

SENATE BILL No. 90

By Committee on Public Health and Welfare

2-3

1 AN ACT concerning the behavioral sciences regulatory board; relating to
2 licensure; amending K.S.A. 2010 Supp. 74-7507 and repealing the
3 existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2010 Supp. 74-7507 is hereby amended to read as
7 follows: 74-7507. (a) The behavioral sciences regulatory board shall have
8 the following powers, duties and functions:

9 (1) Recommend to the appropriate district or county attorneys
10 prosecution for violations of this act, the licensure of psychologists act of
11 the state of Kansas, the professional counselors licensure act, K.S.A. 65-
12 6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to
13 74-5374, inclusive, and K.S.A. 2010 Supp. 74-5375, and amendments
14 thereto, the marriage and family therapists licensure act or the alcohol and
15 other drug abuse counselor registration act;

16 (2) compile and publish annually a list of the names and addresses of
17 all persons who are licensed under this act, are licensed under the
18 licensure of psychologists act of the state of Kansas, are licensed under
19 the professional counselors licensure act, are licensed under K.S.A. 65-
20 6301 to 65-6320, inclusive, and amendments thereto, are licensed under
21 K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2010 Supp. 74-5375,
22 and amendments thereto, are licensed under the marriage and family
23 therapists licensure act or are registered under the alcohol and other drug
24 abuse counselor registration act;

25 (3) prescribe the form and contents of examinations required under
26 this act, the licensure of psychologists act of the state of Kansas, the
27 professional counselors licensure act, K.S.A. 65-6301 to 65-6320,
28 inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374,
29 inclusive, and K.S.A. 2010 Supp. 74-5375, and amendments thereto, the
30 marriage and family therapists licensure act or the alcohol and other drug
31 abuse counselor registration act;

32 (4) enter into contracts necessary to administer this act, the licensure
33 of psychologists act of the state of Kansas, the professional counselors
34 licensure act, K.S.A. 65-6301 to 65-6320, inclusive, and amendments
35 thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2010 Supp.
36 74-5375, and amendments thereto, the marriage and family therapists

- 1 licensure act or the alcohol and other drug abuse counselor registration
2 act;
- 3 (5) adopt an official seal;
- 4 (6) adopt and enforce rules and regulations for professional conduct
5 of persons licensed under the licensure of psychologists act of the state of
6 Kansas, licensed under the professional counselors licensure act, licensed
7 under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto,
8 licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2010
9 Supp. 74-5375, and amendments thereto, licensed under the marriage and
10 family therapists licensure act or registered under the alcohol and other
11 drug abuse counselor registration act;
- 12 (7) adopt and enforce rules and regulations establishing
13 requirements for the continuing education of persons licensed under the
14 licensure of psychologists act of the state of Kansas, licensed under the
15 professional counselors licensure act, licensed under K.S.A. 65-6301 to
16 65-6320, inclusive, and amendments thereto, licensed under K.S.A. 74-
17 5361 to 74-5374, inclusive, and K.S.A. 2010 Supp. 74-5375, and
18 amendments thereto, licensed under the marriage and family therapists
19 licensure act or registered under the alcohol and other drug abuse
20 counselor registration act;
- 21 (8) adopt rules and regulations establishing classes of social work
22 specialties which will be recognized for licensure under K.S.A. 65-6301
23 to 65-6318, inclusive, and amendments thereto;
- 24 (9) adopt rules and regulations establishing procedures for
25 examination of candidates for licensure under the licensure of
26 psychologists act of the state of Kansas, for licensure under the
27 professional counselors licensure act, for licensure under K.S.A. 65-6301
28 to 65-6320, inclusive, and amendments thereto, for licensure under
29 K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2010 Supp. 74-5375,
30 and amendments thereto, for licensure under the marriage and family
31 therapists licensure act, for registration under the alcohol and other drug
32 abuse counselor registration act and for issuance of such certificates and
33 such licenses;
- 34 (10) adopt rules and regulations as may be necessary for the
35 administration of this act, the licensure of psychologists act of the state of
36 Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-
37 6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374,
38 inclusive, and K.S.A. 2010 Supp. 74-5375, and amendments thereto, the
39 marriage and family therapists licensure act and the alcohol and other
40 drug abuse counselor registration act and to carry out the purposes
41 thereof;
- 42 (11) appoint an executive director and other employees as provided
43 in K.S.A. 74-7501 and amendments thereto; and

1 (12) exercise such other powers and perform such other functions
2 and duties as may be prescribed by law.

3 (b) The behavioral sciences regulatory board, in addition to any
4 other penalty, may assess an administrative penalty, after notice and an
5 opportunity to be heard, against a licensee or registrant for a violation of
6 any of the provisions of the licensure of psychologists act of the state of
7 Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-
8 6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374,
9 inclusive, and K.S.A. 2010 Supp. 74-5375, and amendments thereto, the
10 marriage and family therapists licensure act or the alcohol and other drug
11 abuse counselor registration act in an amount not to exceed \$1,000. All
12 fines assessed and collected under this section shall be remitted to the
13 state treasurer in accordance with the provisions of K.S.A. 75-4215 and
14 amendments thereto. Upon receipt of each such remittance, the state
15 treasurer shall deposit the entire amount in the state treasury to the credit
16 of the state general fund.

17 (c) If an order of the behavioral sciences regulatory board is adverse
18 to a licensee or registrant of the board, the costs shall be charged to such
19 person as in ordinary civil actions in the district court in an amount not to
20 exceed \$200. The board shall pay any additional costs and, if the board is
21 the unsuccessful party, the costs shall be paid by the board. Witness fees
22 and costs may be taxed in accordance with statutes governing taxation of
23 witness fees and costs in the district court.

24 *(d) The behavioral sciences regulatory board may, after notice and*
25 *an opportunity to be heard, deny, refuse to renew, suspend, revoke,*
26 *condition, limit, qualify or restrict the license of any applicant or any*
27 *person licensed by the behavioral sciences regulatory board, if the*
28 *allegations of abuse, neglect or exploitation have been substantiated*
29 *against a child, adult or resident of a care facility by the secretary of the*
30 *social and rehabilitation services in accordance with the provisions in*
31 *K.S.A. 39-1401 through 39-1443, and amendments thereto.*

32 Sec. 2. K.S.A. 2010 Supp. 74-7507 is hereby repealed.

33 Sec. 3. This act shall take effect and be in force from and after its
34 publication in the statute book.