issue of insurance reimbursement would be an appropriate question for the task force to study. Dr. Hays agreed that it would be as if affects all disciplines. Dr. Hays did note, however, that since the issues in **HB 2794** have been a problem for psychologists for the past two years, he would recommend passage of the bill.

Dr. Randolph stated the difference between **HB 2630** (concerning behavioral science regulatory board; relating to qualified mental health professionals) and **HB 2794** is that the board was neutral on the first one, but the consideration for **HB 2794** included public members' testimony and support. Dr. Randolph stated temporary licensing of doctoral psychologists is a fair representation of their professional background.

CONTINUATION PAGE

MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 423-S State Capitol, at 1:30 p.m. on February 19, 1998

Chairperson Mayans then asked if anyone else cared to testify on the bill. No one came forward, so the hearing on **HB 2794** was closed.

Chairperson Mayans asked the committee if it wanted to take action on any bills previously heard. Representative Morrison moved that **HB 2669** (investigations of abuse, neglect or exploitation of certain persons) be passed favorably. Representative Henry seconded the motion. There was discussion on the motion. The Chairperson reminded the committee members of the post-audit report that indicated the Department of Health and Environment prioritized complaints received and presently allows nursing home administrators to investigate certain complaints within their own facility. Also he noted there was a fiscal note indicating KDHE would need an additional \$165,000 and three full time employees to administer the bill's requirements. A call of the motion was made, and the motion carried. Representative Henry will carry the bill on the floor of the House.

Representative Geringer moved that **HB 2794** (behavioral sciences regulatory board; licensure) be passed favorably and since it was of a noncontroversial nature, be placed on the Consent Calendar. Representative Shultz seconded the motion. Representative Cook noted he was concerned about the \$15 fee for the 90-day temporary license; and Norman Furse pointed out the discrepancies in the language for temporary licenses in Section 1, subsections (b) and (c), wherein the \$200 fee does not seem to apply correctly. Noting the discussion, Representative Morrison made a substitute motion to table **HB 2794**. Secretary Gilmore seconded the motion. The motion carried.

Chairperson Mayans then announced that the committee will not meet tomorrow and that a meeting on Monday, February 23, is on call of the Chairperson.

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

The next meeting has not been scheduled.

STATE OF KANSAS
BEHAVIORAL SCIENCES REGULATORY BOARD
712 S Kansas Ave - Topeka, KS 66603-3817
785/296-3240 -- FAX 785/296-3112

EDWARD F. WIEGERS,
Chairperson



MARY ANN GABEL, MPA
Executive Director

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TESTIMONY BEFORE THE HOUSE HEALTH AND HUMAN SERVICES
COMMITTEE
THURSDAY, FEBRUARY 19, 1998
HB 2794

CHAIRPERSON REP. MAYANS, VICE-CHAIRPERSON REP. MORRISON,
COMMITTEE MEMBERS:

Dr. Larry Hays and Dr. John Randolph, Psychology Representatives on the Behavioral Sciences Regulatory Board are appearing before you today on behalf of the board to respectfully request the committee's favorable action on and subsequent support of HB 2794.

This bill was introduced at the board's request to amend the licensed psychology statute, K.S.A. 74-5316, to authorize the board to issue temporary licenses to qualified applicants. This request was made on behalf of the psychology licensure applicants to address issues of equity and fairness.

The board is responsible for the credentialing programs for licensed psychologists, licensed social workers, licensed professional counselors, licensed master's level psychologists, licensed marriage and family therapists, and registered alcohol and other drug abuse counselors. The statutes for five of the professional groups under the board's jurisdiction authorize the board to issue temporary licenses or

HOUSE HHS COMMITTEE
Attachment 2-1
2 - 19 - 98

registrations to qualified applicants while completing their post-degree requirement for licensure. The temporary license enables these groups to bill some insurance companies and to be providers on some managed care panels. New doctoral psychology graduates are seeking equity for increased employment opportunities during their requisite year of post-doctoral supervision by being permitted to practice their profession under a temporary license. The licensed psychologists' statutes do not contain a provision for issuing temporary licenses.

Potential applicants who have completed their doctoral programs, but who are attempting to complete the requisite post-doctoral supervised work experience do not qualify for licensure and, at times, find that they do not qualify for licensure as master's level psychologists. While the psychology statutes permit unlicensed persons to assist in delivering psychological services provided such persons practice under the supervision of licensed psychologists, these unlicensed doctoral level persons advise the board that employers are reluctant to offer employment opportunities because of the lack of third-party reimbursement. These potential applicants at times find themselves in "limbo" and have difficulty in completing the post-doctoral supervised work experience because of the lack of either employment opportunities or the lack of licensure eligibility at the master's level.

Thank you for considering the board's request. We will be happy to answer any questions you may have.

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