

As Amended by Senate Committee

Session of 2011

SENATE BILL No. 90

By Committee on Public Health and Welfare

2-3

1 AN ACT concerning the behavioral sciences regulatory board; relating
2 to licensure; amending K.S.A. 2010 Supp. 74-7507 and repealing
3 the 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
7 as follows: 74-7507. (a) The behavioral sciences regulatory board shall
8 have 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
11 of the state of Kansas, the professional counselors licensure act, K.S.A.
12 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A 74-
13 5361 to 74-5374, inclusive, and K.S.A. 2010 Supp. 74-5375, and
14 amendments thereto, the marriage and family therapists licensure act or
15 the alcohol and other drug abuse counselor registration act;

16 (2) compile and publish annually a list of the names and addresses
17 of 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
24 drug 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,
30 the marriage and family therapists licensure act or the alcohol and other
31 drug abuse counselor registration act;

32 (4) enter into contracts necessary to administer this act, the
33 licensure of psychologists act of the state of Kansas, the professional

1 counselors licensure act, K.S.A. 65-6301 to 65-6320, inclusive, and
2 amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A.
3 2010 Supp. 74-5375, and amendments thereto, the marriage and family
4 therapists licensure act or the alcohol and other drug abuse counselor
5 registration act;

6 (5) adopt an official seal;

7 (6) adopt and enforce rules and regulations for professional
8 conduct of persons licensed under the licensure of psychologists act of
9 the state of Kansas, licensed under the professional counselors
10 licensure act, licensed under K.S.A. 65-6301 to 65-6320, inclusive, and
11 amendments thereto, licensed under K.S.A. 74-5361 to 74-5374,
12 inclusive, and K.S.A. 2010 Supp. 74-5375, and amendments thereto,
13 licensed under the marriage and family therapists licensure act or
14 registered under the alcohol and other drug abuse counselor registration
15 act;

16 (7) adopt and enforce rules and regulations establishing
17 requirements for the continuing education of persons licensed under the
18 licensure of psychologists act of the state of Kansas, licensed under the
19 professional counselors licensure act, licensed under K.S.A. 65-6301 to
20 65-6320, inclusive, and amendments thereto, licensed under K.S.A. 74-
21 5361 to 74-5374, inclusive, and K.S.A. 2010 Supp. 74-5375, and
22 amendments thereto, licensed under the marriage and family therapists
23 licensure act or registered under the alcohol and other drug abuse
24 counselor registration act;

25 (8) adopt rules and regulations establishing classes of social work
26 specialties which will be recognized for licensure under K.S.A. 65-
27 6301 to 65-6318, inclusive, and amendments thereto;

28 (9) adopt rules and regulations establishing procedures for
29 examination of candidates for licensure under the licensure of
30 psychologists act of the state of Kansas, for licensure under the
31 professional counselors licensure act, for licensure under K.S.A. 65-
32 6301 to 65-6320, inclusive, and amendments thereto, for licensure
33 under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2010 Supp.
34 74-5375, and amendments thereto, for licensure under the marriage and
35 family therapists licensure act, for registration under the alcohol and
36 other drug abuse counselor registration act and for issuance of such
37 certificates and such licenses;

38 (10) adopt rules and regulations as may be necessary for the
39 administration of this act, the licensure of psychologists act of the state

1 of Kansas, the professional counselors licensure act, K.S.A. 65-6301 to
2 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-
3 5374, inclusive, and K.S.A. 2010 Supp. 74-5375, and amendments
4 thereto, the marriage and family therapists licensure act and the alcohol
5 and other drug abuse counselor registration act and to carry out the
6 purposes thereof;

7 (11) appoint an executive director and other employees as
8 provided in K.S.A. 74-7501 and amendments thereto; and

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

11 (b) The behavioral sciences regulatory board, in addition to any
12 other penalty, may assess an administrative penalty, after notice and an
13 opportunity to be heard, against a licensee or registrant for a violation
14 of any of the provisions of the licensure of psychologists act of the state
15 of Kansas, the professional counselors licensure act, K.S.A. 65-6301 to
16 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-
17 5374, inclusive, and K.S.A. 2010 Supp. 74-5375, and amendments
18 thereto, the marriage and family therapists licensure act or the alcohol
19 and other drug abuse counselor registration act in an amount not to
20 exceed \$1,000. All fines assessed and collected under this section shall
21 be remitted to the state treasurer in accordance with the provisions of
22 K.S.A. 75-4215 and amendments thereto. Upon receipt of each such
23 remittance, the state treasurer shall deposit the entire amount in the
24 state treasury to the credit of the state general fund.

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

33 (d) *The behavioral sciences regulatory board may, after notice and*
34 *an opportunity to be heard, deny, refuse to renew, suspend, revoke,*
35 *condition, limit, qualify or restrict the license of any applicant or any*
36 *person licensed by the behavioral sciences regulatory board, if: (1) The*
37 *allegations of abuse, neglect or exploitation have been substantiated*
38 *against a child, adult or resident of a care facility by the secretary of*
39 *the social and rehabilitation services, **secretary on aging or secretary***

1 *of health and environment in accordance with the provisions in K.S.A.*
2 *38-2223 through 38-2230 and 39-1401 through 39-1443, and*
3 *amendments thereto;*

4 ***(2) the administrative appeal process has been exhausted; and***

5 ***(3) the determination of substantiation has become final.***

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

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