

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE.

The meeting was called to order by Chairperson Jim Morrison at 1:34 p.m. on February 12, 2003, in Room 243-N of the Capitol.

All members were present except Representatives Landwehr, Goico, and Patterson, all of whom were excused.

Committee staff present:

Bill Wolff, Legislative Research Department  
Rena Jefferies, Revisor of Statutes' Office  
Gary Deeter, Committee Secretary

Conferees appearing before the committee:

Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board  
Larry Hays, Chief Psychologist and Director of Research, Prairie View, Newton  
Sky Westerlund, Executive Director, Kansas Chapter, National Association of Social Workers

Others attending: See Guest List.

A motion was made, seconded and passed to approve the minutes for February 10, 2003.

For purposes of hearing **HB 2234**, Representative Phelps chaired the meeting.

Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board (BSRB), appeared in support of the bill, which allows licensure reciprocity. She explained that the BSRB is the licensing board for most of the state's mental health professionals. (Attachment 1) She said the proposed legislation allows for licensure of out-of-state mental health professionals moving into the state if three criteria are met:

- The individual has been licensed continuously in another state for the past five years;
- The person is licensed in good standing; and
- The individual holds a degree in his/her respective profession.

Ms. Gilmore said with increasing citizen mobility and the trend toward common national standards, removing barriers to licensure is good economic policy and will provide adequate protection to the public.

Answering questions, Ms. Gilmore said in the past 3 years about 117 out-of-state individuals inquired about licensure and did not pursue a license; in the same 3-year period, 91 others followed through with further education or supervision to obtain a Kansas license. With this bill, an applicant could be cleared in a few days; without it, the process takes 3-4 weeks. She said under the present structure, out-of-state applicants often find it expensive to meet licensure regulations, nothing that there is a lower level for reinstatement of Kansas licensees than for out-of-state applicants, a disparity which erects unnecessary barriers for those moving into the state. She stated that, under current law, those who qualify for the clinical level need not take national exams. She explained that even though social workers, who object to

## CONTINUATION SHEET

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE at on February 12, 2003, in Room 243-N of the Capitol.

the bill, make up the highest percentage of licensees, the BSRB's responsibility is to protect the consumer and make good public policy, not protect any given profession. She noted that the Board vote was 9-2 in favor of the bill. Larry Hays, a Board member, said 100 hours of continuing education is required for him to renew his biennial license. Ms. Gilmore said social workers in Kansas City, who often cross state lines to work, expressed gratitude for the bill.

Larry Hays, Chief Psychologist and Director of Research, Prairie View, Newton, and a BSRB member, spoke in support of the bill. (Attachment 2) He said that those from out-of-state who had been licensed 20-30 years ago cannot meet present Kansas standards, even though they may have had an unblemished career; delaying licensure for such individuals is costly to the individual and to the prospective employer.

Sky Westerlund, Executive Director, Kansas Chapter, National Association of Social Workers, spoke in opposition to the bill, saying the bill would lower standards for clinical social work licensure. She recommended reciprocity for those meeting clinical standards, but not for those at a lower level. (Attachment 3) Members questioned the 10-year-practice requirement as arbitrary. Ms. Westerlund acknowledged that the 10-year mandate had no precedent. Members expressed concern that such a standard might elicit a punitive response from other states. Answering further questions, Ms. Westerlund said the present economic stagnation was having a negative effect on social worker employment.

The Chair noted three written testimonies: by Ann Weick, Dean and Professor, University School of Social Welfare (Attachment 4); by Susan Sanders, LSCSW, Shawnee Mission (Attachment 5); and by Tamara Hawk, LSCSW, Manhattan. (Attachment 6) The Chair closed the hearing on **HB 2234**.

Staff Bill Wolff briefed the Committee on **HB 2207**, registration for pharmacy technicians. He said the term has already been defined in statute; this proposed legislation requires a pharmacy technician to pass an exam approved by the Kansas Board of Pharmacy and to pay an annual fee not to exceed \$50. He said present technicians would be granted a two-year window of employment.

Regarding **HB 2115**, Dr. Wolff said the bill opens the position of Health Director for the Division of Health, Kansas Department of Health and Environment, to a Masters-level RN or a Masters-level Public Health Administrator, whereas presently the position requires a physician to be Director.

Concerning **HCR 5008**, Dr. Wolff said school nurses are already functioning as first responders, that statutes do not designate anyone except an Emergency Medical Technician as a first responder, and that an RN's training goes far beyond that of an EMT. He said any nurse responding to an emergency is already protected by the Good Samaritan statute. Representative DeCastro commented that the resolution was patterned from a national resolution, was requested by the Kansas School Nurses Association, and might make Kansas eligible for federal grants.

The meeting was adjourned at 2:43 p.m. The next meeting is scheduled for Thursday, February 13, 2003.

**HOUSE HEALTH AND HUMAN SERVICES COMMITTEE  
GUEST LIST**

DATE: FEBRUARY 12 2003

NAME	REPRESENTING
Dodie Wiebke Johnson	Patrick Hurley & Co.
Sky Westlund	KNASW
Mary Anne	KPA
Larry W. Hayes	BSRB
Jennifer Springer	BSRB
Masha Schenck	BSRB
Camille T. The	AB
Phyllis Selmore	BSRB
Ryan Schlink	KPHA
Marla Rhoden	KDHE, HOC
DEBORAH STERN	KHA
Meredith Hauke	STUDENT
Ron Seiber	Acin Law Firm
Amanda Reichard	SRS
John Peterson	K's Parental Consultation
Monica Meyer	SRS

**HOUSE TESTIMONY  
HEALTH AND HUMAN SERVICES  
FEBRUARY 12, 2003**

**HB2234**

Mister Chairman and Committee Members:

Thank you for the opportunity to testify today in support of HB 2234. I am Phyllis Gilmore the Executive Director of the Behavioral Sciences Regulatory Board (BSRB).

The BSRB is the licensing board for most of the state's mental health professionals, the doctoral level psychologists, the master level psychologists, the clinical psychotherapists, the bachelor, master and clinical level social workers, the master and clinical level professional counselors, and the master and clinical level marriage and family therapists. Additionally, some of the drug and alcohol counselors are registered with the board, although most of them are certified with SRS at the present time.

HB 2234 was submitted as a result of board discussion and as a response to the need to remove some of the barriers for individuals coming to Kansas to reside and practice as mental health professionals. Currently, the Board requires information for licensure from previous supervisors and/or instructors that cannot always be obtained. We also require some course work that was not commonly available in previous years.

Basically, the law allows for licensure if three criteria are met:

- The individual has been licensed continuously in another state for the last five years with the minimum professional experience established by rules and regulations of the Board,
- The individual is licensed in good standing,
- The individual holds a degree in the respective profession,

Mobility is an issue of national concern and this bill, the Board believes, is a good balance between the protection of the public and unnecessary barriers to licensure. Licensure is becoming increasingly normalized across our country with all of our professions offering national examinations and licensure requirements gradually becoming more consistent across the jurisdictions.

This bill would remove barriers to obtain a Kansas license from our Board by individuals moving into this state, while still maintaining a high level of professionalism by our licensees.

Thank you for the opportunity to speak to you this afternoon. I will be happy to stand for questions.

Respectfully submitted,

Phyllis Gilmore  
Executive Director

*Attachment 1  
HHS 2-12-03*

**HOUSE TESTIMONY  
HEALTH AND HUMAN SERVICES  
FEBRUARY 12, 2003**

**HB 2234**

Mister Chairman and Committee Members:

Thank you for the opportunity to testify today in support of HB 2234. I am Larry Hays, a psychology representative on the Behavioral Sciences Regulatory Board (BSRB). I have been a member of the board for six years. I am Chief Psychologist and Director of Research and Training for Prairie View, Inc. in Newton, Kansas.

The BSRB is the licensing board for most of the state's mental health professionals. The board identified and studied the current difficulties mental health professionals encounter when they move to Kansas as licensed professionals from another state. A major difficulty is securing appropriate references and attestations of supervisory experiences that might have occurred 10, 20, or 30 years ago. Many of the supervisors cannot be located or are deceased. This search for supervisors can be lengthy and delay the timely licensure of competent professionals.

In addition, the standards for licensure in all states have changed over the course of time. As a result, a person trained 20 or 30 years ago would have been exposed to different requirements than exist today. Hence, they would not be able to meet current Kansas requirements even though they have a long and unblemished career as a licensed mental health professional in another state.

Kansas current licensing statutes for mental health professionals have the following consequences when compared with the proposed bill:

- They delay Kansas employers of mental health professionals of filling vacancies in a timely fashion.
- They create more paper work and administrative time for BSRB staff in securing and processing complete application documents.
- They delay access to mental health services by Kansas' consumers.
- They may discourage mental health professionals from relocating to Kansas because of technicalities in the law which are not relevant to their current competencies.

The social, economic and educational conditions have dramatically changed since the current laws were implemented. We live in a highly mobile society where the recognized need for mental health services has dramatically increased. There is greater uniformity than in the past between the various states regarding licensure standards for education, practicums, field placements, internships, post degree supervision and national licensing exams.

*Attachment 2  
HHS 2-12-03*



After a careful study of the above issues, the board desired to address the difficulties by proposing the current bill to facilitate licensure and at the same time to continue to protect the public. We felt that a licensed professional from another jurisdiction who has been licensed for a minimum of 5 years immediately preceding their application for licensure in Kansas was a better indication of current competency than training and supervision experiences that occurred in the distant past.

In addition, the bill provides that the applicant has not had any history of disciplinary actions of a serious nature by another licensing board. The board does not believe that the proposed bill will lower the existing standards for licensure of any of the disciplines it licenses. By eliminating some of the paper work and processing time required of staff, there are also valuable cost/benefit advantages to the proposed bill.

Thank you for the opportunity to speak. I will be happy to address any questions.

Respectfully submitted,

Larry W. Hays, Ph.D.  
Psychology Representative, BSRB

## Testimony: HB 2234

### House Health and Human Services Committee Wednesday, February 12, 2003

My name is Sky Westerlund. I am a social worker and the Executive Director for the **Kansas Chapter, National Association of Social Workers (KNASW)**. KNASW is the professional association for the practice and profession of social work in Kansas. There are about 5500 social workers licensed through the Behavioral Sciences Regulatory Board (BSRB) in Kansas. These are the baccalaureate (LBSW), master (LMSW), and post-graduate clinical (LSCSW) levels of license.

KNASW opposes HB 2234 for two key reasons:

- **HB 2234 lowers the standard for clinical social work licensure.** Currently, the social work statute for clinical licensure requires graduate coursework, supervised clinical experience, and passage of the national clinical examination. This is important because these are the standards that demonstrate and ensure that clinical social workers (LSCSW) are fully qualified and competent to assess, diagnose, and treat persons with mental health disorders.
- **The problem does not pertain to persons with an LBSW or an LMSW from another state coming in and applying for the same level of licensure in Kansas.** These social workers are already able to obtain the license as long as the applicant has a degree from a Council of Social Work Education (CSWE) accredited program, has passed the appropriate national examination, and merits the public trust according to the law, rules, and regulations.

KNASW understands the BSRB's chief concern to relate to when someone comes in with a clinical license from another state and wishes to be licensed in Kansas at the clinical level. It can be problematic for the applicant to produce the required documentation demonstrating they have met substantially the same requirements for this level of license.

KNASW has drafted alternate language (attached) we would ask the committee to consider. Our solution addresses BSRB's concerns, yet maintains the level of accountability needed to appropriately protect consumers.

Attachment 3  
HHS 2-12-03

**KNASW Alternate Language for HB 2234**  
**February 12, 2003**

~~K.S. A. 65-6309. Exemptions from licensure requirements—Clinical licensure of individual registered, certified, or licensed in another jurisdiction; when authorized; application fee; temporary licensure; written explanation of denial of licensure.—~~

~~(a) An applicant shall be exempted from the requirement for any examination provided for herein if:~~

~~(a) The board may issue a clinical license (LSCSW) to an individual who is currently licensed to practice clinical social work in another jurisdiction if the board determines that:~~

~~(1) the standards for licensure to practice clinical social work in the other jurisdiction are substantially equivalent to the requirements of the social work licensure act and rules and regulations of the board; or~~

~~(2) Applicants for the post graduate clinical (LSCSW) licensure, demonstrate on forms provided by the board in compliance with the following standards as determined by the board:~~

~~(A) ten years of licensure as a clinical social worker in another state, and~~

~~(B) the absence of any disciplinary actions, and~~

~~(C) completion of professional continuing education experiences consistent with the licensee's jurisdiction requirements and~~

~~(D) has a master's or doctor's degree from an accredited graduate school of social work, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board; and~~

~~(E) has passed the nationally recognized clinical examination approved by the board for this purpose.~~

~~(F) ten years of clinical practice with demonstrated experience in diagnosing and treating mental disorders; and~~

~~(G) two letters of reference.~~



HB 2234  
Testimony in absentia  
February 12, 2003

Ann Weick, Ph.D.  
Dean and Professor  
University of Kansas  
School of Social Welfare

HB 2234 proposes changes in K.S.A 65-6303 by resetting the requirements for social workers from other jurisdictions to qualify for social work licensure in Kansas. Kansas has had a long and proud history of social work licensure by being one of the first states to achieve licensure and still being among the states with the most comprehensive licensure standards. In considering HB 2234, it is important not to reduce the strong protection of the public provided by current statute.

Because the proposed bill requires that the educational and practice standards used by other jurisdictions are "substantially equivalent" to the requirements of Kansas, it appears that some safeguards are in place. However, in writing the regulations, it will be important that the educational standard for approving social work programs remain as it is currently stated in 102-2-6, namely, that "an undergraduate or graduate social work program shall be accredited by the council on social work education or in compliance with its standards."

This national accreditation of social work programs ensures common standards for all social work programs at the bachelor's and master's levels. As BSRB considers applicants from other states, maintaining this requirement is one important mechanism for ensuring basic comparability of educational preparation for social work practice. I respectfully request that your committee make special note of this so that any new regulations will maintain the definitions in 102-2-6.

Attachment 4  
HHS 2-12-03

**From:** rudy ruth <rudy ruth@webtv.net>  
**To:** <morrison@house.state.ks.us>  
**Date:** Mon, Feb 10, 2003 10:11 AM  
**Subject:** HB 2234

Sir, I am a Licensed Specialist in Clinical Social Work in Shawnee Mission, Kansas. I have practiced in Kansas since 1983.

I am OPPOSED to HB 2234. It will cause the standards of Social Work practice in Kansas to deteriorate if we permit social workers to practice here without their going through the necessary screening tests to determine their competency, etc. The last thing the citizens of Kansas need are incompetent social workers.

Respectfully submitted, Susan Sanders, LCSW, 7451 Switzer Rd., Suite 118A, Shawnee Mission, Ks. 6203

Attachment 5  
HHS 2-12-03

Tamara J. Hawk, LSCSW  
200 Southwind Pl. # 101  
Manhattan, KS 66503

February 10, 2003

Rep. Jim Morrison (R-121 Colby) - Chair  
Health and Human Services  
Room Number: 171-W  
State Capitol Building  
Topeka, KS 66601

RE: HB 2234

Dear Chairman Morrison  
Social Workers and other mental health professionals need your close attention to **HB 2234**.

This bill, along with two others likely to be heard in your committee submitted for hearing by the Behavioral Sciences Regulatory Board, **continue to "dumb down" professional standards for mental health**. For the past eight years, there has been a consistent effort by BSRB to lower standards and **social workers want no part of it!**

I am a licensed social worker in Kansas and I **oppose HB 2234**. This bill would lower social work practice standards that have been in place since 1975 and would thereby put mental health consumers in Kansas at greater risk of harm. This bill allows for social workers to enter Kansas and be licensed even though **they have not graduated from Council Of Social Work Education (CSWE) accredited programs**. Even though the regulations are written in BSRB, **their standards are getting lower by the MINUTE!** Please do not give them a chance to further reduce our professional standards and PUBLIC protection.

Should you decide to pass HB 2234, I ask that you remove changes affecting social work licensure first. Although other professions represented in the bill may not be adversely affected, or for some reason want to lower their own standards, the current language would significantly lower the standards of social work practice in Kansas.

**I urge you to vote against HB 2234 and would appreciate hearing back from you on this matter**

Thank you.



Tamara J. Hawk, Licensed Specialist Clinical Social Worker  
tamihawk@flinthills.com

Attachment 6  
HHS 2-12-03