

**SENATE BILL No. 449**

By Committee on Public Health and Welfare

2-11

1 AN ACT concerning the behavioral sciences regulatory board; amending  
2 K.S.A. 65-5806, 65-5808, 65-6314, 65-6407, 65-6408, 65-6411, 74-  
3 5311, 74-5318, 74-5361, 74-5362, 74-5363, 74-5365 and 74-5370 and  
4 K.S.A. 2015 Supp. 65-5807, 65-5809, 65-6309, 65-6311, 65-6313, 65-  
5 6405, 65-6406, 65-6607, 65-6608, 65-6609, 65-6610, 65-6611, 65-  
6 6612, 65-6613, 65-6614, 65-6615, 65-6616, 65-6617, 65-6618, 65-  
7 6620, 74-5310, 74-5315, 74-5316, 74-5324, 74-5367, 74-5369, 74-  
8 5375, 74-5376, 74-7507 and 74-7508 and repealing the existing  
9 sections; also repealing K.S.A. 74-5319, 74-5320, 74-5321, 74-5325,  
10 74-5326, 74-5327, 74-5328, 74-5332, 74-5333, 74-5334, 74-5336 and  
11 74-5338 and K.S.A. 2015 Supp. 65-5815, 65-6412, 65-6619 and 74-  
12 5337.

13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 New Section 1. (a) As part of an original application for or  
16 reinstatement of any license, registration, permit or certificate or in  
17 connection with any investigation of any holder of a license, registration,  
18 permit or certificate, the behavioral sciences regulatory board may require  
19 a person to be fingerprinted and submit to a state and national criminal  
20 history record check. The fingerprints shall be used to identify the person  
21 and to determine whether the person has a record of criminal history in this  
22 state or another jurisdiction. The behavioral sciences regulatory board is  
23 authorized to submit the fingerprints to the Kansas bureau of investigation  
24 and the federal bureau of investigation for a state and national criminal  
25 history record check. The behavioral sciences regulatory board may use  
26 the information obtained from fingerprinting and the criminal history for  
27 purposes of verifying the identification of the person and in the official  
28 determination of the qualifications and fitness of the person to be issued or  
29 to maintain a license, registration, permit or certificate.

30 (b) Local and state law enforcement officers and agencies shall assist  
31 the behavioral sciences regulatory board in the taking and processing of  
32 fingerprints of applicants for and holders of any license, registration,  
33 permit or certificate and shall release all records of adult convictions and  
34 nonconvictions and adult convictions or adjudications of another state or  
35 country to the behavioral sciences regulatory board.

36 (c) The behavioral sciences regulatory board may fix and collect a fee

1 as may be required by the board in an amount equal to the cost of  
2 fingerprinting and the criminal history record check. Any moneys  
3 collected under this subsection shall be deposited in the state treasury and  
4 credited to the behavioral sciences regulatory board fee fund. The  
5 behavioral sciences regulatory board shall remit all moneys received by or  
6 for it from fees, charges or penalties to the state treasurer in accordance  
7 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon  
8 receipt of each such remittance, the state treasurer shall deposit the entire  
9 amount in the state treasury to the credit of the behavioral sciences  
10 regulatory board fee fund.

11 Sec. 2. K.S.A. 65-5806 is hereby amended to read as follows: 65-  
12 5806. (a) An applicant who meets the requirements for licensure pursuant  
13 to this act, has paid the license fee provided for by K.S.A. 65-5808, and  
14 amendments thereto, and has otherwise complied with the provisions of  
15 this act shall be licensed by the board.

16 (b) Licenses issued pursuant to this act shall expire 24 months from  
17 the date of issuance unless revoked prior to that time. A license may be  
18 renewed upon application and payment of the fee provided for by K.S.A.  
19 65-5808, and amendments thereto. The application for renewal shall be  
20 accompanied by evidence satisfactory to the board that the applicant has  
21 completed during the previous 24 months the continuing education  
22 required by rules and regulations of the board. As part of such continuing  
23 education, a licensee shall complete not less than six continuing education  
24 hours relating to diagnosis and treatment of mental disorders and not less  
25 than three continuing education hours of professional ethics.

26 (c) A person whose license has been suspended or revoked may make  
27 written application to the board requesting reinstatement of the license  
28 upon termination of the period of suspension or revocation in a manner  
29 prescribed by the board, which application shall be accompanied by the  
30 fee provided for by K.S.A. 65-5808, and amendments thereto.

31 (d) *Within 30 days after any change of permanent address, a licensee*  
32 *shall notify the board of such change.*

33 Sec. 3. K.S.A. 2015 Supp. 65-5807 is hereby amended to read as  
34 follows: 65-5807. (a) The board may issue a license to an individual who  
35 is currently registered, certified or licensed to practice professional  
36 counseling in another jurisdiction if the board determines that:

37 (1) The standards for registration, certification or licensure to practice  
38 professional counseling in the other jurisdiction are substantially  
39 equivalent to the requirements of this state; or

40 (2) the applicant demonstrates on forms provided by the board  
41 compliance with the following standards as adopted by the board:

42 (A) ~~Continuous~~—Registration, certification or licensure to practice  
43 professional counseling ~~during the five years for at least 60 of the last 66~~

1 *months* immediately preceding the application with at least the minimum  
2 professional experience as established by rules and regulations of the  
3 board;

4 (B) the absence of disciplinary actions of a serious nature brought by  
5 a registration, certification or licensing board or agency; and

6 (C) a ~~masters~~ *master's* degree in counseling from a regionally  
7 accredited university or college.

8 (b) Applicants for licensure as a clinical professional counselor shall  
9 additionally demonstrate competence to diagnose and treat mental  
10 disorders through meeting the requirements of either ~~paragraph (1) or (2)~~  
11 ~~of~~ subsection (a)(1) or (a)(2) and at least two of the following areas  
12 acceptable to the board:

13 (1) Either graduate coursework as established by rules and  
14 regulations of the board or passing a national clinical examination  
15 approved by the board;

16 (2) three years of clinical practice with demonstrated experience in  
17 diagnosing or treating mental disorders; or

18 (3) attestation from a professional licensed to diagnose and treat  
19 mental disorders in independent practice or licensed to practice medicine  
20 and surgery stating that the applicant is competent to diagnose and treat  
21 mental disorders.

22 (c) An applicant for a license under this section shall pay an  
23 application fee established by the board under K.S.A. 65-5808, and  
24 amendments thereto, *if required by the board.*

25 Sec. 4. K.S.A. 65-5808 is hereby amended to read as follows: 65-  
26 5808. (a) The board ~~shall~~ *may* fix ~~by rules and regulations~~ the following  
27 fees, *and any such fees shall be established by rules and regulations*  
28 *adopted by the board:*

29 (1) For application for licensure *as a professional counselor*, not more  
30 than \$100;

31 (2) for an original license *as a professional counselor*, not more than  
32 \$175;

33 (3) for ~~examination~~ *a temporary license as a professional counselor*,  
34 not more than \$175;

35 (4) for renewal ~~of a license~~ *for licensure as a professional counselor*,  
36 not more than \$150;

37 (5) ~~for reinstatement of a license~~, not more than \$175;

38 ~~(6) for replacement of a license~~, not more than \$20;

39 ~~(7)~~ for application for licensure as a clinical professional counselor,  
40 not more than \$175;

41 ~~(6)~~ *for licensure as a clinical professional counselor*, not more than  
42 \$175;

43 ~~(8)~~ (7) for renewal for licensure as a clinical professional counselor,

1 not more than \$175;

2 ~~(9) (8) for late renewal penalty, an amount equal to the fee for~~  
3 ~~renewal of a license; and~~

4 ~~(10) for exchange of a license in lieu of registration pursuant to~~  
5 ~~subsection (b) of K.S.A. 65-5811 and amendments thereto, not to exceed~~  
6 ~~\$150~~

7 ~~(9) for reinstatement of a license, not more than \$175;~~

8 ~~(10) for replacement of a license, not more than \$20; and~~

9 ~~(11) for a wallet card license, not more than \$5.~~

10 (b) Fees paid to the board are not refundable.

11 Sec. 5. K.S.A. 2015 Supp. 65-5809 is hereby amended to read as  
12 follows: 65-5809. (a) The board may refuse to issue, suspend, limit, refuse  
13 to renew, condition or revoke any license granted under the professional  
14 counselors licensure act for any of the following reasons:

15 ~~(a) Use of drugs or alcohol, or both, to an extent that impairs the~~  
16 ~~individual's ability to engage in the practice of professional counseling;~~

17 ~~(b) the individual has been convicted of a felony and, after~~  
18 ~~investigation, the board finds that the individual has not been sufficiently~~  
19 ~~rehabilitated to merit the public trust;~~

20 ~~(c) use of fraud, deception, misrepresentation or bribery in securing~~  
21 ~~any license issued pursuant to the provisions of the professional counselors~~  
22 ~~licensure act or in obtaining permission to take any examination given or~~  
23 ~~required pursuant to the provisions of the professional counselors licensure~~  
24 ~~act;~~

25 ~~(d) obtaining or attempting to obtain any fee, charge, tuition or other~~  
26 ~~compensation by fraud, deception or misrepresentation;~~

27 ~~(e) incompetence, misconduct, fraud, misrepresentation or dishonesty~~  
28 ~~in the performance of the functions or duties of a professional counselor or~~  
29 ~~clinical professional counselor;~~

30 ~~(f) violation of, or assisting or enabling any individual to violate, any~~  
31 ~~provision of the professional counselors licensure act or any rule and~~  
32 ~~regulation adopted under such act;~~

33 ~~(g) impersonation of any individual holding a license or allowing any~~  
34 ~~individual to use a license or diploma from any school of a person licensed~~  
35 ~~under the professional counselors licensure act or a diploma from any~~  
36 ~~school of an applicant for licensure under the professional counselors~~  
37 ~~licensure act;~~

38 ~~(h) revocation or suspension of a license or other authorization to~~  
39 ~~practice counseling granted by another state, territory, federal agency or~~  
40 ~~country upon grounds for which revocation or suspension is authorized by~~  
41 ~~the professional counselors licensure act;~~

42 ~~(i) the individual is mentally ill or physically disabled to an extent~~  
43 ~~that impairs the individual's ability to engage in the practice of~~

1 professional counseling;

2 ~~(j) assisting or enabling any person to hold oneself out to the public~~  
3 ~~or offer to hold oneself out to the public as a licensed professional~~  
4 ~~counselor or a licensed clinical professional counselor who is not licensed~~  
5 ~~under the provisions of the professional counselors licensure act;~~

6 ~~(k) the issuance of the license was based upon a material mistake of~~  
7 ~~fact;~~

8 ~~(l) violation of any professional trust or confidence;~~

9 ~~(m) use of any advertisement or solicitation which is false,~~  
10 ~~misleading or deceptive to the general public or persons to whom the~~  
11 ~~advertisement or solicitation is primarily directed;~~

12 ~~(n) unprofessional conduct as defined by rules and regulations~~  
13 ~~adopted by the board; or~~

14 ~~(o) the licensee renew or reinstate a license, may condition, limit,~~  
15 ~~revoke or suspend a license, may publicly or privately censure a licensee~~  
16 ~~or may impose a fine not to exceed \$1,000 per violation upon a finding~~  
17 ~~that a licensee or an applicant for licensure:~~

18 *(1) Is incompetent to practice professional counseling, which means:*

19 *(A) One or more instances involving failure to adhere to the*  
20 *applicable standard of care to a degree that constitutes gross negligence,*  
21 *as determined by the board;*

22 *(B) repeated instances involving failure to adhere to the applicable*  
23 *standard of care to a degree that constitutes ordinary negligence, as*  
24 *determined by the board; or*

25 *(C) a pattern of practice or other behavior that demonstrates a*  
26 *manifest incapacity or incompetence to practice professional counseling;*

27 *(2) has been convicted of a felony offense and has not demonstrated*  
28 *to the board's satisfaction that such person has been sufficiently*  
29 *rehabilitated to merit the public trust;*

30 *(3) has been convicted of a misdemeanor against persons and has not*  
31 *demonstrated to the board's satisfaction that such person has been*  
32 *sufficiently rehabilitated to merit the public trust;*

33 *(4) is currently listed on a child abuse registry or an adult protective*  
34 *services registry as the result of a substantiated finding of abuse or neglect*  
35 *by any state agency, agency of another state or the United States, territory*  
36 *of the United States or another country and the applicant or licensee has*  
37 *not demonstrated to the board's satisfaction that such person has been*  
38 *sufficiently rehabilitated to merit the public trust;*

39 *(5) has violated a provision of the professional counselors licensure*  
40 *act or one or more rules and regulations of the board;*

41 *(6) has obtained or attempted to obtain a license or license renewal*  
42 *by bribery or fraudulent representation;*

43 *(7) has knowingly made a false statement on a form required by the*

1 board for a license or license renewal;

2 (8) has failed to obtain continuing education credits as required by  
3 rules and regulations adopted by the board;

4 (9) has been found to have engaged in unprofessional conduct as  
5 defined by applicable rules and regulations adopted by the board; or

6 (10) has had a registration, license or certificate as a professional  
7 counselor revoked, suspended or limited, or has had other disciplinary  
8 action taken, or an application for a registration, license or certificate  
9 denied, by the proper regulatory authority of another state, territory,  
10 District of Columbia, or other country, a certified copy of the record of the  
11 action of the other jurisdiction being conclusive evidence thereof.

12 (b) *Administrative proceedings and disciplinary actions regarding*  
13 *licensure under the professional counselors licensure act shall be*  
14 *conducted in accordance with the Kansas administrative procedure act.*  
15 *Judicial review and civil enforcement of agency actions under the*  
16 *professional counselors licensure act shall be in accordance with the*  
17 *Kansas judicial review act.*

18 New Sec. 6. On and after July 1, 2017, all licensees providing  
19 postgraduate clinical supervision for those working toward clinical  
20 licensure must be board-approved clinical supervisors.

21 (a) Applications for a board-approved clinical supervisor shall be  
22 made to the board on a form and in the manner prescribed by the board.  
23 Each application shall be accompanied by the fee fixed under K.S.A. 65-  
24 5808, and amendments thereto.

25 (b) Each applicant for board-approved clinical supervisor shall  
26 furnish evidence satisfactory to the board that the applicant:

27 (1) (A) Is currently licensed as a clinical professional counselor and  
28 has practiced as a clinical professional counselor for two years beyond the  
29 supervisor's licensure date; or

30 (B) is a person who is licensed at the graduate level to practice in one  
31 of the behavioral sciences, and whose authorized scope of practice permits  
32 the independent practice of counseling, therapy, or psychotherapy and has  
33 practiced at least two years of clinical practice beyond the date of licensure  
34 at this level;

35 (2) does not have any disciplinary action that would prohibit  
36 providing clinical supervision; and

37 (3) (A) has completed the minimum number of semester hours of  
38 coursework related to the enhancement of supervision skills approved by  
39 the board; or

40 (B) has completed the minimum number of continuing education  
41 hours related to the enhancement of supervision skills approved by the  
42 board.

43 (c) Each board-approved clinical supervisor shall complete, as part of

1 the continuing education required under K.S.A. 65-5806, and amendments  
2 thereto, at least three hours of continuing education related to the  
3 enhancement of supervisory skills, and at least one such hour must focus  
4 on ethics in supervision.

5 Sec. 7. K.S.A. 2015 Supp. 65-6309 is hereby amended to read as  
6 follows: 65-6309. (a) Except as provided in subsections (b) and (c), an  
7 applicant shall be exempted from the requirement for any examination  
8 provided for herein if:

9 (1) The applicant proves to the board that the applicant is licensed or  
10 registered under the laws of a state or territory of the United States that  
11 imposes substantially the same requirements as this act as determined by  
12 the board; and

13 (2) pursuant to the laws of any such state or territory, the applicant  
14 has taken and passed an examination similar to that for which exemption is  
15 sought, as determined by the board.

16 (b) The board may issue a license to an individual who is currently  
17 licensed to practice social work at the clinical level in another jurisdiction  
18 if the board determines that:

19 (1) The standards for licensure to practice social work at the clinical  
20 level in the other jurisdiction are substantially equivalent to the  
21 requirements of this state for licensure at the clinical level; or

22 (2) the applicant demonstrates on forms provided by the board  
23 compliance with the following standards as adopted by the board:

24 (A) ~~Continuous~~-Licensure to practice social work at the clinical level  
25 ~~during the five years for at least 60 of the last 66 months~~ immediately  
26 preceding the application with at least the minimum professional  
27 experience as established by rules and regulations of the board;

28 (B) the absence of disciplinary actions of a serious nature brought by  
29 a licensing board or agency; and

30 (C) a ~~masters~~ *master's* or doctoral degree in social work from a  
31 regionally accredited university or college and from an accredited graduate  
32 social work program recognized and approved by the board pursuant to  
33 rules and regulations adopted by the board.

34 (c) Applicants for licensure as a clinical specialist social worker shall  
35 additionally demonstrate competence to diagnose and treat mental  
36 disorders through meeting the following requirements:

37 (1) Passing a national clinical examination approved by the board or,  
38 in the absence of the national examination, continuous licensure to practice  
39 as a clinical social worker during the 10 years immediately preceding the  
40 application; and

41 (2) three years of clinical practice with demonstrated experience in  
42 diagnosing or treating mental disorders.

43 (d) An applicant for a license under this section shall pay an

1 application fee established by the board under K.S.A. 65-6314, and  
 2 amendments thereto, *if required by the board.*

3 (e) Upon application, the board shall issue temporary licenses to  
 4 persons who have submitted documentation and met all qualifications for  
 5 licensure under provisions of this act, except passage of the required  
 6 examination, and who have paid the required fee.

7 ~~(f) Such persons shall take the license examination within six months~~  
 8 ~~subsequent to the date of issuance of the temporary license unless there are~~  
 9 ~~extenuating circumstances approved by the board.~~

10 ~~(g)~~—Absent extenuating circumstances approved by the board, a  
 11 temporary license issued by the board shall expire upon the date the board  
 12 issues or denies a license to practice social work or six months after the  
 13 date of issuance of the temporary license. No temporary license will be  
 14 renewed or issued again on any subsequent applications for the same  
 15 license level. The preceding provisions in no way limit the number of  
 16 times an applicant may take the examination.

17 ~~(h)~~ (g) No person may work under a temporary license except under  
 18 the supervision of a licensed social worker.

19 ~~(i)~~ (h) Nothing in this section shall affect any temporary license to  
 20 practice issued under this section prior to the effective date of this act and  
 21 in effect on the effective date of this act. Such temporary license shall be  
 22 subject to the provisions of this section in effect at the time of its issuance  
 23 and shall continue to be effective until the date of expiration of the license  
 24 as provided under this section at the time of issuance of such temporary  
 25 license.

26 ~~(j)~~ (i) Any individual employed by a hospital and working in the area  
 27 of hospital social services to patients of such hospital on July 1, 1974, is  
 28 exempt from the provisions of this act.

29 ~~(k) If an applicant is denied licensure, the board shall provide the~~  
 30 ~~applicant with a written explanation of the denial within 10 days after the~~  
 31 ~~decision of the board, excluding Saturdays, Sundays and legal holidays.~~

32 Sec. 8. K.S.A. 2015 Supp. 65-6311 is hereby amended to read as  
 33 follows: 65-6311. (a) The board may suspend, limit, revoke, condition or  
 34 refuse to issue or renew a license of any social worker upon proof that the  
 35 social worker:

36 (1) Has been convicted of a felony and, after investigation, the board  
 37 finds that the licensee has not been sufficiently rehabilitated to merit the  
 38 public trust;

39 (2) ~~has been found guilty of fraud or deceit in connection with~~  
 40 ~~services rendered as a social worker or in establishing needed~~  
 41 ~~qualifications under this act;~~

42 (3) ~~has knowingly aided or abetted a person, not a licensed social~~  
 43 ~~worker, in representing such person as a licensed social worker in this~~



1 state;

2 ~~(4) has been found guilty of unprofessional conduct as defined by~~  
3 ~~rules established by the board;~~

4 ~~(5) has been found to have engaged in diagnosis as authorized under~~  
5 ~~K.S.A. 65-6319, and amendments thereto, even though not authorized to~~  
6 ~~engage in such diagnosis under K.S.A. 65-6319, and amendments thereto;~~

7 ~~(6) has been found guilty of negligence or wrongful actions in the~~  
8 ~~performance of duties; or~~

9 ~~(7) refuse to issue, renew or reinstate a license, may condition, limit,~~  
10 ~~revoke or suspend a license, may publicly or privately censure a licensee~~  
11 ~~or may impose a fine not to exceed \$1,000 per violation upon a finding~~  
12 ~~that a licensee or an applicant for license:~~

13 ~~(1) Is incompetent to practice social work, which means:~~

14 ~~(A) One or more instances involving failure to adhere to the~~  
15 ~~applicable standard of care to a degree that constitutes gross negligence,~~  
16 ~~as determined by the board;~~

17 ~~(B) repeated instances involving failure to adhere to the applicable~~  
18 ~~standard of care to a degree that constitutes ordinary negligence, as~~  
19 ~~determined by the board; or~~

20 ~~(C) a pattern of practice or other behavior that demonstrates a~~  
21 ~~manifest incapacity or incompetence to practice social work;~~

22 ~~(2) has been convicted of a felony offense and has not demonstrated~~  
23 ~~to the board's satisfaction that such person has been sufficiently~~  
24 ~~rehabilitated to merit the public trust;~~

25 ~~(3) has been convicted of a misdemeanor against persons and has not~~  
26 ~~demonstrated to the board's satisfaction that such person has been~~  
27 ~~sufficiently rehabilitated to merit the public trust;~~

28 ~~(4) is currently listed on a child abuse registry or an adult protective~~  
29 ~~services registry as the result of a substantiated finding of abuse or neglect~~  
30 ~~by any state agency, agency of another state or the United States, territory~~  
31 ~~of the United States or another country and the applicant or licensee has~~  
32 ~~not demonstrated to the board's satisfaction that such person has been~~  
33 ~~sufficiently rehabilitated to merit the public trust;~~

34 ~~(5) has violated a provision of the social workers licensure act or one~~  
35 ~~or more rules and regulations of the board;~~

36 ~~(6) has obtained or attempted to obtain a license or license renewal~~  
37 ~~by bribery or fraudulent representation;~~

38 ~~(7) has knowingly made a false statement on a form required by the~~  
39 ~~board for a license or license renewal;~~

40 ~~(8) has failed to obtain continuing education credits as required by~~  
41 ~~rules and regulations adopted by the board;~~

42 ~~(9) has been found to have engaged in unprofessional conduct as~~  
43 ~~defined by applicable rules and regulations adopted by the board; or~~

1 (10) has had a license, *registration or certificate* to practice social  
2 work revoked, suspended or limited, or has had other disciplinary action  
3 taken, or an application for a license, *registration or certificate* denied, by  
4 the proper ~~licensing~~ *regulatory* authority of another state, territory, District  
5 of Columbia, or other country, a certified copy of the record of the action  
6 of the other jurisdiction being conclusive evidence thereof.

7 ~~(b) Proceedings to consider the suspension, revocation or refusal to~~  
8 ~~renew a license shall be conducted in accordance with the provisions of~~  
9 ~~the Kansas administrative procedure act~~ *Administrative proceedings and*  
10 *disciplinary actions regarding licensure under the social workers*  
11 *licensure act shall be conducted in accordance with the Kansas*  
12 *administrative procedure act. Judicial review and civil enforcement of*  
13 *agency actions under the social workers licensure act shall be in*  
14 *accordance with the Kansas judicial review act.*

15 Sec. 9. K.S.A. 2015 Supp. 65-6313 is hereby amended to read as  
16 follows: 65-6313. (a) All licenses issued shall be effective upon the date  
17 issued and shall expire at the end of 24 months from the date of issuance.

18 (b) (1) Except as otherwise provided in K.S.A. 65-6311, and  
19 amendments thereto, a license may be renewed by the payment of the  
20 renewal fee set forth in K.S.A. 65-6314, and amendments thereto, and the  
21 execution and submission of a signed statement, on a form to be provided  
22 by the board, attesting that the applicant's license has been neither revoked  
23 nor currently suspended and that applicant has met the requirements for  
24 continuing education established by the board including not less than three  
25 continuing education hours of professional ethics.

26 (2) An applicant for renewal of a license as a master social worker or  
27 a specialist clinical social worker, as part of such continuing education,  
28 shall complete not less than six continuing education hours relating to  
29 diagnosis and treatment of mental disorders.

30 ~~(3) On and after January 1, 2011,~~ An applicant for first time licensure  
31 renewal as a baccalaureate social worker, master social worker or  
32 specialist clinical social worker, as part of such continuing education, shall  
33 complete not less than six hours of social worker safety awareness  
34 training. If the applicant for first time licensure renewal has already taken  
35 such training, as part of a previous level of social work licensure renewal,  
36 then the applicant is not required to complete an additional six hours of  
37 social worker safety training.

38 (c) The application for renewal shall be made on or before the date of  
39 the expiration of the license or on or before the date of the termination of  
40 the period of suspension.

41 (d) If the application for renewal, including payment of the required  
42 renewal fee, is not made on or before the date of the expiration of the  
43 license, the license is void, and no license shall be reinstated except upon

1 payment of the required renewal fee established under K.S.A. 65-6314,  
2 and amendments thereto, plus a penalty equal to the renewal fee, and proof  
3 satisfactory to the board of the completion of 40 hours of continuing  
4 education within two years prior to application for reinstatement. Upon  
5 receipt of such payment and proof, the board shall reinstate the license. A  
6 license shall be reinstated under this subsection, upon receipt of such  
7 payment and proof, at any time after the expiration of such license.

8 (e) In case of a lost or destroyed license, and upon satisfactory proof  
9 of the loss or destruction thereof, the board may issue a duplicate license  
10 and shall charge a fee as set forth in K.S.A. 65-6314, and amendments  
11 thereto, for such duplicate license.

12 (f) *Within 30 days after any change of permanent address, a licensee*  
13 *shall notify the board of such change.*

14 Sec. 10. K.S.A. 65-6314 is hereby amended to read as follows: 65-  
15 6314. (a) The following fees ~~shall may~~ be established by the board ~~by rules~~  
16 ~~and regulations~~ in accordance with the following limitations, *and any such*  
17 *fees shall be established by rules and regulations adopted by the board:*

18 (1) Renewal or reinstatement fee for a license as a social work  
19 associate shall be not more than \$150.

20 (2) Application, new license, reinstatement or renewal fee for a  
21 license as a baccalaureate social worker shall be not more than \$150.

22 (3) Application, new license, reinstatement or renewal fee for a  
23 license as master social worker shall be not more than \$150.

24 (4) Application, new license, reinstatement or renewal fee for a  
25 license in a social work specialty shall be not more than \$150.

26 ~~(5) Examination fee for a license as a baccalaureate social worker, for~~  
27 ~~a license as a master social worker or for a license in a social work~~  
28 ~~specialty shall be not more than \$200. If an applicant fails an examination,~~  
29 ~~such applicant may be admitted to subsequent examinations upon payment~~  
30 ~~of an additional fee prescribed by the board of not more than \$200.~~

31 ~~(6) Replacement fee for reissuance of a license certificate due to loss~~  
32 ~~or name change shall be not more than \$20.~~

33 (6) *Replacement fee for reissuance of a wallet card shall be not more*  
34 *than \$5.*

35 (7) Temporary license fee for a baccalaureate social worker, master  
36 social worker or a social work specialty shall be not more than \$50.

37 (8) Application fee for approval as board-approved continuing  
38 education sponsors shall be as follows:

39 (A) Initial application fee for one year provisionally approved  
40 providers shall be not more than \$125;

41 (B) three-year renewal fees for approved providers shall be not more  
42 than \$350; and

43 (C) application fees for single program providers shall be not more

1 than \$50 for each separately offered continuing education activity for  
2 which prior approval is sought.

3 (b) Fees paid to the board are not refundable.

4 New Sec. 11. On and after July 1, 2017, all licensees providing  
5 postgraduate clinical supervision for those working toward clinical  
6 licensure must be board-approved clinical supervisors.

7 (a) Applications for board-approved clinical supervisor shall be made  
8 to the board on a form and in the manner prescribed by the board. Each  
9 application shall be accompanied by the fee fixed under K.S.A. 65-6314,  
10 and amendments thereto.

11 (b) Each applicant for board-approved clinical supervisor shall  
12 furnish evidence satisfactory to the board that the applicant:

13 (1) Is currently licensed as a specialist clinical social worker;

14 (2) has practiced as a specialist clinical social worker for two years  
15 beyond the supervisor's licensure date;

16 (3) does not have any disciplinary action that would prohibit  
17 providing clinical supervision; and

18 (4) (A) has completed the minimum number of semester hours of  
19 coursework related to the enhancement of supervision skills approved by  
20 the board; or

21 (B) has completed the minimum number of continuing education  
22 hours related to the enhancement of supervision skills approved by the  
23 board.

24 (c) Each board-approved clinical supervisor shall complete, as part of  
25 the continuing education required under K.S.A. 65-6313, and amendments  
26 thereto, at least three hours of continuing education related to the  
27 enhancement of supervisory skills, and at least one such hour must focus  
28 on ethics in supervision.

29 New Sec. 12. K.S.A. 65-6301 through 65-6320, section 11, and this  
30 section, and amendments thereto, shall be known and may be cited as the  
31 social workers licensure act.

32 Sec. 13. K.S.A. 2015 Supp. 65-6405 is hereby amended to read as  
33 follows: 65-6405. (a) A person who is waiting to take the examination  
34 required by the board may apply to the board for a temporary license to  
35 practice as a licensed marriage and family therapist by:

36 (1) Paying an application fee of no more than \$150, as established by  
37 the board under K.S.A. 65-6411, and amendments thereto; and

38 (2) meeting the application requirements as stated in ~~subsections (a)~~  
39 ~~(1), (2) and (4) of~~ K.S.A. 65-6404(a)(1), (a)(2) and (a)(4), and  
40 amendments thereto.

41 (b) (1) A temporary license may be issued by the board after the  
42 application has been reviewed and approved by the board and the applicant  
43 has paid the appropriate fee set by the board for issuance of new licenses.

1 (2) Absent extenuating circumstances approved by the board, a  
2 temporary license issued by the board shall expire upon the date the board  
3 issues or denies the person a license to practice marriage and family  
4 therapy or 12 months after the date of issuance of the temporary license.

5 ~~(3) A temporary licensee shall take the license examination within six~~  
6 ~~months subsequent to the date of issuance of the temporary license unless~~  
7 ~~there are extenuating circumstances approved by the board or if the~~  
8 ~~temporary licensee does not take the license examination within six~~  
9 ~~months subsequent to the date of issuance of the temporary license and no~~  
10 ~~extenuating circumstances have been approved by the board, the~~  
11 ~~temporary license will expire after the first six months.~~

12 ~~(4)~~ No temporary license will be renewed or issued again on any  
13 subsequent application for the same license level. The preceding provision  
14 in no way limits the number of times an applicant may take the  
15 examination.

16 (c) A person practicing marriage and family therapy with a temporary  
17 license may not use the title "licensed marriage and family therapist" or the  
18 initials "LMFT" independently. The word "licensed" may be used only  
19 when followed by the words "by temporary license" such as licensed  
20 marriage and family therapist by temporary license, or marriage and  
21 family therapist, temporarily licensed.

22 (d) No person may practice marriage and family therapy under a  
23 temporary license except under the supervision of a person licensed by the  
24 behavioral sciences regulatory board at the independent level.

25 (e) Nothing in this section shall affect any temporary license to  
26 practice issued under this section prior to the effective date of this act and  
27 in effect on the effective date of this act. Such temporary license shall be  
28 subject to the provisions of this section in effect at the time of its issuance  
29 and shall continue to be effective until the date of expiration of the license  
30 as provided under this section at the time of issuance of such temporary  
31 license.

32 Sec. 14. K.S.A. 2015 Supp. 65-6406 is hereby amended to read as  
33 follows: 65-6406. (a) The board may issue a license to an individual who  
34 is currently registered, certified or licensed to practice marriage and family  
35 therapy in another jurisdiction if the board determines that:

36 (1) The standards for registration, certification or licensure to practice  
37 marriage and family therapy in the other jurisdiction are substantially the  
38 equivalent of the requirements of the marriage and family therapists  
39 licensure act and rules and regulations of the board;

40 (2) the applicant demonstrates on forms provided by the board  
41 compliance with the following standards as adopted by the board:

42 (A) ~~Continuous~~ Registration, certification or licensure to practice  
43 marriage and family therapy ~~during the five years for at least 60 of the last~~

1 66 months immediately preceding the application with at least the  
2 minimum professional experience as established by rules and regulations  
3 of the board;

4 (B) the absence of disciplinary actions of a serious nature brought by  
5 a registration, certification or licensing board or agency; and

6 (C) completion of a ~~masters~~ *master's* degree in marriage and family  
7 therapy from a regionally accredited university.

8 (b) Applicants for licensure as a clinical marriage and family therapist  
9 shall additionally demonstrate competence to diagnose and treat mental  
10 disorders through meeting the requirements of either ~~paragraph (1) or (2)~~  
11 ~~of~~ subsection (a)(1) or (a)(2) and at least two of the following areas  
12 acceptable to the board:

13 (1) Either graduate coursework as established by rules and  
14 regulations of the board or passing a national clinical examination  
15 approved by the board;

16 (2) three years of clinical practice with demonstrated experience in  
17 diagnosing or treating mental disorders; or

18 (3) attestation from a professional licensed to diagnose and treat  
19 mental disorders in independent practice or licensed to practice medicine  
20 and surgery stating that the applicant is competent to diagnose and treat  
21 mental disorders.

22 (c) An applicant for a license under this section shall pay an  
23 application fee established by the board under K.S.A. 65-6411, and  
24 amendments thereto, *if required by the board*.

25 Sec. 15. K.S.A. 65-6407 is hereby amended to read as follows: 65-  
26 6407. (a) An applicant who meets the requirements for licensure pursuant  
27 to this act, has paid the license fee provided for by K.S.A. 65-6411, and  
28 amendments thereto, and has otherwise complied with the provisions of  
29 this act shall be licensed by the board.

30 (b) Licenses issued pursuant to this act shall expire 24 months from  
31 the date of issuance unless revoked prior to that time. A license may be  
32 renewed upon application and payment of the fee provided for by K.S.A.  
33 65-6411, and amendments thereto. The application for renewal shall be  
34 accompanied by evidence satisfactory to the board that the applicant has  
35 completed during the previous 24 months the continuing education  
36 required by rules and regulations of the board. As part of such continuing  
37 education, the applicant shall complete not less than six continuing  
38 education hours relating to diagnosis and treatment of mental disorders  
39 and not less than three continuing education hours of professional ethics.

40 (c) A person whose license has been suspended or revoked may make  
41 written application to the board requesting reinstatement of the license  
42 upon termination of the period of suspension or revocation in a manner  
43 prescribed by the board, which application shall be accompanied by the

1 fee provided for by K.S.A. 65-6411, and amendments thereto.

2 (d) *Within 30 days after any change of permanent address, a licensee*  
 3 *shall notify the board of such change.*

4 Sec. 16. K.S.A. 65-6408 is hereby amended to read as follows: 65-  
 5 6408. The board may refuse to grant licensure to, or may suspend, revoke,  
 6 condition, limit, qualify or restrict the licensure of any individual who the  
 7 board, after a hearing, determines issue, renew or reinstate a license, may  
 8 condition, limit, revoke or suspend a license, may publicly or privately  
 9 censure a licensee or may impose a fine not to exceed \$1,000 per violation  
 10 upon a finding that a licensee or an applicant for license:

11 (1) Is incompetent to practice marriage and family therapy, or is  
 12 found to engage in the practice of marriage and family therapy in a manner  
 13 harmful or dangerous to a client or to the public which means:

14 (A) *One or more instances involving failure to adhere to the*  
 15 *applicable standard of care to a degree that constitutes gross negligence,*  
 16 *as determined by the board;*

17 (B) *repeated instances involving failure to adhere to the applicable*  
 18 *standard of care to a degree that constitutes ordinary negligence, as*  
 19 *determined by the board; or*

20 (C) *a pattern of practice or other behavior that demonstrates a*  
 21 *manifest incapacity or incompetence to practice marriage and family*  
 22 *therapy;*

23 (2) ~~is has been convicted by a court of competent jurisdiction of a~~  
 24 ~~crime that the board determines is of a nature to render the convicted~~  
 25 ~~person unfit to practice marriage and family therapy felony offense and~~  
 26 ~~has not demonstrated to the board's satisfaction that such person has been~~  
 27 ~~sufficiently rehabilitated to merit the public trust;~~

28 (3) *has been convicted of a misdemeanor against persons and has not*  
 29 *demonstrated to the board's satisfaction that such person has been*  
 30 *sufficiently rehabilitated to merit the public trust;*

31 (4) *is currently listed on a child abuse registry or an adult protective*  
 32 *services registry as the result of a substantiated finding of abuse or neglect*  
 33 *by any state agency, agency of another state or the United States, territory*  
 34 *of the United States or another country and the applicant or licensee has*  
 35 *not demonstrated to the board's satisfaction that such person has been*  
 36 *sufficiently rehabilitated to merit the public trust;*

37 ~~(5)~~ (5) *has violated a provision of the marriage and family therapists*  
 38 *licensure act or one or more of the rules and regulations of the board;*

39 ~~(4)~~ (6) *has obtained or attempted to obtain a license or license*  
 40 *renewal by bribery or fraudulent representation;*

41 ~~(5)~~ (7) *has knowingly made a false statement on a form required by*  
 42 *the board for license or license renewal;*

43 ~~(6)~~ (8) *has failed to obtain continuing education credits required by*

1 rules and regulations of the board;

2 ~~(7) (9)~~ has been found ~~guilty of~~ *to have engaged in* unprofessional  
3 conduct as defined by *applicable* rules and regulations ~~established~~ *adopted*  
4 by the board; or

5 ~~(8) (10)~~ has had a registration, license or certificate as a marriage and  
6 family therapist revoked, suspended or limited, or has had other  
7 disciplinary action taken, or an application for registration, license or  
8 certificate denied, by the proper regulatory authority of another state,  
9 territory, District of Columbia or another country, a certified copy of the  
10 record of the action of the other jurisdiction being conclusive evidence  
11 thereof.

12 *(b) Administrative proceedings and disciplinary actions regarding*  
13 *licensure under the marriage and family therapists licensure act shall be*  
14 *conducted in accordance with the Kansas administrative procedure act.*  
15 *Judicial review and civil enforcement of agency actions under the*  
16 *marriage and family therapists licensure act shall be in accordance with*  
17 *the Kansas judicial review act.*

18 Sec. 17. K.S.A. 65-6411 is hereby amended to read as follows: 65-  
19 6411. (a) The board ~~shall may fix by rules and regulations and shall collect~~  
20 the following fees, ~~and any such fees shall be established by rules and~~  
21 ~~regulations adopted by the board:~~

22 (1) For application for licensure *as a marriage and family therapist,*  
23 not to exceed \$150;

24 (2) for original licensure *as a marriage and family therapist,* not to  
25 exceed \$175;

26 ~~(3) for examination, not to exceed \$275;~~

27 ~~(4) for renewal of a license for licensure as a marriage and family~~  
28 ~~therapist,~~ not to exceed \$175;

29 ~~(5) (4)~~ for application for licensure as a clinical marriage and family  
30 therapist, not to exceed \$175;

31 ~~(5)~~ *for original licensure as a clinical marriage and family therapist,*  
32 *not to exceed \$175;*

33 (6) for renewal for licensure as a clinical marriage and family  
34 therapist, not to exceed \$175;

35 (7) for reinstatement of a license, not to exceed \$175;

36 (8) for replacement of a license, not to exceed \$20; ~~and~~

37 ~~(9) for late charges, not to exceed \$5 for each 30 days of delay~~  
38 ~~beyond the date the renewal application was to be made~~ *renewal penalty,*  
39 *an amount equal to the renewal of license; and*

40 ~~(10) for a wallet card license, not to exceed \$5.~~

41 (b) Fees paid to the board are not refundable.

42 New Sec. 18. On and after July 1, 2017, all licensees providing  
43 postgraduate clinical supervision for those working toward clinical



1 licensure must be board-approved clinical supervisors.

2 (a) Applications for board-approved clinical supervisor shall be made  
3 to the board on a form and in the manner prescribed by the board. Each  
4 application shall be accompanied by the fee fixed under K.S.A. 65-6411,  
5 and amendments thereto.

6 (b) Each applicant for board-approved clinical supervisor shall  
7 furnish evidence satisfactory to the board that the applicant:

8 (1) (A) Is currently licensed as a clinical marriage and family  
9 therapist and has practiced as a clinical marriage and family therapist for  
10 two years beyond the supervisor's licensure date; or

11 (B) be a person who is licensed at the graduate level to practice in one  
12 of the behavioral sciences, and whose authorized scope of practice permits  
13 the diagnosis and treatment of mental disorders and shall have at least two  
14 years of professional experience in the independent practice of clinical  
15 marriage and family therapy beyond the date of licensure at this level;

16 (2) does not have any disciplinary action that would prohibit  
17 providing clinical supervision; and

18 (3) (A) has completed the minimum number of semester hours of  
19 coursework related to the enhancement of supervision skills approved by  
20 the board; or

21 (B) has completed the minimum number of continuing education  
22 hours related to the enhancement of supervision skills approved by the  
23 board.

24 (c) Each board-approved clinical supervisor shall complete, as part of  
25 the continuing education required under K.S.A. 65-6407, and amendments  
26 thereto, at least three hours of continuing education related to the  
27 enhancement of supervisory skills, and at least one such hour must focus  
28 on ethics in supervision.

29 Sec. 19. K.S.A. 2015 Supp. 65-6607 is hereby amended to read as  
30 follows: 65-6607. K.S.A. 2015 Supp. 65-6607 through 65-6620, and  
31 amendments thereto, shall be known and may be cited as the ~~addictions~~  
32 *addiction* counselor licensure act.

33 Sec. 20. K.S.A. 2015 Supp. 65-6608 is hereby amended to read as  
34 follows: 65-6608. As used in the ~~addictions~~ *addiction* counselor licensure  
35 act:

36 (a) "Board" means the behavioral sciences regulatory board created  
37 under K.S.A. 74-7501, and amendments thereto.

38 (b) "Addiction counseling" means the utilization of special skills to  
39 assist persons with addictions, and to assist such persons' families and  
40 friends to achieve resolution of addiction through the exploration of the  
41 disease and its ramifications, the examination of attitudes and feelings, the  
42 consideration of alternative solutions and decision making, as these relate  
43 specifically to addiction. Evaluation and assessment, treatment including

1 treatment plan development, crisis intervention, referral, record keeping  
2 and clinical consultation specifically related to addiction are within the  
3 scope of addiction counseling. Additionally, at the clinical level of  
4 licensure, addiction counseling includes independent practice and the  
5 diagnosis and treatment of substance use disorders.

6 (c) "Licensed addiction counselor" means a person who engages in  
7 the practice of addiction counseling limited to substance use disorders and  
8 who is licensed under this act. Such person shall engage in the practice of  
9 addiction counseling in a state-licensed or certified alcohol and other drug  
10 treatment program or in completing a Kansas domestic violence offender  
11 assessment for participants in a certified batterer intervention program  
12 pursuant to K.S.A. 2015 Supp. 75-7d01 through 75-7d13, and amendments  
13 thereto, unless otherwise exempt for licensure under ~~subsection (m) of~~  
14 K.S.A. 59-29b46(m), and amendments thereto.

15 (d) *"Licensed master's addiction counselor" means a person who*  
16 *engages in the practice of addiction counseling limited to substance use*  
17 *disorders and who is licensed under this act. Such person may diagnose*  
18 *substance use disorders only under the direction of a licensed clinical*  
19 *addiction counselor, a licensed psychologist, a person licensed to practice*  
20 *medicine and surgery or a person licensed to provide mental health*  
21 *services as an independent practitioner and whose licensure allows for the*  
22 *diagnosis and treatment of substance abuse disorders or mental disorders.*

23 (e) "Licensed clinical addiction counselor" means a person who  
24 engages in the independent practice of addiction counseling and diagnosis  
25 and treatment of substance use disorders specified in the edition of the  
26 American psychiatric association's diagnostic and statistical manual of  
27 mental disorders (DSM) designated by the board by rules and regulations  
28 and is licensed under this act.

29 Sec. 21. K.S.A. 2015 Supp. 65-6609 is hereby amended to read as  
30 follows: 65-6609. (a) ~~On and after September 1, 2011,~~ No person shall  
31 engage in the practice of addiction counseling or represent that such  
32 person is a licensed addiction counselor or is an addiction counselor or a  
33 substance abuse counselor or an alcohol and drug counselor without  
34 having first obtained a license as an addiction counselor under the  
35 ~~additions~~ addiction counselor licensure act.

36 (b) *On and after September 1, 2016, no person shall engage in the*  
37 *practice of addiction counseling or represent that such person is a*  
38 *licensed master's addiction counselor, master's addiction counselor,*  
39 *master's substance abuse counselor or a master's alcohol and drug*  
40 *counselor without having first obtained a license as a master's addiction*  
41 *counselor under the addiction counselor licensure act.*

42 (c) ~~On and after September 1, 2011,~~ No person shall engage in the  
43 practice of addiction counseling as a clinical addiction counselor or

1 represent that such person is a licensed clinical addiction counselor ~~or is~~, a  
2 clinical addiction counselor ~~or~~, a clinical substance abuse counselor or a  
3 clinical alcohol and drug counselor without having first obtained a license  
4 as a clinical addiction counselor under the addiction counselor licensure  
5 act.

6 ~~(e)~~ (d) Violation of this section is a class B misdemeanor.

7 Sec. 22. K.S.A. 2015 Supp. 65-6610 is hereby amended to read as  
8 follows: 65-6610. (a) An applicant for licensure as an addiction counselor  
9 shall furnish evidence that the applicant:

10 (1) Has attained the age of 21; ~~and~~

11 (2) (A) has completed at least a baccalaureate degree from an  
12 addiction counseling program that is part of a college or university  
13 approved by the board; or

14 (B) has completed at least a baccalaureate degree from a college or  
15 university approved by the board ~~in a related field that includes~~. *As part of*  
16 *or in addition to the baccalaureate degree coursework, such applicant*  
17 *shall also complete* a minimum number of semester hours of coursework  
18 on substance use disorders as approved by the board; or

19 ~~(C) has completed at least a baccalaureate degree from a college or~~  
20 ~~university approved by the board in a related field with additional~~  
21 ~~coursework in addiction counseling from a college or university approved~~  
22 ~~by the board, and such degree program and the additional coursework~~  
23 ~~includes a minimum number of semester hours of coursework on~~  
24 ~~substance use disorders as approved by the board; or~~

25 ~~(D)~~ is currently licensed in Kansas as a licensed baccalaureate social  
26 worker and has completed a minimum number of semester hours of  
27 coursework on substance use disorders as approved by the board; ~~or and~~

28 ~~(E)~~ is currently licensed in Kansas as a licensed master social worker,  
29 licensed professional counselor, licensed marriage and family therapist or  
30 licensed masters level psychologist; ~~and~~

31 (3) has passed an examination approved by the board; ~~and~~

32 (4) has satisfied the board that the applicant is a person who merits  
33 the public trust; and

34 (5) ~~each applicant~~ has paid the application fee established by the  
35 board under K.S.A. 2015 Supp. 65-6618, and amendments thereto.

36 (b) *Applications for licensure as a master's addiction counselor shall*  
37 *be made to the board on a form and in the manner prescribed by the*  
38 *board. Each applicant shall furnish evidence satisfactory to the board that*  
39 *the applicant:*

40 (1) (A) *Has attained the age of 21;*

41 (B) (i) *has completed at least a master's degree from an addiction*  
42 *counseling program that is part of a college or university approved by the*  
43 *board;*

1       (ii) *has completed at least a master's degree from a college or*  
2 *university approved by the board. As part of or in addition to the master's*  
3 *degree coursework, such applicant shall also complete a minimum number*  
4 *of semester hours of coursework supporting the diagnosis and treatment of*  
5 *substance use disorders as approved by the board; and*

6       (C) *has passed an examination approved by the board;*

7       (D) *has satisfied the board that the applicant is a person who merits*  
8 *the public trust; and*

9       (E) *has paid the application fee fixed under K.S.A. 2015 Supp. 65-*  
10 *6618, and amendments thereto; or*

11       (2) (A) *has met the following requirements on or before July 1, 2016:*

12       (i) *holds an active license by the board as an addiction counselor;*  
13 *and*

14       (ii) *has completed at least a master's degree in a related field from a*  
15 *college or university approved by the board; and*

16       (B) *has completed six hours of continuing education in the diagnosis*  
17 *and treatment of substance use disorders during the three years*  
18 *immediately preceding the application date.*

19       (c) Applications for licensure as a clinical addiction counselor shall  
20 be made to the board on a form and in the manner prescribed by the board.  
21 Each applicant shall furnish evidence satisfactory to the board that the  
22 applicant:

23       (1) Has attained the age of 21; and

24       (2) (A) (i) *has completed at least a master's degree from an addiction*  
25 *counseling program that is part of a college or university approved by the*  
26 *board; and*

27       (ii) *has completed not less than two years of postgraduate supervised*  
28 *professional experience in accordance with a clinical supervision plan*  
29 *approved by the board of not less than 4,000 hours of supervised*  
30 *professional experience including at least 1,500 hours of direct client*  
31 *contact conducting substance abuse assessments and treatment with*  
32 *individuals, couples, families or groups and not less than 150 hours of*  
33 *clinical supervision, including not less than 50 hours of person-to-person*  
34 *individual supervision, integrating diagnosis and treatment of substance*  
35 *use disorders with use of the diagnostic and statistical manual of mental*  
36 *disorders of the American psychiatric association; or has completed not*  
37 *less than ~~two years~~ one year of postgraduate supervised professional*  
38 *experience in accordance with a clinical supervision plan approved by the*  
39 *board of not less than 2,000 hours of supervised professional experience*  
40 *including at least 750 hours of direct client contact conducting substance*  
41 *abuse assessments and treatment with individuals, couples, families or*  
42 *groups and not less than 75 hours of clinical supervision, including not less*  
43 *than 25 hours of person-to-person individual supervision, integrating*

1 diagnosis and treatment of substance use disorders with use of the  
2 diagnostic and statistical manual of mental disorders of the American  
3 psychiatric association, and such person has a doctoral degree in addiction  
4 counseling or a related field as approved by the board; or

5 (B) (i) has completed *at least* a master's degree from a college or  
6 university approved by the board ~~in a related field that includes~~. *As part of*  
7 *or in addition to the master's degree coursework, such applicant shall also*  
8 *complete* a minimum number of semester hours of coursework supporting  
9 the diagnosis and treatment of substance use disorders as approved by the  
10 board; and

11 (ii) has completed not less than two years of postgraduate supervised  
12 professional experience in accordance with a clinical supervision plan  
13 approved by the board of not less than 4,000 hours of supervised  
14 professional experience including at least 1,500 hours of direct client  
15 contact conducting substance abuse assessments and treatment with  
16 individuals, couples, families or groups and not less than 150 hours of  
17 clinical supervision, including not less than 50 hours of person-to-person  
18 individual supervision, integrating diagnosis and treatment of substance  
19 use disorders with use of the diagnostic and statistical manual of mental  
20 disorders of the American psychiatric association; or has completed not  
21 ~~less than two years~~ *one year* of postgraduate supervised professional  
22 experience in accordance with a clinical supervision plan approved by the  
23 board of not less than 2,000 hours of supervised professional experience  
24 including at least 750 hours of direct client contact conducting substance  
25 abuse assessments and treatment with individuals, couples, families or  
26 groups and not less than 75 hours of clinical supervision, including not less  
27 than 25 hours of person-to-person individual supervision, integrating  
28 diagnosis and treatment of substance use disorders with use of the  
29 diagnostic and statistical manual of mental disorders of the American  
30 psychiatric association, and such person has a doctoral degree in addiction  
31 counseling or a related field as approved by the board; or

32 (C) (i) ~~has completed a master's degree from a college or university~~  
33 ~~approved by the board in a related field with additional coursework in~~  
34 ~~addiction counseling from a college or university approved by the board~~  
35 ~~and such degree program and additional coursework includes a minimum~~  
36 ~~number of semester hours of coursework supporting the diagnosis and~~  
37 ~~treatment of substance use disorders as approved by the board; and~~

38 ~~(ii) has completed not less than two years of postgraduate supervised~~  
39 ~~professional experience in accordance with a clinical supervision plan~~  
40 ~~approved by the board of not less than 4,000 hours of supervised~~  
41 ~~professional experience including at least 1,500 hours of direct client~~  
42 ~~contact conducting substance abuse assessments and treatment with~~  
43 ~~individuals, couples, families or groups and not less than 150 hours of~~

1 clinical supervision, including not less than 50 hours of person-to-person  
2 individual supervision, integrating diagnosis and treatment of substance  
3 use disorders with use of the diagnostic and statistical manual of mental  
4 disorders of the American psychiatric association; or has completed not  
5 less than two years of postgraduate supervised professional experience in  
6 accordance with a clinical supervision plan approved by the board of not  
7 less than 2,000 hours of supervised professional experience including at  
8 least 750 hours of direct client contact conducting substance abuse  
9 assessments and treatment with individuals, couples, families or groups  
10 and not less than 75 hours of clinical supervision, including not less than  
11 25 hours of person-to-person individual supervision, integrating diagnosis  
12 and treatment of substance use disorders with use of the diagnostic and  
13 statistical manual of mental disorders of the American psychiatric  
14 association, and such person has a doctoral degree in addiction counseling  
15 or a related field as approved by the board; or

16 (D) (i) ~~has completed a master's degree in a related field from a~~  
17 college or university approved by the board and is licensed by the board as  
18 a licensed *master's* addiction counselor; and

19 (ii) has completed not less than two years of postgraduate supervised  
20 professional experience in accordance with a clinical supervision plan  
21 approved by the board of not less than 4,000 hours of supervised  
22 professional experience including at least 1,500 hours of direct client  
23 contact conducting substance abuse assessments and treatment with  
24 individuals, couples, families or groups and not less than 150 hours of  
25 clinical supervision, including not less than 50 hours of person-to-person  
26 individual supervision, integrating diagnosis and treatment of substance  
27 use disorders with use of the diagnostic and statistical manual of mental  
28 disorders of the American psychiatric association; or has completed not  
29 less than ~~two years~~ *one year* of postgraduate supervised professional  
30 experience in accordance with a clinical supervision plan approved by the  
31 board of not less than 2,000 hours of supervised professional experience  
32 including at least 750 hours of direct client contact conducting substance  
33 abuse assessments and treatment with individuals, couples, families or  
34 groups and not less than 75 hours of clinical supervision, including not less  
35 than 25 hours of person-to-person individual supervision, integrating  
36 diagnosis and treatment of substance use disorders with use of the  
37 diagnostic and statistical manual of mental disorders of the American  
38 psychiatric association, and such person has a doctoral degree in addiction  
39 counseling or a related field as approved by the board; or

40 (E) is currently licensed in Kansas as a licensed psychologist,  
41 licensed specialist clinical social worker, licensed clinical professional  
42 counselor, licensed clinical psychotherapist or licensed clinical marriage  
43 and family therapist and provides to the board an attestation from a

1 professional licensed to diagnose and treat mental disorders, or substance  
2 use disorders, or both, in independent practice or licensed to practice  
3 medicine and surgery stating that the applicant is competent to diagnose  
4 and treat substance use disorders; and

5 (3) has passed an examination approved by the board; and

6 (4) has satisfied the board that the applicant is a person who merits  
7 the public trust; and

8 (5) has paid the application fee fixed under K.S.A. 2015 Supp. 65-  
9 6618, and amendments thereto.

10 ~~(e)~~ (d) *Prior to July 1, 2017*, a person who was registered by the  
11 behavioral sciences regulatory board as an alcohol and other drug  
12 counselor or credentialed by the Kansas department for aging and  
13 disability services as an alcohol and drug credentialed counselor or  
14 credentialed by the Kansas association of addiction professionals as an  
15 alcohol and other drug abuse counselor in Kansas at any time prior to the  
16 effective date of this act, who was registered in Kansas as an alcohol and  
17 other drug counselor, an alcohol and drug credentialed counselor or a  
18 credentialed alcohol and other drug abuse counselor within three years  
19 prior to the effective date of this act and whose last registration or  
20 credential in Kansas prior to the effective date of this act was not  
21 suspended or revoked, upon application to the board, payment of fees and  
22 completion of applicable continuing education requirements, shall be  
23 licensed as a licensed addiction counselor by providing demonstration  
24 acceptable to the board of competence to perform the duties of an  
25 addiction counselor.

26 ~~(e)~~ (e) *Prior to July 1, 2017*, any person who was registered by the  
27 behavioral sciences regulatory board as an alcohol and other drug  
28 counselor or credentialed by the department of social and rehabilitation  
29 services as an alcohol and drug credentialed counselor or credentialed by  
30 the Kansas association of addiction professionals as an alcohol and other  
31 drug abuse counselor in Kansas at any time prior to the effective date of  
32 this act, and who is also licensed to practice independently as a mental  
33 health practitioner or person licensed to practice medicine and surgery, and  
34 who was registered or credentialed in Kansas as an alcohol and other drug  
35 counselor within three years prior to the effective date of this act and  
36 whose last registration or credential in Kansas prior to the effective date of  
37 this act was not suspended or revoked, upon application to the board,  
38 payment of fees and completion of applicable continuing education  
39 requirements, shall be licensed as a licensed clinical addiction counselor  
40 and may engage in the independent practice of addiction counseling and is  
41 authorized to diagnose and treat substance use disorders specified in the  
42 edition of the diagnostic and statistical manual of mental disorders of the  
43 American psychiatric association designated by the board by rules and

1 regulations.

2 (e) (f) Prior to July 1, 2017, any person who was credentialed by the  
3 department of social and rehabilitation services as an alcohol and drug  
4 counselor and has been actively engaged in the practice, supervision or  
5 administration of addiction counseling in Kansas for not less than four  
6 years and holds a master's degree in a related field from a college or  
7 university approved by the board and whose last registration or credential  
8 in Kansas prior to the effective date of this act was not suspended or  
9 revoked, upon application to the board, payment of fees and completion of  
10 applicable continuing education requirements, shall be licensed as a  
11 clinical addiction counselor and may engage in the independent practice of  
12 addiction counseling and is authorized to diagnose and treat substance use  
13 disorders specified in the edition of the diagnostic and statistical manual of  
14 mental disorders of the American psychiatric association designated by the  
15 board by rules and regulations.

16 ~~(f) A licensed addiction counselor shall engage in the practice of~~  
17 ~~addiction counseling only in a state licensed or certified alcohol and other~~  
18 ~~drug treatment program, unless otherwise exempt from licensure under~~  
19 ~~subsection (m) of K.S.A. 59-29b46, and amendments thereto.~~

20 Sec. 23. K.S.A. 2015 Supp. 65-6611 is hereby amended to read as  
21 follows: 65-6611. (a) A person who is waiting to take the examination for  
22 licensure as an addiction counselor may apply to the board for a temporary  
23 license to practice as a licensed addiction counselor by: (1) Paying an  
24 application fee for a temporary license fixed under K.S.A. 2015 Supp. 65-  
25 6618, and amendments thereto; and (2) meeting the application  
26 requirements as stated in ~~subsections (a)(1), (2) and (4) of K.S.A. 2015~~  
27 ~~Supp. 65-6610(a)(1), (a)(2) and (a)(4), and amendments thereto.~~

28 (b) *A person who is waiting to take the examination for licensure as a*  
29 *master's addiction counselor may apply to the board for a temporary*  
30 *license to practice as a licensed master's addiction counselor by: (1)*  
31 *Paying an application fee for a temporary license fixed under K.S.A. 2015*  
32 *Supp. 65-6618, and amendments thereto; and (2) meeting the application*  
33 *requirements as stated in K.S.A 2015 Supp. 65-6610(b)(1), (b)(2) and (b)*  
34 *(4), and amendments thereto.*

35 (c) (1) A temporary license may be issued by the board after the  
36 application has been reviewed and approved by the board and the applicant  
37 has paid the appropriate fee set by the board for issuance of new licenses.

38 (2) Absent extenuating circumstances approved by the board, a  
39 temporary license issued by the board shall expire upon the date the board  
40 issues or denies the person a license to practice addiction counseling or 12  
41 months after the date of issuance of the temporary license.

42 (3) No temporary license will be renewed or issued again on any  
43 subsequent application for the same license level. The preceding provision



1 in no way limits the number of times an applicant may take the  
2 examination.

3 (e) (d) A person practicing addiction counseling with a temporary  
4 license may not use the title "licensed addiction counselor" or "*licensed*  
5 *master's addiction counselor*" or use the initials "LAC" or "LMAC"  
6 independently. The word "licensed" may be used only when followed by  
7 the words "by temporary license" such as licensed addiction counselor by  
8 temporary license, or addiction counselor, temporarily licensed.

9 (d) (e) No person may practice addiction counseling under a  
10 temporary license except in a licensed or certified alcohol and other drug  
11 abuse program, under the direction of a person licensed by the behavioral  
12 sciences regulatory board at the clinical level or a person licensed to  
13 practice medicine and surgery.

14 (e) (f) Nothing in this section shall affect any temporary license to  
15 practice issued under this section prior to the effective date of this act and  
16 in effect on the effective date of this act. Such temporary license shall be  
17 subject to the provisions of this section in effect at the time of its issuance  
18 and shall continue to be effective until the date of expiration of the license  
19 as provided under this section at the time of issuance of such license.

20 Sec. 24. K.S.A. 2015 Supp. 65-6612 is hereby amended to read as  
21 follows: 65-6612. (a) Upon written application and board approval, an  
22 individual who is licensed to engage in the independent clinical practice of  
23 addiction counseling at the clinical level in another jurisdiction and who is  
24 in good standing in that other jurisdiction may engage in the independent  
25 practice of clinical addiction counseling as provided by the ~~additions-~~  
26 *addiction* counselor licensure act, in this state for not more than 15 days  
27 per year upon receipt of a temporary permit to practice issued by the  
28 board.

29 (b) Any clinical addiction counseling services rendered within any  
30 24-hour period shall count as one entire day of clinical addiction  
31 counseling services.

32 (c) The temporary permit to practice shall be effective on the date of  
33 approval by the board and shall expire December 31 of that year. Upon  
34 written application and for good cause shown, the board may extend the  
35 temporary permit to practice no more than 15 additional days.

36 (d) The board shall charge a fee for a temporary permit to practice  
37 and a fee for an extension of a temporary permit to practice as fixed under  
38 K.S.A. 2015 Supp. 65-6618, and amendments thereto.

39 (e) A person who holds a temporary permit to practice clinical  
40 addiction counseling in this state shall be deemed to have submitted to the  
41 jurisdiction of the board and shall be bound by the statutes and regulations  
42 that govern the practice of clinical addiction counseling in this state.

43 (f) In accordance with the Kansas administrative procedure act, the

1 board may issue a cease and desist order or assess a fine of up to \$1,000  
2 per day, or both, against a person licensed in another jurisdiction who  
3 engages in the independent practice of clinical addiction counseling in this  
4 state without complying with the provisions of this section.

5 Sec. 25. K.S.A. 2015 Supp. 65-6613 is hereby amended to read as  
6 follows: 65-6613. (a) The board may issue a license to an individual who  
7 is currently registered, certified or licensed to practice addiction  
8 counseling in another jurisdiction if the board determines that:

9 (1) The standards for registration, certification or licensure to practice  
10 addiction counseling in the other jurisdiction are substantially the  
11 equivalent of the requirements of the ~~addictions~~ *addiction* counselor  
12 licensure act and rules and regulations of the board; or

13 (2) the applicant demonstrates on forms provided by the board  
14 compliance with the following standards as adopted by the board:

15 (A) ~~Continuous~~ Registration, certification or licensure to practice *as*  
16 ~~an addiction counseling during the five years~~ *counselor for at least 60 of*  
17 *the last 66 months* immediately preceding the application with at least the  
18 minimum professional experience as established by rules and regulations  
19 of the board; ~~and~~

20 (B) the absence of disciplinary actions of a serious nature brought by  
21 a registration, certification or licensing board or agency; and

22 (C) completion of ~~at least a baccalaureate or master's degree in~~  
23 ~~addiction counseling~~ from a college or university approved by the board ~~or~~  
24 ~~completion of a baccalaureate or master's degree in a related field that~~  
25 ~~includes all required addiction coursework.~~

26 (b) *The board may issue a license to an individual who is currently*  
27 *registered, certified or licensed to practice addiction counseling at the*  
28 *master's level in another jurisdiction if the board determines that:*

29 (1) (A) *The standards for registration, certification or licensure to*  
30 *practice addiction counseling at the master's level in the other jurisdiction*  
31 *are substantially the equivalent of the requirements of the addiction*  
32 *counselor licensure act and rules and regulations of the board; and*

33 (B) *completion of at least a master's degree from a college or*  
34 *university approved by the board; or*

35 (2) *the applicant demonstrates on forms provided by the board*  
36 *compliance with the following standards as adopted by the board:*

37 (A) *Registration, certification or licensure to practice addiction*  
38 *counseling at the master's level for at least 60 of the last 66 months*  
39 *immediately preceding the application with at least the minimum*  
40 *professional experience as established by rules and regulations of the*  
41 *board;*

42 (B) *the absence of disciplinary actions of a serious nature brought by*  
43 *a registration, certification or licensing board or agency; and*

1 (C) completion of at least a master's degree from a college or  
2 university approved by the board.

3 (c) The board may issue a license to an individual who is currently  
4 registered, certified or licensed to practice ~~clinical~~ addiction counseling at  
5 the clinical level in another jurisdiction if the board determines that:

6 (1) (A) The standards for registration, certification or licensure to  
7 practice ~~clinical~~ addiction counseling at the clinical level in the other  
8 jurisdiction are substantially the equivalent of the requirements of the  
9 ~~addictions~~ addiction counselor licensure act and rules and regulations of  
10 the board; ~~or and~~

11 (B) the applicant demonstrates completion of at least a master's  
12 degree from a college or university approved by the board; or

13 (2) the applicant demonstrates on forms provided by the board  
14 compliance with the following standards as adopted by the board:

15 (A) ~~Continuous~~ Registration, certification or licensure to practice  
16 ~~clinical~~ addiction counseling ~~during the five years~~ at the clinical level for  
17 at least 60 of the last 66 months immediately preceding the application  
18 with at least the minimum professional experience as established by rules  
19 and regulations of the board; ~~and~~

20 (B) the absence of disciplinary actions of a serious nature brought by  
21 a registration, certification or licensing board or agency; ~~and~~

22 (C) ~~(i)~~ completion of at least a master's degree in ~~clinical addiction~~  
23 ~~counseling~~ from a college or university approved by the board; ~~or~~

24 ~~(ii)~~ completion of at least a master's degree from a college or  
25 university approved by the board in a related field that includes a  
26 minimum number of semester hours of coursework supporting the  
27 diagnosis and treatment of substance use disorders as approved by the  
28 board; ~~or~~

29 ~~(iii)~~ completion of at least a master's degree from a college or  
30 university approved by the board in a related field with additional  
31 coursework in addiction counseling from a college or university approved  
32 by the board and such degree program and additional coursework includes  
33 a minimum number of semester hours of coursework supporting the  
34 diagnosis and treatment of substance use disorders as approved by the  
35 board; ~~and~~

36 (D) at least two of the following areas acceptable to the board:

37 (i) Either coursework as established by rules and regulations of the  
38 board or passing a national clinical examination approved by the board; ~~or~~

39 (ii) three years of clinical practice with demonstrated experience  
40 supporting diagnosing or treating substance use disorders; or

41 (iii) attestation from a professional licensed to diagnose and treat  
42 mental disorders, or substance use disorders, or both, in independent  
43 practice or licensed to practice medicine and surgery stating that the

1 applicant is competent to diagnose and treat substance use disorders.

2 (e) (d) An applicant for a license under this section shall pay an  
3 application fee established by the board under K.S.A. 2015 Supp. 65-6618,  
4 and amendments thereto, *if required by the board.*

5 Sec. 26. K.S.A. 2015 Supp. 65-6614 is hereby amended to read as  
6 follows: 65-6614. (a) An applicant who meets the requirements for  
7 licensure pursuant to this act, has paid the license fee provided for by  
8 K.S.A. 2015 Supp. 65-6618, and amendments thereto, and has otherwise  
9 complied with the provisions of this act shall be licensed by the board.

10 (b) Licenses issued pursuant to this act shall expire 24 months from  
11 the date of issuance unless revoked prior to that time. A license may be  
12 renewed upon application and payment of the fee provided for by K.S.A.  
13 2015 Supp. 65-6618, and amendments thereto. The application for renewal  
14 shall be accompanied by evidence satisfactory to the board that the  
15 applicant has completed during the previous 24 months the continuing  
16 education required by rules and regulations of the board, *including not less*  
17 *than three hours in ethics. In addition,* as part of such continuing  
18 education, the *master's addiction counselor applicant and the* clinical  
19 addiction counselor applicant shall complete not less than six continuing  
20 education hours relating to diagnosis and treatment of substance use  
21 disorders. ~~Both the clinical addiction counselor applicant and the addiction~~  
22 ~~counselor applicant shall complete not less than three continuing education~~  
23 ~~hours of professional ethics.~~

24 (c) A person whose license has been suspended or revoked may make  
25 written application to the board requesting reinstatement of the license  
26 upon termination of the period of suspension or revocation in a manner  
27 prescribed by the board, which application shall be accompanied by the  
28 fee provided for by K.S.A. 2015 Supp. 65-6618, and amendments thereto.

29 (d) *Within 30 days after any change of permanent address, a licensee*  
30 *shall notify the board of such change.*

31 Sec. 27. K.S.A. 2015 Supp. 65-6615 is hereby amended to read as  
32 follows: 65-6615. (a) The board may refuse to ~~grant licensure to, or may~~  
33 ~~suspend, revoke, condition, limit, qualify or restrict the licensure issued~~  
34 ~~under this act of any individual who the board, after the opportunity for a~~  
35 ~~hearing, determines:~~

36 (a) *issue, renew or reinstate a license, may condition, limit, revoke or*  
37 *suspend a license, may publicly or privately censure a licensee or may*  
38 *impose a fine not to exceed \$1,000 per violation upon a finding that a*  
39 *licensee or an applicant for license:*

40 (1) ~~Is incompetent to practice addiction counseling, or is found to~~  
41 ~~engage in the practice of addiction counseling in a manner harmful or~~  
42 ~~dangerous to a client or to the public, which means:~~

43 (A) *One or more instances involving failure to adhere to the*

1 applicable standard of care to a degree that constitutes gross negligence,  
 2 as determined by the board;

3 (B) repeated instances involving failure to adhere to the applicable  
 4 standard of care to a degree that constitutes ordinary negligence, as  
 5 determined by the board; or

6 (C) a pattern of practice or other behavior that demonstrates a  
 7 manifest incapacity or incompetence to practice addiction counseling;

8 ~~(b) (2) is has been convicted by a court of competent jurisdiction of a~~  
 9 ~~felony, misdemeanor crimes against persons or substantiation of abuse~~  
 10 ~~against a child, adult or resident of a care facility, even if not practice~~  
 11 ~~related offense and has not demonstrated to the board's satisfaction that~~  
 12 ~~such person has been sufficiently rehabilitated to merit the public trust;~~

13 (3) has been convicted of a misdemeanor against persons and has not  
 14 demonstrated to the board's satisfaction that such person has been  
 15 sufficiently rehabilitated to merit the public trust;

16 (4) is currently listed on a child abuse registry or an adult protective  
 17 services registry as the result of a substantiated finding of abuse or neglect  
 18 by any state agency, agency of another state or the United States, territory  
 19 of the United States or another country and the applicant or licensee has  
 20 not demonstrated to the board's satisfaction that such person has been  
 21 sufficiently rehabilitated to merit the public trust;

22 ~~(e) (5) has violated a provision of the additions~~ addiction counselor  
 23 licensure act or one or more of the rules and regulations of the board;

24 ~~(d) (6) has obtained or attempted to obtain a license or license~~  
 25 renewal by bribery or fraudulent representation;

26 ~~(e) (7) has knowingly made a false statement on a form required by~~  
 27 the board for license or license renewal;

28 ~~(f) (8) has failed to obtain continuing education credits required by~~  
 29 rules and regulations of the board;

30 ~~(g) (9) has been found guilty of to have engaged in unprofessional~~  
 31 ~~conduct as defined by applicable rules and regulations established adopted~~  
 32 by the board; or

33 ~~(h) (10) has had a registration, license or certificate as an addiction~~  
 34 ~~counselor revoked, suspended or limited, or has had other disciplinary~~  
 35 ~~action taken, or an application for registration, license or certificate denied,~~  
 36 ~~by the proper regulatory authority of another state, territory, District of~~  
 37 ~~Columbia or another country, a certified copy of the record of the action of~~  
 38 ~~the other jurisdiction being conclusive evidence thereof.~~

39 (b) Administrative proceedings and disciplinary actions regarding  
 40 licensure under the addiction counselor licensure act shall be conducted  
 41 in accordance with the Kansas administrative procedure act. Judicial  
 42 review and civil enforcement of agency actions under the addiction  
 43 counselor licensure act shall be in accordance with the Kansas judicial

1 *review act.*

2 Sec. 28. K.S.A. 2015 Supp. 65-6616 is hereby amended to read as  
3 follows: 65-6616. Nothing in the ~~addictions~~ *addiction* counselor licensure  
4 act shall be construed:

5 (a) To prevent addiction counseling practice by students or interns or  
6 individuals preparing for the practice of addiction counseling to practice  
7 under qualified supervision of a professional, recognized and approved by  
8 the board, in an educational institution or agency so long as they are  
9 designated by titles such as "student," "trainee," "intern" or other titles  
10 clearly indicating training status;

11 (b) to authorize the practice of psychology, medicine and surgery,  
12 professional counseling, marriage and family therapy, master's level  
13 psychology or social work or other professions licensed by the behavioral  
14 sciences regulatory board;

15 (c) to apply to the activities and services of a rabbi, priest, minister,  
16 clergy person or organized ministry of any religious denomination or sect,  
17 including a Christian-Science practitioner, unless such person or individual  
18 who is a part of the organized ministry is a licensed addiction counselor;

19 (d) to apply to the activities and services of qualified members of  
20 other professional groups including, but not limited to, attorneys,  
21 physicians, psychologists, master's level psychologists, marriage and  
22 family therapists, professional counselors, or other professions licensed by  
23 the behavioral sciences regulatory board, registered nurses or social  
24 workers performing services consistent with the laws of this state, their  
25 training and the code of ethics of their profession, so long as they do not  
26 represent themselves as being an addiction counselor; or

27 (e) to prevent qualified persons from doing work within the standards  
28 and ethics of their respective professions and callings provided they do not  
29 hold themselves out to the public by any title or description of services as  
30 being an addiction counselor.

31 Sec. 29. K.S.A. 2015 Supp. 65-6617 is hereby amended to read as  
32 follows: 65-6617. (a) A person licensed under the ~~addictions~~ *addiction*  
33 counselor licensure act and employees and professional associates of the  
34 person shall not be required to disclose any information that the person,  
35 employee or associate may have acquired in rendering addiction  
36 counseling services, unless:

37 (1) Disclosure is required by other state laws;

38 (2) failure to disclose the information presents a clear and present  
39 danger to the health or safety of an individual;

40 (3) the person, employee or associate is a party defendant to a civil,  
41 criminal or disciplinary action arising from the therapy, in which case a  
42 waiver of the privilege accorded by this section is limited to that action;

43 (4) the client is a defendant in a criminal proceeding and the use of

1 the privilege would violate the defendant's right to a compulsory process  
2 or the right to present testimony and witnesses in that person's behalf; or

3 (5) a client agrees to a waiver of the privilege accorded by this  
4 section, and in circumstances where more than one person in a family is  
5 receiving therapy, each such family member agrees to the waiver. Absent a  
6 waiver from each family member, an addiction counselor shall not disclose  
7 information received from a family member.

8 (b) Nothing in this section or in this act shall be construed to prohibit  
9 any person licensed under the ~~addictions~~ *addiction* counselor licensure act  
10 from testifying in court hearings concerning matters of adult abuse,  
11 adoption, child abuse, child neglect or other matters pertaining to the  
12 welfare of children or from seeking collaboration or consultation with  
13 professional colleagues or administrative superiors, or both, on behalf of a  
14 client. There is no privilege under this section for information which is  
15 required to be reported to a public official.

16 Sec. 30. K.S.A. 2015 Supp. 65-6618 is hereby amended to read as  
17 follows: 65-6618. (a) The board ~~shall may fix by rules and regulations and~~  
18 ~~shall collect~~ the following fees, *and any such fees shall be established by*  
19 *rules and regulations adopted by the board:*

20 (1) For application for licensure as an addiction counselor, not to  
21 exceed \$150;

22 (2) for original licensure as an addiction counselor, not to exceed  
23 \$150;

24 (3) for renewal ~~of a license~~ *for licensure* as an addiction counselor,  
25 not to exceed \$150;

26 (4) for a temporary license ~~as an addiction counselor~~, not to exceed  
27 \$100;

28 (5) *for application for licensure as a master's addiction counselor,*  
29 *not to exceed \$150,*

30 (6) *for original licensure as a master's addiction counselor, not to*  
31 *exceed \$150;*

32 (7) *for renewal for licensure as a master's addiction counselor, not to*  
33 *exceed \$150;*

34 (8) for application for licensure as a clinical addiction counselor, not  
35 to exceed \$150;

36 ~~(6)~~ (9) for original licensure as a clinical addiction counselor, not to  
37 exceed \$150;

38 ~~(7)~~ (10) for renewal for licensure as a clinical addiction counselor, not  
39 to exceed \$150;

40 ~~(8)~~ (11) for a temporary permit to practice clinical addiction  
41 counseling, not to exceed \$200;

42 ~~(9)~~ (12) for extension of a temporary permit to practice clinical  
43 addiction counseling, not to exceed \$200;

- 1       ~~(10)~~ (13) for reinstatement of a license, not to exceed \$150;  
2       ~~(11)~~ (14) for replacement of a license, not to exceed \$20; ~~and~~  
3       ~~(12)~~ (15) for late renewal penalty, an amount equal to the fee for  
4 renewal; *and*  
5       (16) *for a wallet license, not more than \$5.*

6       (b) The board shall require that fees paid for any examination under  
7 the ~~addictions~~ *addiction* counselor licensure act be paid directly to the  
8 examination services by the person taking the examination.

9       (c) Fees paid to the board are not refundable.

10       Sec. 31. K.S.A. 2015 Supp. 65-6620 is hereby amended to read as  
11 follows: 65-6620. A licensee under the ~~addictions~~ *addiction* counselor  
12 licensure act, at the beginning of a client-therapist relationship, shall  
13 inform the client of the level of such licensee's training and the title or  
14 titles and license or licenses of such licensee. As a part of such obligation,  
15 such licensee shall disclose whether such licensee has a baccalaureate,  
16 master's degree or a doctoral degree. If such licensee has a doctoral degree,  
17 such licensee shall disclose whether or not such doctoral degree is a doctor  
18 of medicine degree or some other doctoral degree. If such licensee does  
19 not have a medical doctor's degree, such licensee shall disclose that the  
20 licensee is not authorized to practice medicine and surgery and is not  
21 authorized to prescribe drugs. As a part of such disclosure, such licensee  
22 shall advise the client that certain mental disorders can have medical or  
23 biological origins, and that the client should consult with a physician.  
24 Documentation of such disclosures to a client shall be made in the client's  
25 record.

26       Sec. 32. K.S.A. 2015 Supp. 74-5310 is hereby amended to read as  
27 follows: 74-5310. (a) The board shall issue a license as a psychologist to  
28 any person who pays an application fee prescribed by the board, *if*  
29 *required by the board*, not in excess of \$225 and, *if required by the board*,  
30 an original license fee not in excess of \$150, which shall not be refunded,  
31 who either satisfies the board as to such person's training and experience  
32 after a thorough review of such person's credentials and who passes a  
33 satisfactory examination in psychology. Any person paying the fee must  
34 also submit evidence verified by oath and satisfactory to the board that  
35 such person:

- 36       (1) Is at least 21 years of age;  
37       (2) is of good moral character;  
38       (3) has received the doctor's degree based on a program of studies in  
39 content primarily psychological from an educational institution having a  
40 graduate program with standards consistent with those of the state  
41 universities of Kansas, or the substantial equivalent of such program in  
42 both subject matter and extent of training; and  
43       (4) has had at least two years of supervised experience, a significant



1 portion of which shall have been spent in rendering psychological services  
2 satisfying the board's approved standards for the psychological service  
3 concerned.

4 (b) The board shall adopt rules and regulations establishing the  
5 criteria which an educational institution shall satisfy in meeting the  
6 requirements established under ~~item (3) of~~ subsection (a)(3). The board  
7 may send a questionnaire developed by the board to any educational  
8 institution for which the board does not have sufficient information to  
9 determine whether the educational institution meets the requirements of  
10 ~~item (3) of~~ subsection (a)(3) and rules and regulations adopted under this  
11 section. The questionnaire providing the necessary information shall be  
12 completed and returned to the board in order for the educational institution  
13 to be considered for approval. The board may contract with investigative  
14 agencies, commissions or consultants to assist the board in obtaining  
15 information about educational institutions. In entering such contracts the  
16 authority to approve educational institutions shall remain solely with the  
17 board.

18 Sec. 33. K.S.A. 74-5311 is hereby amended to read as follows: 74-  
19 5311. ~~Examinations for applicants under this act shall be held by the board~~  
20 ~~from time to time but not less than once each year.~~ The board shall adopt  
21 rules and regulations governing the subject, scope, and form of ~~the~~  
22 *examinations for applicants under this act* or shall contract with a national  
23 testing service to provide an examination approved by the board. ~~The~~  
24 ~~board shall prescribe an initial examination fee not to exceed \$350. If an~~  
25 ~~applicant fails the first examination, such applicant may be admitted to any~~  
26 ~~subsequent examination upon payment of an additional fee prescribed by~~  
27 ~~the board not to exceed \$350. The examination fees prescribed by the~~  
28 ~~board under this section shall be fixed by rules and regulations of the~~  
29 ~~board.~~

30 Sec. 34. K.S.A. 2015 Supp. 74-5315 is hereby amended to read as  
31 follows: 74-5315. (a) The board may grant a license to any person who, at  
32 the time of application, is registered, certified or licensed as a psychologist  
33 at the doctoral level in another jurisdiction if the board determines that:

34 (1) The requirements of such jurisdiction for such certification or  
35 licensure are substantially the equivalent of the requirements of this state;  
36 or

37 (2) the applicant demonstrates on forms provided by the board  
38 compliance with the following standards as adopted by the board:

39 (A) ~~Continuous~~—Registration, certification or licensure as a  
40 psychologist at the doctoral level ~~during the five years~~ *for at least 60 of*  
41 *the last 66 months* immediately preceding the application with at least the  
42 minimum professional experience as established by rules and regulations  
43 of the board;

1 (B) the absence of disciplinary actions of a serious nature brought by  
2 a registration, certification or licensing board or agency; and

3 (C) a doctoral degree in psychology from a regionally accredited  
4 university or college.

5 (b) An applicant for a license under this section shall pay an  
6 application fee established by the board under K.S.A. 74-5310, and  
7 amendments thereto, *if required by the board*.

8 Sec. 35. K.S.A. 2015 Supp. 74-5316 is hereby amended to read as  
9 follows: 74-5316. (a) Upon application, the board may issue temporary  
10 licenses to persons who have met all qualifications for licensure under  
11 provisions of the licensure of psychologists act of the state of Kansas,  
12 except passage of the required examination, pursuant to K.S.A. 74-5310,  
13 and amendments thereto, who must wait for completion of the next  
14 examination, who have paid the required application, examination and  
15 temporary license fees and who have submitted documentation as required  
16 by the board, under the following:

17 ~~(1) The temporary license shall expire upon receipt and recording of~~  
18 ~~the temporary licensee's second examination score by the board if such~~  
19 ~~temporary licensee fails the examination after two attempts or upon the~~  
20 ~~date the board issues or denies the temporary licensee a license to practice~~  
21 ~~psychology if such temporary licensee passes the examination;~~

22 ~~(2)~~—Such temporary licensee shall take the next license examination  
23 subsequent to the date of issuance of the temporary license unless there are  
24 extenuating circumstances approved by the board;

25 ~~(3)~~ (2) the board shall adopt rules and regulations prescribing  
26 continuing education requirements for temporary licensees, including, but  
27 not limited to, a requirement that temporary licensees shall complete a  
28 minimum of 25 contact hours of continuing education during the two-year  
29 period of temporary licensure, which shall include a minimum of three  
30 hours in psychology ethics;

31 ~~(4)~~ (3) no person may work under a temporary license except under  
32 the supervision of a licensed psychologist as prescribed in rules and  
33 regulations adopted by the board; and

34 ~~(5)~~ (4) the fee for such temporary license ~~shall~~ *may* be fixed by rules  
35 ~~and regulations adopted~~ by the board and shall not exceed \$200, *and any*  
36 *such fee shall be established by rules and regulations adopted by the*  
37 *board*.

38 (b) Upon application, the board may issue temporary licenses not to  
39 exceed two years to persons who have *completed all requirements for a*  
40 *doctoral degree approved by the board but have not received such degree*  
41 *conferral or who have* met all qualifications for licensure under provisions  
42 of such act, except completion of the postdoctoral supervised work  
43 experience pursuant to ~~subsection (a)(4) of~~ K.S.A. 74-5310(a)(4), and

1 amendments thereto, who have paid the required application and  
2 temporary license fees and who have submitted documentation as required  
3 by the board, under the following:

4 (1) The temporary license shall expire at the end of the two-year  
5 period after issuance or if such temporary licensee is denied a license to  
6 practice psychology;

7 (2) the temporary license may be renewed for one additional two-year  
8 period after expiration;

9 (3) temporary licensees shall take the license examination pursuant to  
10 ~~subsection (a)(4) of K.S.A. 74-5310(a)(4)~~, and amendments thereto,  
11 subsequent to the date of issuance and prior to expiration of the temporary  
12 license unless there are extenuating circumstances approved by the board;

13 (4) temporary licensees shall be working toward the completion of  
14 the postdoctoral supervised work experience prescribed in ~~subsection (a)~~  
15 ~~(4) of K.S.A. 74-5310(a)(4)~~, and amendments thereto;

16 (5) the board shall adopt rules and regulations prescribing continuing  
17 education requirements for temporary licensees, including, but not limited to,  
18 a requirement that temporary licensees shall complete a minimum of 25  
19 contact hours of continuing education during the two-year period of  
20 temporary licensure, which shall include a minimum of three hours in  
21 psychology ethics;

22 (6) no temporary licensee may work under a temporary license except  
23 under the supervision of a licensed psychologist as prescribed in rules and  
24 regulations adopted by the board; and

25 (7) the fee for a renewal of the temporary license ~~shall~~ *may* be fixed  
26 ~~by rules and regulations adopted~~ by the board and shall not exceed \$200  
27 per issuance, *and any such fee shall be established by rules and*  
28 *regulations adopted by the board.*

29 (c) A person practicing psychology with a temporary license may not  
30 use the title "licensed psychologist" or the initials "LP" independently.  
31 The word "licensed" may be used only when preceded by the word  
32 "temporary" such as temporary licensed psychologist, or the initials "TLP."

33 (d) This section shall be part of and supplemental to the provisions of  
34 article 53 of chapter 74 of the Kansas Statutes Annotated, and amendments  
35 thereto.

36 (e) As used in this section, "temporary licensee" means any person  
37 practicing psychology with a temporary license pursuant to subsection (b)  
38 or (c) ~~of this section~~.

39 Sec. 36. K.S.A. 74-5318 is hereby amended to read as follows: 74-  
40 5318. ~~On or before the first day of April of alternate years, the board shall~~  
41 ~~mail to every psychologist licensed in Kansas an application blank for~~  
42 ~~renewal, which shall contain space for insertion of information as required~~  
43 ~~for the application blank under K.S.A. 74-5317 and amendments thereto,~~

1 ~~addressing the same to the post office address given at the last previous~~  
2 ~~renewal. In addition, The~~ (a) An application for renewal shall be  
3 accompanied by evidence satisfactory to the board that the applicant has  
4 completed, during the previous 24 months, the continuing education  
5 required by rules and regulations of the board. As part of such continuing  
6 education, a licensed psychologist shall complete not less than six  
7 continuing education hours relating to diagnosis and treatment of mental  
8 disorders and not less than three continuing education hours of  
9 professional ethics.

10 (b) A licensee shall submit the application to the board with a  
11 renewal fee fixed by rules and regulations of the board not to exceed \$200.  
12 Upon receipt of such application and fee, the board shall issue a renewal  
13 license for the period commencing on the date on which the license is  
14 issued and expiring on June 30 of the next even-numbered year. Initial  
15 licenses shall be for the current biennium of registration.

16 (c) Applications for renewal of a license shall be made biennially on  
17 or before July 1 and, if not so made, an additional fee equal to the renewal  
18 fee shall be added to the regular renewal fee.

19 (d) Any psychologist who has failed to renew a license and continues  
20 to represent oneself as a psychologist after July 1 shall be in violation of  
21 the licensure of psychologists act of the state of Kansas. The board may  
22 suspend or revoke such psychologist's license under the provisions of  
23 K.S.A. 74-5324, and amendments thereto.

24 (e) Within 30 days after any change of permanent address, a licensee  
25 shall notify the board of such change.

26 Sec. 37. K.S.A. 2015 Supp. 74-5324 is hereby amended to read as  
27 follows: 74-5324. ~~(a) The board may suspend, limit, revoke, condition or~~  
28 ~~refuse to issue or renew a license of any psychologist upon proof that the~~  
29 ~~psychologist: (a) Has been convicted of a felony involving moral~~  
30 ~~turpitude; or (b) has been guilty of fraud or deceit in connection with~~  
31 ~~services rendered as a psychologist or in establishing qualifications under~~  
32 ~~this act; or (c) has aided or abetted a person, not a licensed psychologist, in~~  
33 ~~representing such person as a psychologist in this state; or (d) has been~~  
34 ~~guilty of unprofessional conduct as defined by rules and regulations~~  
35 ~~established by the board; or (e) has been guilty of negligence or wrongful~~  
36 ~~actions in the performance of duties; or (f) has knowingly submitted a~~  
37 ~~misleading, deceptive, untrue or fraudulent misrepresentation on a claim~~  
38 ~~form, bill or statement or (g) refuse to issue, renew or reinstate a license,~~  
39 ~~may condition, limit, revoke or suspend a license, may publicly or~~  
40 ~~privately censure a licensee or may impose a fine not to exceed \$1,000 per~~  
41 ~~violation upon a finding that a licensee or an applicant for a license:~~

42 (1) Is incompetent to practice psychology, which means:

43 (A) One or more instances involving failure to adhere to the

1 applicable standard of care to a degree that constitutes gross negligence,  
2 as determined by the board;

3 (B) repeated instances involving failure to adhere to the applicable  
4 standard of care to a degree that constitutes ordinary negligence, as  
5 determined by the board; or

6 (C) a pattern of practice or other behavior that demonstrates a  
7 manifest incapacity or incompetence to practice psychology;

8 (2) has been convicted of a felony offense and has not demonstrated  
9 to the board's satisfaction that such person has been sufficiently  
10 rehabilitated to merit the public trust;

11 (3) has been convicted of a misdemeanor against persons and has not  
12 demonstrated to the board's satisfaction that such person has been  
13 sufficiently rehabilitated to merit the public trust;

14 (4) is currently listed on a child abuse registry or an adult protective  
15 services registry as the result of a substantiated finding of abuse or neglect  
16 by any state agency, agency of another state or the United States, territory  
17 of the United States or another country and the applicant or licensee has  
18 not demonstrated to the board's satisfaction that such person has been  
19 sufficiently rehabilitated to merit the public trust;

20 (5) has violated a provision of the licensure of psychologists act of  
21 the state of Kansas or one or more rules and regulations of the board;

22 (6) has obtained or attempted to obtain a license or license renewal  
23 by bribery or fraudulent representation;

24 (7) has knowingly made a false statement on a form required by the  
25 board for a license or license renewal;

26 (8) has failed to obtain continuing education credits as required by  
27 rules and regulations of the board;

28 (9) has been found to have engaged in unprofessional conduct as  
29 defined by applicable rules and regulations adopted by the board; or

30 (10) has had a registration, license or certificate as a psychologist  
31 revoked, suspended or limited, or has had other disciplinary action taken,  
32 or an application for registration, license or certificate denied, by the  
33 proper regulatory authority of another state, territory, District of Columbia  
34 or another country, a certified copy of the record of the action of the other  
35 jurisdiction being conclusive evidence thereof.

36 (b) Administrative proceedings and disciplinary actions regarding  
37 licensure under the licensure of psychologists act of the state of Kansas  
38 shall be conducted in accordance with the Kansas administrative  
39 procedure act. Judicial review and civil enforcement of agency actions  
40 under the licensure of psychologists of the state of Kansas act shall be in  
41 accordance with the Kansas judicial review act.

42 Sec. 38. K.S.A. 74-5361 is hereby amended to read as follows: 74-  
43 5361. As used in this act:

1 (a) "Practice of psychology" shall have the meaning ascribed thereto  
2 in K.S.A. 74-5302 and amendments thereto.

3 (b) "Board" means the behavioral sciences regulatory board created  
4 by K.S.A. 74-7501 and amendments thereto.

5 (c) "~~Licensed masters~~ *master's* level psychologist" means a person  
6 licensed by the board under the provisions of this act.

7 (d) "Licensed clinical psychotherapist" means a person licensed by  
8 the board under this act who engages in the independent practice of  
9 ~~masters master's~~ level psychology including the diagnosis and treatment of  
10 mental disorders specified in the edition of the diagnostic and statistical  
11 manual of mental disorders of the American psychiatric association  
12 designated by the board by rules and regulations.

13 (e) "~~Masters~~ *Master's* level psychology" means the practice of  
14 psychology pursuant to the restrictions set out in K.S.A. 74-5362 and  
15 amendments thereto and includes the diagnosis and treatment of mental  
16 disorders as authorized under K.S.A. 74-5361 et seq., *and amendments*  
17 *thereto*.

18 Sec. 39. K.S.A. 74-5362 is hereby amended to read as follows: 74-  
19 5362. (a) Any person who is licensed under the provisions of this act as a  
20 licensed ~~masters master's~~ level psychologist shall have the right to practice  
21 psychology ~~only insofar as such practice is part of the duties of such~~  
22 ~~person's paid position and is performed solely on behalf of the employer,~~  
23 so long as such practice is under the direction of a licensed clinical  
24 psychotherapist, a licensed psychologist, a person licensed to practice  
25 medicine and surgery or a person licensed to provide mental health  
26 services as an independent practitioner and whose licensure allows for the  
27 diagnosis and treatment of mental disorders. When a client has symptoms  
28 of a mental disorder, a ~~licensed masters level psychologist licensee under~~  
29 ~~the licensure of master's level psychologists act~~ shall consult with the  
30 client's primary care physician or psychiatrist to determine if there may be  
31 a medical condition or medication that may be causing or contributing to  
32 the client's symptoms of a mental disorder. A client may request in writing  
33 that such consultation be waived and such request shall be made a part of  
34 the client's record. A licensed ~~masters master's~~ level psychologist may  
35 continue to evaluate and treat the client until such time that the medical  
36 consultation is obtained or waived.

37 (b) A licensed ~~masters master's~~ level psychologist may use the title  
38 licensed ~~masters master's~~ level psychologist and the abbreviation LMLP  
39 but may not use the title licensed psychologist or psychologist. A licensed  
40 clinical psychotherapist may use the title licensed clinical psychotherapist  
41 and the abbreviation LCP but may not use the title licensed psychologist or  
42 psychologist.

43 Sec. 40. K.S.A. 74-5363 is hereby amended to read as follows: 74-

1 5363. (a) Any person who desires to be licensed under this act shall apply  
2 to the board in writing, on forms prepared and furnished by the board.  
3 Each application shall contain appropriate documentation of the particular  
4 qualifications required by the board and shall be accompanied by the  
5 required fee.

6 (b) The board shall license as a licensed ~~masters~~ *master's* level  
7 psychologist any applicant for licensure who pays the fee prescribed by the  
8 board under K.S.A. 74-5365, and amendments thereto, which shall not be  
9 refunded, who has satisfied the board as to such applicant's training and  
10 who complies with the provisions of this subsection ~~(b)~~. An applicant for  
11 licensure also shall submit evidence ~~verified under oath~~ and satisfactory to  
12 the board that such applicant:

13 (1) Is at least 21 years of age;

14 (2) has satisfied the board that the applicant is a person who merits  
15 public trust;

16 (3) has received at least 60 graduate hours including a master's degree  
17 in psychology based on a program of studies in psychology from an  
18 educational institution having a graduate program in psychology consistent  
19 with state universities of Kansas; or until July 1, 2003, has received at least  
20 a master's degree in psychology and during such master's or post-master's  
21 coursework completed a minimum of 12 semester hours or its equivalent  
22 in psychological foundation courses such as, but not limited to, philosophy  
23 of psychology, psychology of perception, learning theory, history of  
24 psychology, motivation, and statistics and 24 semester hours or its  
25 equivalent in professional core courses such as, but not limited to, two  
26 courses in psychological testing, psychopathology, two courses in  
27 psychotherapy, personality theories, developmental psychology, research  
28 methods, social psychology; or has passed comprehensive examinations or  
29 equivalent final examinations in a doctoral program in psychology and  
30 during such graduate program completed a minimum of 12 semester hours  
31 or its equivalent in psychological foundation courses such as, but not  
32 limited to, philosophy of psychology, psychology of perception, learning  
33 theory, history of psychology, motivation, and statistics and 24 semester  
34 hours or its equivalent in professional core courses such as, but not limited  
35 to, two courses in psychological testing, psychopathology, two courses in  
36 psychotherapy, personality theories, developmental psychology, research  
37 methods, social psychology;

38 (4) has completed 750 clock hours of academically supervised  
39 practicum in the master's degree program or 1,500 clock hours of  
40 postgraduate supervised work experience;

41 (5) has passed an examination approved by the board with a  
42 minimum score set by the board by rules and regulations ~~at 10 percentage~~  
43 ~~points below the score set by the board for licensed psychologists.~~

1 (c) (1) Applications for licensure as a clinical psychotherapist shall be  
2 made to the board on a form and in the manner prescribed by the board.  
3 Each applicant shall furnish evidence satisfactory to the board that the  
4 applicant:

5 (A) Is licensed by the board as a licensed ~~masters~~ *master's* level  
6 psychologist or meets all requirements for licensure as a ~~masters~~ *master's*  
7 level psychologist;

8 (B) has completed 15 credit hours as part of or in addition to the  
9 requirements under subsection (b) supporting diagnosis or treatment of  
10 mental disorders with use of the American psychiatric association's  
11 diagnostic and statistical manual, through identifiable study of ~~the~~  
12 ~~following content areas~~: Psychopathology, diagnostic assessment,  
13 interdisciplinary referral and collaboration, treatment approaches and  
14 professional ethics;

15 (C) has completed a graduate level supervised clinical practicum of  
16 supervised professional experience including psychotherapy and  
17 assessment with individuals, couples, families or groups, integrating  
18 diagnosis and treatment of mental disorders with use of the American  
19 psychiatric association's diagnostic and statistical manual, with not less  
20 than 350 hours of direct client contact or additional postgraduate  
21 supervised experience as determined by the board;

22 (D) has completed not less than two years of postgraduate supervised  
23 professional experience in accordance with a clinical supervision plan  
24 approved by the board of not less than 4,000 hours of supervised  
25 professional experience including at least 1,500 hours of direct client  
26 contact conducting psychotherapy and assessments with individuals,  
27 couples, families or groups and not less than 150 hours of clinical  
28 supervision, including not less than 50 hours of person-to-person  
29 individual supervision, integrating diagnosis and treatment of mental  
30 disorders with use of the American psychiatric association's diagnostic and  
31 statistical manual;

32 (E) for persons earning a degree under subsection (b) prior to July 1,  
33 2003, in lieu of the education requirements under ~~parts subparagraphs~~ (B)  
34 and (C) ~~of this subsection~~, has completed the education requirements for  
35 licensure as a licensed ~~masters~~ *master's* level psychologist in effect on the  
36 day immediately preceding the effective date of this act;

37 (F) for persons who apply for and are eligible for a temporary ~~permit~~  
38 *license* to practice as a licensed ~~masters~~ *master's* level psychologist on the  
39 day immediately preceding the effective date of this act, in lieu of the  
40 education and training requirements under ~~parts subparagraphs~~ (B), (C)  
41 and (D) ~~of this subsection~~, has completed the education and training  
42 requirements for licensure as a ~~masters~~ *master's* level psychologist in  
43 effect on the day immediately preceding the effective date of this act;



1 (G) has passed an examination approved by the board with the same  
2 minimum passing score as that set by the board for licensed psychologists;  
3 and

4 (H) has paid the application fee, *if required by the board*.

5 (2) A person who was licensed or registered as a ~~masters~~ *master's*  
6 level psychologist in Kansas at any time prior to the effective date of this  
7 act, who has been actively engaged in the practice of ~~masters~~ *master's*  
8 level psychology as a registered or licensed ~~masters~~ *master's* level  
9 psychologist within five years prior to the effective date of this act and  
10 whose last license or registration in Kansas prior to the effective date of  
11 this act was not suspended or revoked, upon application to the board,  
12 payment of fees and completion of applicable continuing education  
13 requirements, shall be licensed as a licensed clinical psychotherapist by  
14 providing demonstration of competence to diagnose and treat mental  
15 disorders through at least two of the following areas acceptable to the  
16 board:

17 (A) Either: (i) Graduate coursework; or (ii) passing a national,  
18 clinical examination;

19 (B) either: (i) Three years of clinical practice in a community mental  
20 health center, its contracted affiliate or a state mental hospital; or (ii) three  
21 years of clinical practice in other settings with demonstrated experience in  
22 diagnosing or treating mental disorders; or

23 (C) attestation from one professional licensed to diagnose and treat  
24 mental disorders in independent practice or licensed to practice medicine  
25 and surgery that the applicant is competent to diagnose and treat mental  
26 disorders.

27 (3) A licensed clinical psychotherapist may engage in the independent  
28 practice of ~~masters~~ *master's* level psychology and is authorized to  
29 diagnose and treat mental disorders specified in the edition of the  
30 diagnostic and statistical manual of mental disorders of the American  
31 psychiatric association designated by the board by rules and regulations.  
32 When a client has symptoms of a mental disorder, a licensed clinical  
33 psychotherapist shall consult with the client's primary care physician or  
34 psychiatrist to determine if there may be a medical condition or medication  
35 that may be causing or contributing to the client's symptoms of a mental  
36 disorder. A client may request in writing that such consultation be waived  
37 and such request shall be made a part of the client's record. A licensed  
38 clinical psychotherapist may continue to evaluate and treat the client until  
39 such time that the medical consultation is obtained or waived.

40 (d) The board shall adopt rules and regulations establishing the  
41 criteria which an educational institution shall satisfy in meeting the  
42 requirements established under ~~item (3)~~ of subsection (b)(3). The board  
43 may send a questionnaire developed by the board to any educational

1 institution for which the board does not have sufficient information to  
2 determine whether the educational institution meets the requirements of  
3 ~~item (3)~~ of subsection (b)(3) and rules and regulations adopted under this  
4 section. The questionnaire providing the necessary information shall be  
5 completed and returned to the board in order for the educational institution  
6 to be considered for approval. The board may contract with investigative  
7 agencies, commissions or consultants to assist the board in obtaining  
8 information about educational institutions. In entering such contracts the  
9 authority to approve educational institutions shall remain solely with the  
10 board.

11 Sec. 41. K.S.A. 74-5365 is hereby amended to read as follows: 74-  
12 5365. (a) ~~The application, issuance of a new license and renewal fee for~~  
13 ~~licensure under this act shall~~ *following fees may be fixed by the board by*  
14 ~~rules and regulations in an amount not to exceed \$200. for licensure under~~  
15 *the licensure of master's level psychologists act: For application, issuance*  
16 *of a new license and renewal of a license, an amount not to exceed \$200;*  
17 *for replacement of a license, an amount not to exceed \$20; and for a*  
18 *wallet card license, an amount not to exceed \$5. Any such fees required by*  
19 *the board shall be established by rules and regulations adopted by the*  
20 *board.*

21 (b) Fees paid to the board are not refundable.

22 (c) The application for renewal shall be accompanied by evidence  
23 satisfactory to the board that the applicant has completed, during the  
24 previous 24 months, the continuing education required by rules and  
25 regulations of the board. As part of such continuing education, a licensed  
26 ~~masters~~ *master's* level psychologist and a licensed clinical psychotherapist  
27 shall complete not less than six continuing education hours relating to  
28 diagnosis and treatment of mental disorders and not less than three  
29 continuing education hours of professional ethics.

30 (d) *Within 30 days after any change of permanent address, a licensee*  
31 *shall notify the board of such change.*

32 Sec. 42. K.S.A. 2015 Supp. 74-5367 is hereby amended to read as  
33 follows: 74-5367. (a) The board may issue a temporary license to practice  
34 as a licensed ~~masters~~ *master's* level psychologist to any person who pays a  
35 fee prescribed by the board under this section, which shall not be refunded,  
36 and who meets all the requirements for licensure under K.S.A. 74-5361 et  
37 seq., and amendments thereto, as a licensed ~~masters~~ *master's* level  
38 psychologist except the requirement of postgraduate supervised work  
39 experience or passing the licensing examination, or both.

40 (b) ~~(1)~~ Absent extenuating circumstances approved by the board, a  
41 temporary license issued by the board shall expire upon the date the board  
42 issues or denies a license to practice ~~masters~~ *master's* level psychology or  
43 24 months after the date of issuance of the temporary license. No

1 temporary license issued by the board will be renewed or issued again on  
2 any subsequent applications for the same license level. The preceding  
3 provision in no way limits the number of times an applicant may take the  
4 examination.

5 ~~(2) A temporary licensee shall take the examination within the first 12~~  
6 ~~months subsequent to the issuance of the temporary license unless there~~  
7 ~~are extenuating circumstances approved by the board or if the temporary~~  
8 ~~licensee does not take the examination within the first 12 months~~  
9 ~~subsequent to the issuance of the temporary license and no extenuating~~  
10 ~~circumstances have been approved by the board, the temporary license will~~  
11 ~~expire after the first 12 months.~~

12 (c) The board shall ~~may~~ fix by rules and regulations a fee for the  
13 application of the temporary license. The application fee shall not exceed  
14 \$100. *Any such fee shall be established by rules and regulations adopted*  
15 *by the board.*

16 (d) A person practicing ~~masters~~ *master's* level psychology with a  
17 temporary license may not use the title "licensed ~~masters~~ *master's* level  
18 psychologist" or the initials "LMLP" independently. The word "licensed"  
19 may be used only when followed by the words "by temporary license"  
20 such as licensed ~~masters~~ *master's* level psychologist by temporary license,  
21 or ~~masters~~ *master's* level psychologist licensed by temporary license.

22 (e) No person may work under a temporary license except under the  
23 supervision of a person licensed to practice psychology or ~~masters~~  
24 *master's* level psychology in Kansas.

25 (f) The application for a temporary license may be denied or a  
26 temporary license which has been issued may be suspended or revoked on  
27 the same grounds as provided for suspension or revocation of a license  
28 under K.S.A. 74-5369, and amendments thereto.

29 (g) Nothing in this section shall affect any temporary license to  
30 practice issued under this section prior to the effective date of this act and  
31 in effect on the effective date of this act. Such temporary license shall be  
32 subject to the provisions of this section in effect at the time of its issuance  
33 and shall continue to be effective until the date of expiration of the license  
34 as provided under this section at the time of issuance of such temporary  
35 license.

36 Sec. 43. K.S.A. 2015 Supp. 74-5369 is hereby amended to read as  
37 follows: 74-5369. ~~An application for licensure under K.S.A. 74-5361 to~~  
38 ~~74-5371, inclusive, and amendments thereto, may be denied or a license~~  
39 ~~granted under this act may be suspended, limited, revoked, have a~~  
40 ~~condition placed on it or not renewed by the board upon proof that the~~  
41 ~~applicant or licensee:~~

42 (a) ~~Has been convicted of a felony involving moral turpitude;~~

43 (b) ~~has been found guilty of fraud or deceit in connection with the~~

1 ~~rendering of professional services or in establishing such person's~~  
2 ~~qualifications under this act;~~

3 ~~(e) has aided or abetted a person not licensed as a psychologist,~~  
4 ~~licensed under this act or an uncertified assistant, to hold oneself out as a~~  
5 ~~psychologist in this state;~~

6 ~~(d) has been guilty of unprofessional conduct as defined by rules and~~  
7 ~~regulations of the board;~~

8 ~~(e) has been guilty of neglect or wrongful duties in the performance~~  
9 ~~of duties; or~~

10 ~~(f) (a) The board may refuse to issue, renew or reinstate a license, may~~  
11 ~~condition, limit, revoke or suspend a license, may publicly or privately~~  
12 ~~censure a licensee or may impose a fine not to exceed \$1,000 per violation~~  
13 ~~upon a finding that a licensee or an applicant for licensure:~~

14 ~~(1) Is incompetent to practice psychology, which means:~~

15 ~~(A) One or more instances involving failure to adhere to the~~  
16 ~~applicable standard of care to a degree that constitutes gross negligence,~~  
17 ~~as determined by the board;~~

18 ~~(B) repeated instances involving failure to adhere to the applicable~~  
19 ~~standard of care to a degree that constitutes ordinary negligence, as~~  
20 ~~determined by the board; or~~

21 ~~(C) a pattern of practice or other behavior that demonstrates a~~  
22 ~~manifest incapacity or incompetence to practice master's level~~  
23 ~~psychology;~~

24 ~~(2) has been convicted of a felony offense and has not demonstrated~~  
25 ~~to the board's satisfaction that such person has been sufficiently~~  
26 ~~rehabilitated to merit the public trust;~~

27 ~~(3) has been convicted of a misdemeanor against persons and has not~~  
28 ~~demonstrated to the board's satisfaction that such person has been~~  
29 ~~sufficiently rehabilitated to merit the public trust;~~

30 ~~(4) is currently listed on a child abuse registry or an adult protective~~  
31 ~~services registry as the result of a substantiated finding of abuse or neglect~~  
32 ~~by any state agency, agency of another state or the United States, territory~~  
33 ~~of the United States or another country and the applicant or licensee has~~  
34 ~~not demonstrated to the board's satisfaction that such person has been~~  
35 ~~sufficiently rehabilitated to merit the public trust;~~

36 ~~(5) has violated a provision of the licensure of master's level~~  
37 ~~psychologists act or one or more rules and regulations of the board;~~

38 ~~(6) has obtained or attempted to obtain a license or license renewal~~  
39 ~~by bribery or fraudulent representation;~~

40 ~~(7) has knowingly made a false statement on a form required by the~~  
41 ~~board for a license or license renewal;~~

42 ~~(8) has failed to obtain continuing education credits as required by~~  
43 ~~rules and regulations adopted by the board;~~

1       (9) *has been found to have engaged in unprofessional conduct as*  
2 *defined by applicable rules and regulations of the board; or*

3       (10) *has had a registration, license or certificate as a ~~masters~~ master's*  
4 *level psychologist revoked, suspended or limited, or has had other*  
5 *disciplinary action taken, or an application for a registration, license or*  
6 *certificate denied, by the proper regulatory authority of another state,*  
7 *territory, District of Columbia or another country, a certified copy of the*  
8 *record of the action of the other jurisdiction being conclusive evidence*  
9 *thereof.*

10       (b) ~~Administrative proceedings under K.S.A. 74-5361 to 74-5371,~~  
11 ~~inclusive, and amendments thereto, and disciplinary actions regarding~~  
12 ~~licensure under the licensure of master's level psychologists act~~ shall be  
13 conducted in accordance with the Kansas administrative procedure act.  
14 Judicial review and civil enforcement of agency actions under ~~K.S.A. 74-~~  
15 ~~5361 to 74-5371, inclusive, and amendments thereto, the licensure of~~  
16 ~~master's level psychologists act~~ shall be in accordance with the Kansas  
17 judicial review act.

18       Sec. 44. K.S.A. 74-5370 is hereby amended to read as follows: 74-  
19 5370. The board may adopt rules and regulations to administer the  
20 provisions of K.S.A. 74-5361 to ~~74-5371~~ 74-5375, inclusive, and  
21 amendments thereto.

22       Sec. 45. K.S.A. 2015 Supp. 74-5375 is hereby amended to read as  
23 follows: 74-5375. (a) The behavioral sciences regulatory board may issue  
24 a license to an individual who is currently registered, certified or licensed  
25 to practice psychology at the ~~masters~~ master's level in another jurisdiction  
26 if the board determines that:

27       (1) The standards for registration, certification or licensure to practice  
28 psychology at the ~~masters~~ master's level in the other jurisdiction are  
29 substantially equivalent to the requirements of this state; or

30       (2) the applicant demonstrates, on forms provided by the board,  
31 compliance with the following standards adopted by the board:

32       (A) ~~Continuous~~ Registration, certification or licensure to practice  
33 psychology at the ~~masters~~ master's level ~~during the five years for at least~~  
34 *60 of the last 66 months* immediately preceding the application with at  
35 least the minimum professional experience as established by rules and  
36 regulations of the board;

37       (B) the absence of disciplinary actions of a serious nature brought by  
38 a registration, certification or licensing board or agency; and

39       (C) a ~~masters~~ master's degree in psychology from a regionally  
40 accredited university or college.

41       (b) Applicants for licensure as a clinical psychotherapist shall  
42 additionally demonstrate competence to diagnose and treat mental  
43 disorders through meeting the requirements of either ~~paragraph (1) or (2)~~

1 of subsection (a)(1) or (a)(2) and at least two of the following areas  
 2 acceptable to the board:

3 (1) Either graduate coursework as established by rules and  
 4 regulations of the board or passing a national clinical examination  
 5 approved by the board;

6 (2) three years of clinical practice with demonstrated experience in  
 7 diagnosing or treating mental disorders; or

8 (3) attestation from a professional licensed to diagnose and treat  
 9 mental disorders in independent practice or licensed to practice medicine  
 10 and surgery stating that the applicant is competent to diagnose and treat  
 11 mental disorders.

12 (c) An applicant for a license under this section shall pay an  
 13 application fee established by the board under K.S.A. 74-5365, and  
 14 amendments thereto, *if required by the board*.

15 Sec. 46. K.S.A. 2015 Supp. 74-5376 is hereby amended to read as  
 16 follows: 74-5376. K.S.A. 74-5361 through ~~74-5375~~ 74-5374 and K.S.A.  
 17 2015 Supp. 74-5375, and amendments thereto, shall be known and may be  
 18 cited as the licensure of ~~masters~~ *master's* level psychologists act.

19 Sec. 47. K.S.A. 2015 Supp. 74-7507 is hereby amended to read as  
 20 follows: 74-7507. (a) The behavioral sciences regulatory board shall have  
 21 the following powers, duties and functions:

22 (1) Recommend to the appropriate district or county attorneys  
 23 prosecution for violations of this act, the licensure of psychologists act of  
 24 the state of Kansas, the professional counselors licensure act, ~~K.S.A. 65-~~  
 25 ~~6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to~~  
 26 ~~74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments~~  
 27 ~~thereto~~ *the social workers licensure act, the licensure of master's level*  
 28 *psychologists act, the applied behavior analysis licensure act, the marriage*  
 29 *and family therapists licensure act or the ~~addictions~~ addiction counselor*  
 30 *licensure act;*

31 (2) compile and publish annually a list of the names and addresses of  
 32 all persons who are licensed under this act, are licensed under the licensure  
 33 of psychologists act of the state of Kansas, ~~are licensed under the~~  
 34 ~~professional counselors licensure act, are licensed under K.S.A. 65-6301 to~~  
 35 ~~65-6320, inclusive, and amendments thereto, are licensed under K.S.A. 74-~~  
 36 ~~5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and~~  
 37 ~~amendments thereto~~ *the social workers licensure act, the licensure of*  
 38 *master's level psychologists act, the applied behavior analysis licensure*  
 39 *act, ~~are licensed under the marriage and family therapists licensure act or~~*  
 40 *are licensed under the ~~addictions~~ addiction counselor licensure act;*

41 (3) prescribe the form and contents of examinations required under  
 42 this act, the licensure of psychologists act of the state of Kansas, the  
 43 professional counselors licensure act, ~~K.S.A. 65-6301 to 65-6320,~~

1 ~~inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive,~~  
2 ~~and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ *the social*  
3 *workers licensure act, the licensure of master's level psychologists act, the*  
4 *applied behavior analysis licensure act, the marriage and family therapists*  
5 *licensure act or the* ~~additions~~ *addiction counselor licensure act;*

6 (4) enter into contracts necessary to administer this act, the licensure  
7 of psychologists act of the state of Kansas, the professional counselors  
8 licensure act, ~~K.S.A. 65-6301 to 65-6320, inclusive, and amendments~~  
9 ~~thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-~~  
10 ~~5375, and amendments thereto~~ *the social workers licensure act, the*  
11 *licensure of master's level psychologists act, the applied behavior analysis*  
12 *licensure act, the marriage and family therapists licensure act or the*  
13 ~~additions~~ *addiction counselor licensure act;*

14 (5) adopt an official seal;

15 (6) adopt and enforce rules and regulations for professional conduct  
16 of persons licensed under the licensure of psychologists act of the state of  
17 Kansas, ~~licensed under the professional counselors licensure act, licensed~~  
18 ~~under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto,~~  
19 ~~licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015~~  
20 ~~Supp. 74-5375, and amendments thereto~~ *the social workers licensure act,*  
21 *the licensure of master's level psychologists act, the applied behavior*  
22 *analysis licensure act, licensed under the marriage and family therapists*  
23 *licensure act or licensed under the* ~~additions~~ *addiction counselor licensure*  
24 *act;*

25 (7) adopt and enforce rules and regulations establishing requirements  
26 for the continuing education of persons licensed under the licensure of  
27 psychologists act of the state of Kansas, ~~licensed under the professional~~  
28 ~~counselors licensure act, licensed under K.S.A. 65-6301 to 65-6320,~~  
29 ~~inclusive, and amendments thereto, licensed under K.S.A. 74-5361 to 74-~~  
30 ~~5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~  
31 *the social workers licensure act, the licensure of master's level*  
32 *psychologists act, the applied behavior analysis licensure act, licensed*  
33 ~~under the marriage and family therapists licensure act or licensed under the~~  
34 ~~additions~~ *addiction counselor licensure act;*

35 (8) adopt rules and regulations establishing classes of social work  
36 specialties which will be recognized for licensure under K.S.A. 65-6301 to  
37 65-6318, inclusive, and amendments thereto;

38 (9) adopt rules and regulations establishing procedures for  
39 examination of candidates for licensure under the licensure of  
40 psychologists act of the state of Kansas, ~~for licensure under the~~  
41 ~~professional counselors licensure act, for licensure under K.S.A. 65-6301~~  
42 ~~to 65-6320, inclusive, and amendments thereto, for licensure under K.S.A.~~  
43 ~~74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and~~

1 ~~amendments thereto~~ *the social workers licensure act, the licensure of*  
2 *master's level psychologists act, the applied behavior analysis licensure*  
3 *act, for licensure under the marriage and family therapists licensure act,*  
4 ~~for licensure under the~~ *addictions addiction counselor licensure act* and for  
5 issuance of such certificates and such licenses;

6 (10) adopt rules and regulations as may be necessary for the  
7 administration of this act, the licensure of psychologists act of the state of  
8 Kansas, the professional counselors licensure act, ~~K.S.A. 65-6301 to 65-~~  
9 ~~6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374,~~  
10 ~~inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ *the*  
11 *social workers licensure act, the licensure of master's level psychologists*  
12 *act, the applied behavior analysis licensure act, the marriage and family*  
13 *therapists licensure act and the* ~~addictions~~ *addiction counselor licensure act*  
14 and to carry out the purposes thereof;

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

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

19 (b) ~~The behavioral sciences regulatory board, in addition to any other~~  
20 ~~penalty, may assess an administrative penalty, after notice and an~~  
21 ~~opportunity to be heard, against a licensee or registrant for a violation of~~  
22 ~~any of the provisions of the licensure of psychologists act of the state of~~  
23 ~~Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-~~  
24 ~~6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374,~~  
25 ~~inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the~~  
26 ~~marriage and family therapists licensure act or the~~ ~~addictions counselor~~  
27 ~~licensure act in an amount not to exceed \$1,000. All fines assessed and~~  
28 ~~collected under this section shall be remitted to the state treasurer in~~  
29 ~~accordance with the provisions of K.S.A. 75-4215, and amendments~~  
30 ~~thereto. Upon receipt of each such remittance, the state treasurer shall~~  
31 ~~deposit the entire amount in the state treasury to the credit of the state~~  
32 ~~general fund.~~

33 (e) ~~If an order of the behavioral sciences regulatory board is adverse~~  
34 ~~to a licensee or registrant of the board, the actual costs shall be charged to~~  
35 ~~such person as in ordinary civil actions in the district court in an amount~~  
36 ~~not to exceed \$200. The board shall pay any additional costs and, if the~~  
37 ~~board is the unsuccessful party, the costs shall be paid by the board.~~  
38 ~~Witness fees and costs may be taxed in accordance with statutes governing~~  
39 ~~taxation of witness fees and costs in the district court.~~

40 Sec. 48. K.S.A. 2015 Supp. 74-7508 is hereby amended to read as  
41 follows: 74-7508. (a) In connection with any investigation, based upon a  
42 written complaint or other reasonably reliable written information, by the  
43 behavioral sciences regulatory board, the board or its duly authorized



1 agents or employees shall at all reasonable times have access to, for the  
2 purpose of examination, and the right to copy any document, report, record  
3 or other physical evidence of any person being investigated, or any  
4 document, report, record or other evidence maintained by and in  
5 possession of any clinic or office of a practitioner of the behavioral  
6 sciences, or other public or private agency if such document, report, record  
7 or other physical evidence relates to practices which may be grounds for  
8 disciplinary action.

9 (b) In all matters pending before the behavioral sciences regulatory  
10 board, the board shall have the power to administer oaths and take  
11 testimony. For the purpose of all investigations and proceedings conducted  
12 by the behavioral sciences regulatory board:

13 (1) The board may issue subpoenas compelling the attendance and  
14 testimony of witnesses or the production for examination or copying of  
15 documents, reports, records or any other physical evidence if such  
16 documents, reports, records or other physical evidence relates to practices  
17 which may be grounds for disciplinary action. Within five days after the  
18 service of the subpoena on any person requiring the production of any  
19 documents, reports, records or other physical evidence in the person's  
20 possession or under the person's control, such person may petition the  
21 board to revoke, limit or modify the subpoena. The board shall revoke,  
22 limit or modify such subpoena if in its opinion the documents, reports,  
23 records or other physical evidence required does not relate to practices  
24 which may be grounds for disciplinary action, is not relevant to the  
25 allegation which is the subject matter of the proceeding or investigation, or  
26 does not describe with sufficient particularity the documents, reports,  
27 records or other physical evidence which is required to be produced. Any  
28 member of the board, or any agent designated by the board, may  
29 administer oaths or affirmations, examine witnesses and receive such  
30 documents, reports, records or other physical evidence.

31 (2) The district court, upon application by the board or by the person  
32 subpoenaed, shall have jurisdiction to issue an order:

33 (A) Requiring such person to appear before the board or the board's  
34 duly authorized agent to produce documents, reports, records or other  
35 physical evidence relating to the matter under investigation; or

36 (B) revoking, limiting or modifying the subpoena if in the court's  
37 opinion the evidence demanded does not relate to practices which may be  
38 grounds for disciplinary action, is not relevant to the allegation which is  
39 the subject matter of the hearing or investigation or does not describe with  
40 sufficient particularity the documents, reports, records or other physical  
41 evidence which is required to be produced.

42 (3) (A) If the board determines that an individual has practiced  
43 without a valid license a profession regulated by the board for which the

1 practitioners of the profession are required by law to be licensed in order  
2 to practice the profession, in addition to any other penalties imposed by  
3 law, the board, in accordance with the Kansas administrative procedure  
4 act, may issue a cease and desist order against such individual.

5 (B) Whenever in the judgment of the behavioral sciences regulatory  
6 board any person has engaged, or is about to engage, in any acts or  
7 practices which constitute, or will constitute, a violation of K.S.A. 65-6301  
8 to 65-6320, inclusive, and amendments thereto, 74-5361 to 74-5374,  
9 inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the  
10 licensure of psychologists act, the marriage and family therapists licensure  
11 act or the alcohol and other drug abuse counselor registration act, or any  
12 valid rule or regulation of the board, the board may make application to  
13 any court of competent jurisdiction for an order enjoining such acts or  
14 practices, and upon a showing by the board that such person has engaged,  
15 or is about to engage in any such acts or practices, an injunction,  
16 restraining order, or such other order as may be appropriate shall be  
17 granted by such court without bond.

18 (c) Any complaint or report, record or other information relating to a  
19 complaint which is received, obtained or maintained by the behavioral  
20 sciences regulatory board shall be confidential and shall not be disclosed  
21 by the board or its employees in a manner which identifies or enables  
22 identification of the person who is the subject or source of the information  
23 except the information may be disclosed:

24 (1) In any proceeding conducted by the board under the law or in an  
25 appeal of an order of the board entered in a proceeding, or to any party to a  
26 proceeding or appeal or the party's attorney;

27 (2) to the person who is the subject of the information or to any  
28 person or entity when requested by the person who is the subject of the  
29 information, but the board may require disclosure in such a manner that  
30 will prevent identification of any other person who is the subject or source  
31 of the information; or

32 (3) to a state or federal licensing, regulatory or enforcement agency  
33 with jurisdiction over the subject of the information or to an agency with  
34 jurisdiction over acts or conduct similar to acts or conduct which would  
35 constitute grounds for action under this act. Any confidential complaint or  
36 report, record or other information disclosed by the board as authorized by  
37 this section shall not be redisclosed by the receiving agency except as  
38 otherwise authorized by law.

39 (d) Nothing in this section or any other provision of law making  
40 communications between a practitioner of one of the behavioral sciences  
41 and the practitioner's client or patient a privileged or confidential  
42 communication shall apply to investigations or proceedings conducted  
43 pursuant to this section. The behavioral sciences regulatory board and its

1 employees, agents and representatives shall keep in confidence the content  
2 and the names of any clients or patients whose records are reviewed during  
3 the course of investigations and proceedings pursuant to this section.

4 (e) In all matters pending before the behavioral sciences regulatory  
5 board, the board shall have the power to revoke the license or registration  
6 of any licensee or registrant who voluntarily surrenders such person's  
7 license or registration pending investigation of misconduct or while  
8 charges of misconduct against the licensee are pending or anticipated.

9 ~~(f) In all matters pending before the behavioral sciences regulatory~~  
10 ~~board, the board shall have the option to censure the licensee or registrant~~  
11 ~~in lieu of other disciplinary action.~~

12 Sec. 49. K.S.A. 65-5806, 65-5808, 65-6314, 65-6407, 65-6408, 65-  
13 6411, 74-5311, 74-5318, 74-5319, 74-5320, 74-5321, 74-5325, 74-5326,  
14 74-5327, 74-5328, 74-5332, 74-5333, 74-5334, 74-5336, 74-5338, 74-  
15 5361, 74-5362, 74-5363, 74-5365 and 74-5370 and K.S.A. 2015 Supp. 65-  
16 5807, 65-5809, 65-5815, 65-6309, 65-6311, 65-6313, 65-6405, 65-6406,  
17 65-6412, 65-6607, 65-6608, 65-6609, 65-6610, 65-6611, 65-6612, 65-  
18 6613, 65-6614, 65-6615, 65-6616, 65-6617, 65-6618, 65-6619, 65-6620,  
19 74-5310, 74-5315, 74-5316, 74-5324, 74-5337, 74-5367, 74-5369, 74-  
20 5375, 74-5376, 74-7507 and 74-7508 are hereby repealed.

21 Sec. 50. This act shall take effect and be in force from and after its  
22 publication in the statute book.