

MINUTES OF THE HOUSE GOVERNMENT EFFICIENCY AND TECHNOLOGY COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 3:30 P.M. on February 14, 2008, in Room 526-S of the Capitol.

All members were present except: Representatives Ruiz, Trimmer, Wilk, King, Mah, Tafanelli, Holland, Johnson, and Kelley, all of whom were excused.

Committee staff present:

Mary Galligan, Kansas Legislative Research Department
Jennifer Thierer, Kansas Legislative Research Department
Renae Jefferies, Office of Revisor of Statutes
Rose Marie Glatt, Acting Committee Assistant

Conferees appearing before the committee:

Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board

The Chairman reminded the committee that the meeting is being broadcast on the Internet. He encouraged members to make attendance paramount, since the Committee has important issues to deal with in the next few weeks. He mentioned three of these issues:

- Bringing back an oversight mechanism regarding state agencies;
- Updates on two federal investigations regarding fraud and waste; and
- Consideration of projects by the Department of Social and Rehabilitation Services.

Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board, gave an overview of the work of the Board ([Attachment 1](#)). She said the Board was formed in 1980 by combining the Board of Psychology Examiners and the Social Work Examiners Board, and was later expanded to include registration of:

- Professional counselors and Master's level psychologists (1987);
- Marriage and family therapists (1991);
- Alcohol and drug abuse counselors (1992).

In 1997 the registration of professional counselors, Master's level psychologists, and marriage and family therapists was changed to licensure; at the same time the Board membership was increased to 11 members, who may serve up to two four-year terms. In 1999 a clinical level of licensure was created for professional counselors, Master's level psychologists, and marriage and family therapists.

Ms. Gilmore explained that the Board has six Advisory Committees, one for each profession; committee members make recommendations relating to regulations, licensure, and disciplinary actions. She commented that currently there are 8943 active licenses, 271 of which are temporary licenses. She stated that complaints must be submitted in writing using a Board complaint form, which includes a release-of-information. The complaint is assigned a number, is reviewed by the investigator or by the Executive Director to determine if a violation may have occurred, and, if so, the complaint is sent to the Complaint Review Committee, which

CONTINUATION SHEET

MINUTES OF THE House Government Efficiency and Technology Committee at 3:30 P.M. on February 14, 2008 in Room 526-S of the Capitol.

includes the Attorney General's Office and the special investigator. The licensee is notified of the complaint and asked to respond; a member of the Complaint Review Committee serves as a consultant for the investigator. The results of the investigation are presented to the Complaint Review Committee, which, if the facts indicate a violation, can issue a cautionary letter, propose a consent agreement, propose an adjudicative hearing, or refer the case to the County or District Attorney for prosecution. The Board can revoke, suspend, limit, condition, refuse to issue, or refuse to renew a license; it can also assess penalties not to exceed \$1000.00. She noted that in FY 2007 the Board received 108 complaints, with 88 of the cases still open on December 31, 2007.

Mr. Gilmore responded to members' questions:

- A professional counselor must have a degree in counseling.
- School counselors are not required to be licensed, but many are. Social workers must be licensed to work in a school.
- There are five cases still pending from CY 2007. A software program tracks the progress of investigations.
- If an applicant lacks certain degrees, has not passed the national test, or lacks other qualifications, the person is denied licensure. Giving a psychological test to applicants might violate constitutional parameters.

The meeting was adjourned at 4:35 p.m. The next meeting is scheduled for Monday, February 18, 2008.

Behavioral Sciences
Regulatory Board



Attachment 1
HGET 2-14-08

History of the Board

The 1980 Legislature created the Behavioral Sciences Regulatory Board, combining the Board of Psychology Examiners and the Social Work Examiners Board.

In 1987 the board's jurisdiction was expanded to include the registration of:

- Professional counselors
- Masters level psychologists

In 1991 the board's jurisdiction was again expanded to include the registration of marriage and family therapists.

In 1992 it was further expanded to include the registration of alcohol and other drug abuse counselors.

In 1997 the Kansas Legislature converted registration to licensure for the following professions:

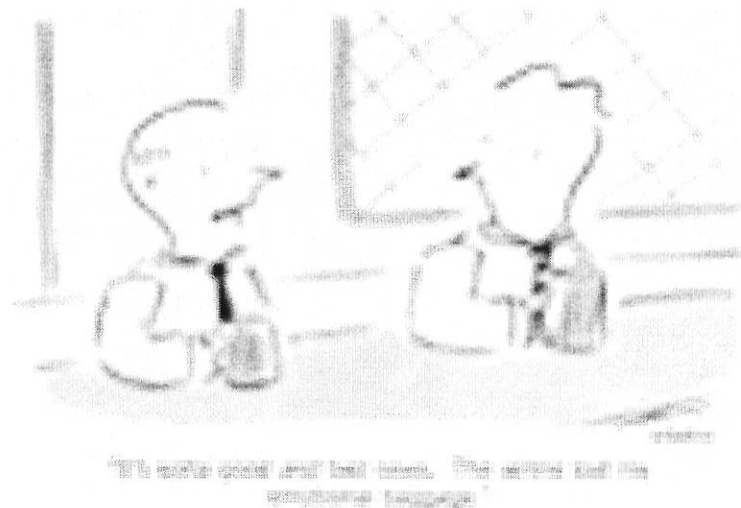
- Professional counselors
- Master's level psychologists
- Marriage and family therapists

At the time the legislature added three new levels of licensure, the board was increased in size from 7 to 11 members by adding:

- 1 member from each of the 3 new licensure groups
- 1 public member

The 1999 Legislature created a clinical level of licensure for the following three professions:

- Professional Counselors
- Masters Level Psychologists
- Marriage and Family Therapists



'It's sorta good news and bad news. The airline lost my emotional baggage.'

Our Mission

The mission of the BSRB, in accordance with the intent of the Kansas Legislature, is *to protect and serve the consumers of services offered by BSRB licensees, through the issuance of licenses, resolution of complaints and the creation of appropriate regulations, accomplished through efficiency, fairness and respect to all those involved.*

Our Philosophy

In accordance with Kansas Statutes and Regulations the agency will:

- Ensure standards are applied uniformly to all applicants and credentialed professionals

- Act in accordance with the highest standards of ethics, accountability, efficiency and openness
- Ensure the regulated professionals and the public are treated in a respectful, helpful and nondiscriminatory manner

The Board

All Board members are appointed by the Governor to serve a four-year term and may be re-appointed for a second term, allowing service on the Board for a maximum of eight consecutive years.

Members of the Board

*Robert Eades,
Public Member, Wichita*

*Jean Hogan,
Social Work Member, Wichita*

*Kathy Hubka,
Public Member, Wichita*

*Wesley Jones, Ph.D.,
Marriage and Family Therapy, Emporia*

*Amory Lovin,
Public Member, Kansas City*

*Richard Maxfield, Ph.D.,
Psychology Member, Topeka*

*Ronald McNish, Ph.D.,
Psychology Member, Mission*

*Jody Patterson,
Masters Level Psychology Member, Wichita*

*Gary Price, Ph.D.,
Professional Counseling Member, Lawrence*

Lori Senne,

Public Member, Topeka

Sharon Stuewe,

Social Work Member, Topeka

Advisory Committees

The Board has six Advisory Committees, one for each of our professions.

A BSRB Advisory Committee, as a creation of the Board, has the purpose of advising and supporting the Board in carrying out its mission to protect the public.

- Committee members serve by appointment of the Chair
- Committees make recommendations relating to regulations, licensure and disciplinary actions

Attorney General's Office

Camille Nohe - General Counsel to the Board

Marty Snyder - Litigation Counsel for the Board

Responsibilities of the Board

- Licensure
- Regulation

Administrative Staff

Phyllis Gilmore, Executive Director

Marsha Schrempp, Executive Assistant

Ashley Blake, Receptionist

Licensure

Licensure Staff

Leslie Allen, Credentialing Specialist

*Maryann Peerenboom, New License
Specialist*

Brandy Hartpence, Renewal Specialist

Licensure Statistics

There are currently 8943 active licenses.

- 8,672 are permanent licenses
- 271 are temporary licenses

Number of Applications Received FY-2007

- Psychologist = 74
- Bachelors Level Social Worker = 208
- Masters Level Social Worker = 365
- Specialist Clinical Level Social Worker = 91
- Professional Counselor = 84
- Clinical Professional Counselor = 30

- Masters Level Psychologist = 62
- Clinical Psychotherapist = 7
- Marriage and Family Therapist = 79
- Clinical Marriage and Family
Therapist = 16
- Registered Alcohol and Other Drug Abuse
Counselor = 5

Number of Licenses Issued FY-2007

- Psychologist = 51
- Bachelors Level Social Worker = 188
- Masters Level Social Worker = 283
- Specialist Clinical Level Social Worker = 80
- Professional Counselor = 67
- Clinical Professional Counselor = 36

- Masters Level Psychologist = 23
- Clinical Psychotherapist = 7
- Marriage and Family Therapist = 61
- Clinical Marriage and Family
Therapist = 17
- Registered Alcohol and Other Drug Abuse
Counselor = 5

Number of Temporary Licenses Issued FY-07

- Psychologist = 18
- Bachelors Level Social Worker = 41
- Masters Level Social Worker = 66
- Professional Counselor = 18
- Masters Level Psychologist = 47
- Marriage and Family Therapist = 46

Regulatory Procedure

Regulatory Staff

Roger Scurlock, Special Investigator II

Bruno Langer, Special Investigator I

Who should file a complaint?

Anyone who believes that a licensee, registrant or applicant of the Board has or is engaging in illegal or unethical activities, which are related to his or her professional responsibilities, is encouraged to file a complaint with the Board.

How does one file a complaint?

All complaints must first be submitted to the Board in writing. Therefore, the first step to filing a complaint is obtaining and completing the **Report of Alleged Violation** form. The RAV form can be obtained by contacting the Board office at (785) 296-3240, or downloaded from the website: www.ksbsrb.org

Does the Board need confidential records to investigate a complaint?

Sometimes.

A Release of Information form is included with the RAV form and must be completed if the complainant is a client or patient of the professional or if the client or patient is a minor. This form authorizes the professional to respond regarding the complaint, which may involve sharing confidential information about the client or patient.

What happens after a complaint is sent to the Board?

When the Behavioral Sciences Regulatory Board receives a Report of Alleged Violation, the report is assigned a unique case number which is used to track the case from that point forward.

Does the Board have jurisdiction?

Next, the Investigator and/or the Executive Director review the complaint and an initial determination is made as to whether to proceed with opening the case for investigation.

This determination is based on:

(1.) The complaint pertains to one of the professionals regulated by the Board and

(2.) The complaint alleges facts constituting violations of the rules, regulations, and/or Statutes governing the practice of the professional on whom the report is being filed

A Complaint Review Committee Member or the full committee will be consulted if jurisdiction is questionable.

Complaints not meeting both criteria are generally dismissed.

The Complaint Review Committee

The Complaint Review Committee is composed of five Board members:

- 1 Psychologist
- 1 Social Worker
- 1 From the 3 remaining professions
- 2 Public Members

and three advisory members:

- The Executive Director
- Attorney General Litigation Counsel
- The Special Investigator

If the determination is made to proceed with the investigation, the case is docketed.

(1.) The licensee is notified of the allegations and is asked to respond

(2.) A Complaint Review Committee Member serves as a professional consultant to the investigator and assists in making recommendation as to how to proceed with the investigation

The investigation process may consist of:

- Interviewing the complainant, licensee and any witnesses
- Gathering mental health records and other various documents
- Writing narrative reports

The length of the investigation varies depending on the complexity of the case.

What happens after the investigation is complete?

The Results of the investigation are presented to the Complaint Review Committee.

The Complaint Review Committee usually makes one of three decisions:

- The facts do not support a violation
- The facts do support a violation
- The committee does not have sufficient evidence to make a decision

- If the facts do not support a violation, the committee usually dismisses the case without further action. It can issue a letter of guidance
- If the facts do support a violation, the committee can issue a cautionary letter for a non-disciplinary closure, propose a Consent Agreement and Order, propose an adjudicative hearing
- The case is returned to the investigator for follow up if the committee does not have sufficient evidence

The Committee can also recommend the case be forwarded to the County or District Attorney of jurisdiction for prosecution.

What are some examples of prohibited acts?

- Practicing without a license
- Falsifying continuing education requirements

Some common examples of violations

- Failing to report child or elder abuse in a reasonable length of time
- Making sexual advances toward or engaging in physical intimacies with any client

- Revealing a confidence or secret of any client
- Making a false statement in connection with any application
- Refusing to cooperate with a Board investigation

Sanctions Available

The Board has statutory authority to revoke, suspend, limit, condition, refuse to issue, or refuse to renew a license. It can also assess an administrative penalty in an amount not to exceed \$1,000.00, assess costs not to exceed \$200.00 when the finding is adverse to the licensee, and censure the licensee or registrant in lieu of other disciplinary action.

In addition, the Board can revoke the license or registration when the license or Registration is voluntarily surrendered when An investigation or charges of misconduct are pending or anticipated against the person.

off the mark by Mark Parisi
www.offthemark.com



Reports of Alleged Violations Statistics

In FY 2007 The Board received 108 Reports of Alleged Violations. This is the highest number the Board has received.

In December 2007 the Board received 13 RAV's and closed 7.

As of December 31, 2007 there were 88 open cases.

Open Cases By Profession

Profession	Number Open	Percentage
LP	18	20.45%
LASW	0	0.00%
LBSW	17	19.32%
LMSW	11	12.50%
LSCSW	19	21.59%
LPC	1	1.14%
LCPC	5	5.68%

Profession	Number Open	Percentage
LMLP	2	2.27%
LCP	0	0.00%
LMFT	2	2.27%
LCMFT	3	3.41%
RAODAC	4	4.55%
No License	6	6.82%
<hr/>		
Total	88	100.00%

www.ksbsrb.org

Some features available:

- On-line renewal of license
- On-line verification of license
- Download forms
- Download Statutes and Regulations
- Change of address

- File a complaint
- Upcoming meeting dates
- Board meeting agendas
- Board meeting minutes
- New information
- Newsletters
- Links to related sites

off the mark by Mark Parisi
www.offthemark.com



AFTER MANY YEARS OF THERAPY,
WALDO FINALLY FINDS HIMSELF.