

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE.

The meeting was called to order by Chairperson Senator Susan Wagle at 1:30 p.m. on March 13, 2003 in Room 231-N of the Capitol.

All members were present except: Senator Nancey Harrington

Committee staff present: Ms. Emalene Correll, Kansas Legislative Research Department
Mr. Norm Furse, Revisor of Statutes
Ms. Margaret Cianciarulo, Administrative Secretary

Conferees appearing before the committee: Ms. Phyllis Gilmore, Executive Director of the Behavioral Sciences Regulatory Board
Dr. Larry Hays, PhD, Board Member and Psychology Representative on the Behavioral Sciences Regulatory Board
Ms. Sky Westerlund, Executive Director of the KS Chapter, National Association of Social Workers

Others attending: See attached guest list

Hearing on HB2234 - an act relating to the behavioral sciences; licensure reciprocity

Upon calling the meeting to order, the Chair announced there would be a hearing on **HB2234**, an act relating to the behavioral sciences; licensure reciprocity and asked Mr. Norm Furse, Revisor of Statutes, to give a brief overview of the bill. He stated that this bill was a request of the Board of Behavioral Sciences for what amounts to pulling together the various reciprocity statutes that the Board has various licensees under its jurisdiction. He went on to explain the sections including:

Section 1 - is a new section and provides that the behavioral sciences' regulatory board may issue a license to an individual who is currently registered, certified, or licensed to practice psychology at the masters level in another jurisdiction if the Board determines and then set out a list of standards that are similar to other standards in the bill relating to other licensees. (The basic standard is that the other jurisdictions are substantially equivalent to the requirements of this state for this kind of licensure. In this case of a master level psychologist, for them to obtain reciprocity licensure in the other states' requirements for registration or licensure, it would have to be substantially equivalent to the requirements in this state (found on page 1, lines 20 and 21).

Section 2 - refers to a similar kind of reciprocity language for the practice of professional counseling in another jurisdiction, and again, the key element here, other than the lack of disciplinary action versus a good standing in the other state, is on lines 19 and 20 where the requirements of the other jurisdiction are substantially equivalent to the requirements of our state clinical professional counselor terms are discussed in sub (b) and sub (a) discusses the professional counselor.

Section 3 - beginning on page 3, the House deleted from the bill. This section related to just generally the requirements for reciprocity and deleting the new language on page 4 beginning on line 15.

Section 4 - this new section becomes Section 3, on page 5 and is related to the practice of marriage and family therapy and sets out similar standards to the other licensure categories, referring to lines 37 and 38. Sub (b) is the clinical licensure for marriage and family therapists and again the language is set out relating to the requirements for reciprocity licensure.

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Section 5 - relates generally to the Board's section and psychologists at the doctoral level.

In closing, Mr. Furse stated that the language is closely uniform in all of these reciprocity cases and referred to line 32.

As there were no questions of Mr. Furse, the Chair recognized the first proponent, Ms. Phyllis Gillmore, Executive Director of the Behavioral Sciences Regulatory Board (BSRB) who gave a short history of the Board and stated that the bill 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. A copy of her testimony is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

The second proponent conferee to testify was Dr. Larry Hays, PhD, Board Member and psychology representative on the Behavioral Sciences Regulatory Board who stated that a national problem in many professional licensure fields, is the issue of mobility from one state to another and a major difficulty is securing appropriate references and attestations of supervisory experiences that might have occurred 10, 20, or 30 years ago. He also provided what he felt would be consequences to the Kansas current licensing statutes for mental health professionals when compared with the proposed bill. A copy of his testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

The third and final proponent conferee to testify was Ms. Sky Westerlund, Executive Director of the Kansas Chapter, National Association of Social Workers (KNASW), who also gave a short history of their chapter and stated that KNASW and BRSB have successfully reached agreement on a proposed amendment to this bill. She stated that the amendment addresses their mutual desire to remove unnecessary barriers for licensed clinical social workers moving from other states and seeking clinical licensure in Kansas. A copy of her testimony and amendment are (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

As there was no proponent or neutral testimony offered, the Chair the Committee for questions or comments of Ms. Westerlund:

1) Senator Salmans asked when a person comes out of a school or a jurisdiction that does not have a clinical master social work per say how do you incorporate into the system to determine where they will be placed, the status of a person who had gone overseas to do missionary work for a number of years, and how many people are certified clinical social workers;

2) Senator Haley questioned her proposed K-KNASW language for the bill, stating that (1) was a little subjective (that the Board will be making what is a substantial equivalent determination as to what we need in Kansas based upon what another jurisdiction has) and (2) is well-defined but what exactly would be necessary for licensure), are there known jurisdictions that would apply for (1) to show what is an example of what this substantial equivalency is, and are any of these much more than the components found in (2) (greater or less). Ms. Jennifer Springer, Credentialing Specialist, was introduced by Ms. Westerlund to address the questions addressing (1) and (2). Dr. Hays also provided a response.

3) Senator Wagle questioned why Ms. Westerlund opposed the language for social workers in Section 3 and requested replacing it with something that is reciprocity for a licensed clinical specialist and yet nothing was offered in the bill for other social workers. She asked Ms. Gillmore how the Board felt about this, does this lower the standards to a reciprocity, did they have a statute or rules and regs (the standards by which you would allow someone to practice on these levels in Kansas), is a copy available, and where specifically was the disagreement. She then addressed Dr. Hays, asking if he had stated he had worked within a committee to develop this as it was presented to the legislature and asking if he was involved in the social work section?

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4) A discussion ensued between Mr. Furse, Ms. Correll, Senators Brungardt and Wagle when Senator Brungardt asked if he understood Ms. Westerlund to say that clinical social workers should have the degree and the national exam, and someone with those qualifications should be able to come to the state of Kansas. Ms. Westerlund said yes, but with a couple of additions, explaining the amendment and the language and gave an example of a person who predates both the national test and the current standards. Senator Brungardt asked what was the justification and Ms. Westerlund discussed the 5-year and 10-year threshold. Ms. Correll commented on the current law regarding the baccalaureate at the masters level (line 26) and assumed that this would be retained in the amendment, but then she said after reading the requirements the Board is proposing at this same level, she found the Board's higher than the existing law. Mr. Furse referred to page 4, line 20, stating there is an "or" so the requirements are either one "or" two. Also discussed were the exemptions for those grandfathered in after 1975, and they no longer have the category of social work specialist. For the Committee's information, Mr. Furse stated that the current law is in the strike type on page 3, lines 6 through 14, and questioned if there was concern about the clinical specialist social workers' language, and why was the other part that relates to the master social worker deleted (the struck lines 15 through 30, relating to the master social worker) by the House Committee. Senator Wagle asked if this was Ms. Westerlund's intention. Ms. Westerlund said they did not request this specifically, but they did point out that because if you are licensed in another jurisdiction and come into this state, you can show a substantial equivalency fairly easily. Senator Salmans made a suggestion to delete the first half and leave in the second half in. Mr. Furse, said if the Committee would allow him, he would set up an amendment for the Committee to look at, that doesn't have all of the strike type, based on Senator Salmans recommendation. The Chair recognized Ms. Correll who said she had a technical question regarding earlier discussion concerning the clinical speciality license, stating that the law allows for others, but at this time this is the only speciality license and asked Ms. Westerlund if she wanted to leave the law flexible enough to allow for others (currently the law speaks of the social work speciality and then to the clinical social work specialty, and it's not clear that those are the same people).

Action on HB2169 - An act concerning the Kansas Board of Examiners in optometry relating to the fees charged and collected by the Board

The Chair then asked the Committee to look at HB2169, the bill they heard on March 12, 2003, and to refer to the memo in front of them from Ms. Penny Bowie, Executive Officer, Board of Examiners in Optometry, who is responding to the questions raised at the hearing regarding the charitable services and about the biennial renewal of licenses which, for the number of optometrists, is fine. A copy of her memo is (Attachment 4) attached hereto and incorporated into the Minutes as referenced.

She then asked if the Committee would feel comfortable acting on this bill. The Chair recognized Mr. Furse who stated that he had visited with the Secretary after the meeting and referred them to the bill, page 4, lines 12 and 13, where it says "the board may provide our rules and regs that licenses issued or renewed may expire less than two years from the date of issuance or renewal," but they don't have authority for them to prorate fees and that they were planning on prorating fees, so this should be added after renewal if this was the case (and for the proration of license fees accordingly).

Senator Brungardt made the motion to adopt this amendment shown above suggested by Mr. Furse, seconded by Senator Steineger. The motion carried.

Senator Brungardt made the motion to move it out favorably and Senator Salmans seconded. The motion carried

Adjournment

The Committee adjourned at 2:30 p.m. The next meeting is scheduled for March 18, 2003.

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

GUEST LIST

DATE: Thursday, March 13, 2003

NAME	REPRESENTING
Phyllis St. Amore	BSRB
Jennifer Springer	BSRB
James W. Ray	BSRB
Penny Barrie	Bed of Optometry
Christina Holden	Bethel College
Emily Classen	Bethel College
Heather Fischer	Bethel College
Kay Wilson	Bethel College
MARK Goering	Bethel College
Misha Johnson	Bethel College
Sara Flaming	Bethel College
Jared Smith	Bethel College
Rahma C. Njoku	Bethel College
Jabulani Sentuzali	Bethel College
Monica Kade	Bethel College
Nathan Toews	Bethel College
Hope Zirk	Bethel College
GARY Robbins	Ks optometric assn
Dodie Weeks Johnson	K-NASW
Sky Westerland	KNASW

**SENATE TESTIMONY
PUBLIC HEALTH AND WELFARE
MARCH 13, 2003**

HB2234

Madam Chair 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.

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

Senate Public Health & Welfare Committee
Date: March 13, 2003
Attachment 1-1

SENATE COMMITTEE TESTIMONY
MARCH 13, 2003
HB 2234

Madam Chairperson 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. A national problem in many professional licensure fields is the issue of mobility from one state to another. As such, 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 some cases qualified applicants, in our judgment, cannot be licensed in Kansas.

In addition, the standards for licensure in all states have changed over the course of time. As a result, a person trained 10, 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.

Indeed, we do not require current BSRB licensees to reapply for licensure whenever there is a change in the regulations. Our own experience as board members and practicing mental health professionals is that post-degree experience is essential for improving upon one's entry level competency. This notion of post licensure professional experience is a guiding concept in the proposed statute.

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

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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, national licensing examinations, and continuing education.

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
Senate Public Health and Welfare Committee
Thursday, March 13, 2003

Good afternoon. My name is Sky Westerlund. I am the Executive Director of 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.

In recent weeks, KNASW has been working with the BSRB to address our concerns with the original language of HB 2234, as it impacted social work licensure standards. **Working together, KNASW and BSRB have been successful in reaching agreement on a proposed amendment to HB 2234.** That is attached to this testimony.

This amendment addresses our mutual desire to remove unnecessary barriers for licensed clinical social workers moving from other states and seeking clinical licensure in Kansas. Most importantly, it addresses current barriers, without lowering social work licensure standards that are designed to assure public protection in this area.

With the inclusion of our proposed amendment, KNASW stands in full support of HB 2234.

Thank you for your consideration.

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Attachment 3-1

Proposed K-NASW language for HB 2234

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

- (1) The standards for licensure to practice as a clinical social worker in the other jurisdiction are substantially equivalent to the requirements of this state; or
- (2) The applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) A master's degree or a doctor's degree from an accredited graduate social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board; and

(B) Has passed the national clinical examination approved by the board of the jurisdiction in which the licensee holds the clinical license and continuous licensure to practice as a clinical social worker during the five years immediately preceding the application or, in the absence of the national examination, continuous licensure to practice as a clinical social worker during the ten years immediately preceding the application; and

(C) The absence of disciplinary actions of a serious nature brought by the licensing board; and,

(D) Three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders.



To: Senator Susan Wagle, Chairperson, Public Health and Welfare Committee

From: Penny Bowie, Executive Officer

Date: March 12, 2003

Subject: HB 2169 Committee Questions

This memo is in response to the questions raised at the Committee Hearing for the Board of Examiners in Optometry on March 12, 2003.

1. *Will optometrists be able to provide charitable services with an inactive license?*

It is the position of the Board of Examiners in Optometry that the required continuing education credits are necessary to maintain and improve skills for practicing, and that those with an inactive license should not be allowed to provide optometric services without continuing education. An exception to this is vision screening.

2. *Would biennial renewal based upon birth date rather than the May 31st deadline be an efficiency for the agency?*

Although renewal upon birth date is an excellent strategy for many agencies, it would be less so for the Board of Optometry which is a one staff office. There are several "seasons" for the agency which create the bulk of the office work at that time, e.g. year-end accounting, preparing the budget, preparing for the annual licensing exam. Managing renewal in May does not conflict with other major undertakings, but managing licensing year round could conflict with other deadlines.

I would be pleased to answer any other questions you might have about the proposed budget for the Board of Examiners in Optometry. I can be reached at the numbers or address below.

Email: kssbeo@terraworld.net

Telephone: 785-832-9986

Fax: 785-832-9986 *51

Senate Public Health & Welfare Committee
Date: March 12, 2003
Attachment 4/1