

**PROPONENT TESTIMONY ON SB 238  
HOUSE HEALTH AND HUMAN SERVICES COMMITTEE  
FEBRUARY 24, 2021**

Mister Chairman and Committee Members:

Thank you for the opportunity to testify today as a proponent of SB 238, a bill that was requested on behalf of the Behavioral Sciences Regulatory Board (BSRB). I am David Fye, the Executive Director of BSRB. The previous Executive Director for the agency, Max Foster, retired on January 8, 2021 after nearly 8 years with the BSRB. I was able to work with Max for a little over a month prior to his departure and the agency and I wish him well in his retirement.

The BSRB is the licensing board for most of the state's mental health professionals including: licensed psychology, master's level psychology, social work, professional counseling, marriage and family therapy, addiction counseling, and behavioral analysis. Currently, our agency has slightly more than 13,100 active licenses in the professions we regulate. Our mission is to protect the public's health, safety, and welfare from unlawful or unprofessional practitioners who fall under the Board's jurisdiction. We have defined statutory credentialing qualifications, as well as minimal educational and experiential requirements that applicants must satisfy before being granted licensure.

In response to addressing the need for additional qualified licensed mental health professionals in underserved areas of the state of Kansas, the BSRB requested introduction of SB 238. SB 238 is identical to HB 2208, which was passed out favorably from the House Health and Human Services Committee with amendments on Thursday, February 18, 2021.

In the 2019 Legislative session, legislation was enacted that lowered the hours requirements for post-graduate supervised work experience for social workers pursuing a clinical social work license from 4,000 hours of supervised practice to 3,000 hours and lowered the total number of direct supervision hours from 150 to 100 hours. SB 238 incorporates this total reduction in hours of supervised practice and direct supervision that now exists for clinically licensed social workers to the professions of clinically licensed marriage and family therapists, professional counselors, masters level psychologists and addiction counselors. In other words, to be clinically licensed as a marriage and family therapist, professional counselor, masters level psychologist or addiction counselor, an individual under SB 238 would need 3,000 hours of supervised practice (current requirement is 4,000 hours), and 100 hours of direct supervision (current requirement is 150 hours). The BSRB is convinced that lowering these hourly requirements will make it easier to be clinically licensed in these professions while maintaining essential protection of the public. This recommendation is also consistent with a recommendation on workforce by the 2020 interim Legislative Special Committee on Mental Health Modernization and Reform.

Recognizing some of the difficulty involved in delivery of services due to the pandemic, SB 238 includes language clarifying that all clinical supervision may be done over televideo and allows for

telephonic clinical supervision of licensees in extenuating circumstances, for master's level psychology, social work, professional counseling, marriage and family therapy, and addiction counseling.

The BSRB is able to offer a temporary out-of-state permit to practitioners in other states, which allows for up to 15 days of in-state practice. Historically, the number of individuals requesting such a license has been low, though the agency has seen an increase associated with the pandemic. SB 238 includes adjustments to the temporary out-of-state permit statutes to assist individuals in receiving services for a greater length of time, while adding certain safeguards for the public. The bill includes the following adjustments to temporary out-of-state permits:

- The number of days of in-state practice are increased from 15 days to 30 days;
- The expiration date is changed from December 31 of the year for which it was issued to one year after it was approved;
- Individuals requesting a temporary permit will be required to have practiced two years prior in their current jurisdiction;
- Quarterly reports on days of in-state practice will be required; and
- An individual may request a temporary out-of-state permit be extended one additional 12-month time period, including 30 additional days of in-state practice, under emergency circumstances.

SB 238 includes language to require Board-approved clinical supervisors for social workers as of January 1, 2022, and establishes a one-time fee with a maximum cap of \$50 (the Board recommended the agency set this amount at \$25 in regulations). Also, similar Board-approved clinical supervisor statutes for professional counselors and marriage and family therapists currently include language to charge a fee, however no fee cap has been set in statute, so SB 238 sets a uniform fee cap across these professions. In 2015, a survey was sent to 1,700 Licensed Specialist Clinical Social Workers (LSCSWs) in Kansas. The BSRB received responses from 28.0 percent of these individuals and there was a good geographical representation from the respondents. Over 66.0 percent of respondents were in favor of clinical supervision training. It should be noted that supervisor training and competency is supported as a best practice standard by both the National Association of Social Workers (NASW) and the Association of Social Work Boards (ASWB). As of 2021, 17 jurisdictions require continuing education requirements specific to supervision, including Missouri. Also, according to Cara Sanner, Regulatory Services Coordinator of ASWB, 23 states and one jurisdiction require some kind of training before a clinical supervisor can begin working with supervisees. It is important to note that continuing education hours required as part of a Board-approval process could apply towards the existing requirement of 40 continuing education hours for LSCSWs during their regular renewal periods, so no additional costs would be necessary.

Additional provisions of SB 238 include the following:

- Professional counselor practicum direct client contact hours are lowered from 350 hours to 280 hours and social work practicum direct client contact hours are lowered from 350 hours to 200 hours;
- Statutory language is amended to allow the Board in the future to consider disciplinary action on any type of professional license held in another state when determining eligibility for licensure in Kansas;

- A provision is added that allows for disciplinary action against any person who has violated any lawful order or directive of the Board previously entered by the Board. (Currently, this language does not exist in statute); and
- The professional counselor temporary license is extended from six months to twelve months. This change will bring all temporary licenses in line.

In summary, Mister Chairman and members of the Committee, we believe the provisions of SB 238 will allow additional qualified mental health professionals to obtain licensure in Kansas without sacrificing public protection. With that, I would be happy to answer any questions the Committee members might have.