

Senate Substitute for HOUSE BILL No. 2208

By Committee on Public Health and Welfare

3-22

1 AN ACT concerning health and healthcare; relating to credentialing of
2 health professions and facilities; establishing rural emergency hospitals
3 as a rural healthcare licensure category; requirements for licensure;
4 certification and funding of certified community behavioral health
5 clinics; prescribing powers, duties and functions of the Kansas
6 department for aging and disability services and the department of
7 health and environment related thereto; authorizing the issuance of
8 telemedicine waivers for the practice of telemedicine by out-of-state
9 healthcare providers; relating to professions regulated by the behavioral
10 sciences regulatory board; reducing certain licensing requirements;
11 expanding temporary practice permits and the board's grounds for
12 discipline; amending K.S.A. 65-425, 65-431, 65-5804a, 65-5807a, 65-
13 5808, 65-5809, 65-6309a, 65-6311, 65-6404, 65-6405a, 65-6408, 65-
14 6610, 65-6612, 65-6615, 74-5316a, 74-5324, 74-5363, 74-5367a and
15 74-5369 and K.S.A. 2020 Supp. 65-6306 and 65-6411 and repealing the
16 existing sections.
17

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

19 New Section 1. Sections 1 through 8, and amendments thereto, shall
20 be known and may be cited as the rural emergency hospital act.

21 New Sec. 2. The legislature of the state of Kansas recognizes the
22 importance and necessity of providing and regulating the system by which
23 healthcare services are structured and integrated to promote the availability
24 of and access to necessary and appropriate healthcare to protect the general
25 health, safety and welfare of the rural residents of Kansas. The legislature
26 of the state of Kansas seeks to: Improve the health of the rural population
27 of Kansas; preserve access to healthcare; encourage collaboration among
28 rural healthcare providers; promote delivery of quality rural healthcare;
29 promote efficiency and efficacy of rural healthcare; embrace technology in
30 the delivery of rural healthcare; and promote adequate and fair
31 reimbursement for rural healthcare services. To this end, it is the policy of
32 the state of Kansas to create a category of licensure to enable certain
33 Kansas hospitals to receive federal healthcare reimbursement as rural
34 emergency hospitals, and the implementation of this act facilitates such
35 policy.

36 New Sec. 3. As used in the rural emergency hospital act:

- 1 (a) "Act" means the rural emergency hospital act.
- 2 (b) "Rural emergency hospital" means an establishment that:
- 3 (1) Meets the eligibility requirements described in section 4, and
- 4 amendments thereto;
- 5 (2) provides rural emergency hospital services;
- 6 (3) provides rural emergency hospital services in the facility 24 hours
- 7 per day by maintaining an emergency department that is staffed 24 hours
- 8 per day, 7 days per week, with a physician, nurse practitioner, clinical
- 9 nurse specialist or physician assistant;
- 10 (4) has a transfer agreement in effect with a level I or level II trauma
- 11 center; and
- 12 (5) meets such other requirements as the department of health and
- 13 environment finds necessary in the interest of the health and safety of
- 14 individuals who are provided rural emergency hospital services and to
- 15 implement state licensure that satisfies requirements for reimbursement by
- 16 federal healthcare programs as a rural emergency hospital.
- 17 (c) "Rural emergency hospital services" means the following services,
- 18 provided by a rural emergency hospital, that do not require in excess of an
- 19 annual per-patient average of 24 hours in such rural emergency hospital:
- 20 (1) Emergency department services and observation care; and
- 21 (2) at the election of the rural emergency hospital, for services
- 22 provided on an outpatient basis, other medical and health services as
- 23 specified in regulations adopted by the United States secretary of health
- 24 and human services and authorized by the department of health and
- 25 environment.
- 26 (d) "Secretary" means the secretary of health and environment.
- 27 New Sec. 4. (a) A facility shall be eligible to apply for a rural
- 28 emergency hospital license if such facility, as of December 27, 2020, was
- 29 a:
- 30 (1) Licensed critical access hospital;
- 31 (2) general hospital with not more than 50 licensed beds located in a
- 32 county in a rural area as defined in section 1886(d)(2)(D) of the federal
- 33 social security act; or
- 34 (3) general hospital with not more than 50 licensed beds that is
- 35 deemed as being located in a rural area pursuant to section 1886(d)(8)(E)
- 36 of the federal social security act.
- 37 (b) A facility applying for licensure as a rural emergency hospital
- 38 shall include with the licensure application:
- 39 (1) An action plan for initiating rural emergency hospital services,
- 40 including a detailed transition plan that lists the specific services that the
- 41 facility will retain, modify, add and discontinue;
- 42 (2) a description of services that the facility intends to provide on an
- 43 outpatient basis; and

1 (3) such other information as required by rules and regulations
2 adopted by the department of health and environment.

3 (c) A rural emergency hospital shall not have inpatient beds, except
4 that such hospital may have a unit that is a distinct part of such hospital
5 and that is licensed as a skilled nursing facility to provide post-hospital
6 extended care services.

7 (d) A rural emergency hospital may own and operate an entity that
8 provides ambulance services.

9 (e) A licensed general hospital or critical access hospital that applies
10 for and receives licensure as a rural emergency hospital and elects to
11 operate as a rural emergency hospital shall retain its original license as a
12 general hospital or critical access hospital. Such original license shall
13 remain inactive while the rural emergency hospital license is in effect.

14 New Sec. 5. All rural emergency hospitals, including city, county,
15 hospital district or other governmental or quasi-governmental hospitals,
16 shall be authorized to enter into any contracts required to be eligible for
17 federal reimbursement as a rural emergency hospital.

18 New Sec. 6. In addition to the provisions of K.S.A. 65-4909, and
19 amendments thereto, entities engaging in activities and entering into
20 contracts required to meet the requirements for licensure and
21 reimbursement as a rural emergency hospital, and officers, agents,
22 representatives, employees and directors thereof, shall be considered to be
23 acting pursuant to clearly expressed state policy as established in this act
24 under the supervision of the state. Such entities shall not be subject to state
25 or federal antitrust laws while acting in such manner.

26 New Sec. 7. The secretary shall adopt rules and regulations
27 establishing minimum standards for the establishment and operation of
28 rural emergency hospitals in accordance with this act, including licensure
29 of rural emergency hospitals.

30 New Sec. 8. Each individual and group policy of accident and
31 sickness insurance, each contract issued by a health maintenance
32 organization and all coverage maintained by an entity authorized under
33 K.S.A. 40-2222, and amendments thereto, or by a municipal group-funded
34 pool authorized under K.S.A. 12-2618, and amendments thereto, shall
35 provide benefits for services when performed by a rural emergency
36 hospital if such services would be covered under such policies, contracts
37 or coverage if performed by a general hospital.

38 New Sec. 9. (a) The Kansas department for aging and disability
39 services shall establish a process for certification of and funding for
40 certified community behavioral health clinics in accordance with this
41 section.

42 (b) The Kansas department for aging and disability services shall
43 certify as a certified community behavioral health clinic any community

1 mental health center licensed by the department that provides the
2 following services: Crisis services; screening, assessment and diagnosis,
3 including risk assessment; person-centered treatment planning; outpatient
4 mental health and substance use services; primary care screening and
5 monitoring of key indicators of health risks; targeted case management;
6 psychiatric rehabilitation services; peer support and family supports;
7 medication-assisted treatment; assertive community treatment; and
8 community-based mental healthcare for military servicemembers and
9 veterans.

10 (c) (1) The department of health and environment shall establish a
11 prospective payment system under the medical assistance program for
12 funding certified community behavioral health clinics. Such system shall
13 permit payment by either daily or monthly rates.

14 (2) Subject to applications therefor, the Kansas department for aging
15 and disability services shall certify community behavioral health clinics by
16 not later than the following specified dates:

17 (A) Six facilities currently receiving grants to operate as certified
18 community behavioral health clinics by not later than May 1, 2022;

19 (B) three additional facilities by not later than July 1, 2022;

20 (C) nine additional facilities by not later than July 1, 2023; and

21 (D) eight additional facilities by not later than July 1, 2024.

22 (3) The Kansas department for aging and disability services may certify
23 community behavioral health clinics in advance of the deadlines
24 established in paragraph (2), including portions of the specified numbers
25 of facilities.

26 (d) The secretary for aging and disability services adopt rules and
27 regulations as necessary to implement and administer this section.

28 New Sec. 10. (a) Notwithstanding any other provision of law, a
29 physician holding a license issued by the applicable licensing agency of
30 another state or who otherwise meets the requirements of this section may
31 practice telemedicine to treat patients located in the state of Kansas, if such
32 physician receives a telemedicine waiver issued by the state board of
33 healing arts. The state board of healing arts shall issue such a waiver
34 within 15 days from receipt of a complete application, if the physician:

35 (1) Submits a complete application that may include evidence in the
36 form of an affidavit from an authorized third party that the applicant meets
37 the requirements of this section in a manner determined by the state board
38 of healing arts and pays a fee not to exceed \$100; and

39 (2) holds an unrestricted license to practice medicine and surgery in
40 another state or meets the qualifications required under Kansas law for a
41 license to practice medicine and surgery and is not the subject of any
42 investigation or disciplinary action by the applicable licensing agency.

43 (b) A physician practicing telemedicine in accordance with this

1 subsection shall conduct an appropriate assessment and evaluation of the
2 patient's current condition and document the appropriate medical
3 indication for any prescription issued.

4 (c) Nothing in this section shall supersede or otherwise affect the
5 provisions of K.S.A. 65-4a10, and amendments thereto, or K.S.A. 2020
6 Supp. 40-2,210 et seq., and amendments thereto.

7 (d) Any person who receives a telemedicine waiver under the
8 provisions of this section shall be subject to all rules and regulations
9 pertaining to the practice of the licensed profession in this state and shall
10 be considered a licensee for the purposes of the professional practice acts
11 administered by the state board of healing arts.

12 (e) A waiver issued under this section shall expire on the date of
13 expiration established by the state board of healing arts unless renewed in
14 the manner established by the state board of healing arts, including
15 payment of an annual renewal fee not to exceed \$100 and evidence that the
16 applicant continues to meet the qualifications described in this section.

17 (f) Notwithstanding any other provision of law to the contrary, a
18 physician holding a license issued by the applicable licensing agency of
19 another state may provide, without limitation, consultation through remote
20 technology to a physician licensed in the state of Kansas.

21 (g) An applicable healthcare licensing agency of this state may adopt
22 procedures consistent with this section to allow other healthcare
23 professionals licensed and regulated by such licensing agency to practice
24 telemedicine within the scope of practice defined by Kansas law for such
25 healthcare profession as deemed by such licensing agency to be consistent
26 with ensuring patient safety.

27 (h) Nothing in this section shall be construed to prohibit a licensing
28 agency from denying an application for a waiver under this section if the
29 licensing body determines that granting the application may endanger the
30 health and safety of the public.

31 (i) As used in this subsection, "telemedicine" means the delivery of
32 healthcare services by a healthcare provider while the patient is at a
33 different physical location.

34 Sec. 11. K.S.A. 65-425 is hereby amended to read as follows: 65-425.
35 As used in this act:

36 (a) "General hospital" means an establishment with an organized
37 medical staff of physicians; with permanent facilities that include inpatient
38 beds; and with medical services, including physician services, and
39 continuous registered professional nursing services for not less than 24
40 hours of every day, to provide diagnosis and treatment for patients who
41 have a variety of medical conditions.

42 (b) "Special hospital" means an establishment with an organized
43 medical staff of physicians; with permanent facilities that include inpatient

1 beds; and with medical services, including physician services, and
2 continuous registered professional nursing services for not less than 24
3 hours of every day, to provide diagnosis and treatment for patients who
4 have specified medical conditions.

5 (c) "Person" means any individual, firm, partnership, corporation,
6 company, association, or joint-stock association, and the legal successor
7 thereof.

8 (d) "Governmental unit" means the state, or any county, municipality,
9 or other political subdivision thereof; or any department, division, board or
10 other agency of any of the foregoing.

11 (e) "Licensing agency" means the department of health and
12 environment.

13 (f) "Ambulatory surgical center" means an establishment with an
14 organized medical staff of one or more physicians; with permanent
15 facilities that are equipped and operated primarily for the purpose of
16 performing surgical procedures; with continuous physician services during
17 surgical procedures and until the patient has recovered from the obvious
18 effects of anesthetic and at all other times with physician services available
19 whenever a patient is in the facility; with continuous registered
20 professional nursing services whenever a patient is in the facility; and
21 which does not provide services or other accommodations for patient to
22 stay more than 24 hours. Before discharge from an ambulatory surgical
23 center, each patient shall be evaluated by a physician for proper anesthesia
24 recovery. Nothing in this section shall be construed to require the office of
25 a physician or physicians to be licensed under this act as an ambulatory
26 surgical center.

27 (g) "Recuperation center" means an establishment with an organized
28 medical staff of physicians; ~~with~~, permanent facilities that include
29 inpatient beds; ~~and with~~, medical services, including physician services,
30 and continuous registered professional nursing services for not less than 24
31 hours of every day, to provide treatment for patients who require inpatient
32 care but are not in an acute phase of illness, who currently require primary
33 convalescent or restorative services; and who have a variety of medical
34 conditions.

35 (h) "Medical care facility" means a hospital, ambulatory surgical
36 center or recuperation center, ~~but shall~~ *except that "medical care facility"*
37 *does not include a hospice which that is certified to participate in the*
38 *medicare program under 42 code of federal regulations, chapter IV, section*
39 *C.F.R. § 418.1 et seq. and amendments thereto and which that provides*
40 *services only to hospice patients.*

41 (i) "Critical access hospital" ~~shall have the meaning ascribed to such~~
42 ~~term under~~ *means the same as defined in K.S.A. 65-468 and amendments*
43 *thereto.*

1 (j) "Hospital" means "general hospital," "critical access hospital," or
2 "special hospital."

3 (k) "Physician" means a person licensed to practice medicine and
4 surgery in this state.

5 (l) "*Rural emergency hospital*" means the same as defined in section
6 2, and amendments thereto.

7 Sec. 12. K.S.A. 65-431 is hereby amended to read as follows: 65-431.

8 (a) The licensing agency shall adopt, amend, promulgate and enforce such
9 rules and regulations and standards with respect to the different types of
10 medical care facilities to be licensed hereunder as may be designed to
11 further the accomplishment of the purposes of this law in promoting safe
12 and adequate treatment of individuals in medical care facilities in the
13 interest of public health, safety and welfare.

14 (b) No rule or regulation shall be made by the licensing agency ~~which~~
15 *that* would discriminate against any practitioner of the healing arts who is
16 licensed to practice medicine and surgery in this state. Boards of trustees
17 or directors of facilities licensed pursuant to the provisions of this act shall
18 have the right, in accordance with law, to select the professional staff
19 members of such facilities and to select and employ interns, nurses and
20 other personnel, and no rules and regulations or standards of the licensing
21 agency shall be valid ~~which that~~, if enforced, would interfere in such
22 selection or employment. In the selection of professional staff members,
23 no hospital licensed under K.S.A. 65-425 et seq., *and amendments thereto*,
24 shall discriminate against any practitioner of the healing arts who is
25 licensed to practice medicine and surgery in this state for reasons based
26 solely upon the practitioner's branch of the healing arts or the school or
27 ~~health care~~ *healthcare* facility ~~in which~~ *where* the practitioner received
28 medical schooling or postgraduate training.

29 (c) In formulating rules and regulations, the agency shall give due
30 consideration to the size of the medical care facility, the type of service it
31 is intended to render, the scope of such service, *requirements for the*
32 *receipt of federal reimbursement for the type of medical care facility* and
33 the financial resources in and the needs of the community which such
34 facility serves.

35 (d) (l) A hospital consisting of more than one establishment shall be
36 considered in compliance with the rules and regulations of the licensing
37 agency if:

38 (A) All basic services required by the agency are available as a part of
39 the combined operation; and ~~if~~

40 (B) the following basic services are available at each establishment:

41 (i) Continuous nursing service;

42 (ii) continuous physician coverage on duty or on call;

43 (iii) basic diagnostic radiological and laboratory facilities;

- 1 (iv) drug room;;
- 2 (v) emergency services;;
- 3 (vi) food service; and
- 4 (vii) patient isolation.

5 (2) *The requirements of paragraphs (1)(A) and (B) shall be deemed*
 6 *to be satisfied by a rural emergency hospital if such rural emergency*
 7 *hospital meets the licensing requirements established for such hospital by*
 8 *the licensing agency.*

9 Sec. 13. K.S.A. 65-5804a is hereby amended to read as follows: 65-
 10 5804a. (a) Applications for licensure as a professional counselor shall be
 11 made to the board on a form and in the manner prescribed by the board.
 12 Each application shall be accompanied by the fee fixed under K.S.A. 65-
 13 5808, and amendments thereto.

14 (b) Each applicant for licensure as a professional counselor shall
 15 furnish evidence satisfactory to the board that the applicant:

- 16 (1) Is at least 21 years of age;
- 17 (2) has completed 60 graduate semester hours including a graduate
 18 degree in counseling or a related field from a college or university
 19 approved by the board and that includes 45 graduate semester hours of
 20 counseling coursework distributed among each of the following areas:
 - 21 (A) Counseling theory and practice;
 - 22 (B) the helping relationship;
 - 23 (C) group dynamics, processing and counseling;
 - 24 (D) human growth and development;
 - 25 (E) ~~life-style~~ *lifestyle* and career development;
 - 26 (F) appraisal of individuals;
 - 27 (G) social and cultural foundations;
 - 28 (H) research and evaluation;
 - 29 (I) professional orientation; and
 - 30 (J) supervised practicum and internship;
- 31 (3) has passed an examination required by the board; and
- 32 (4) has satisfied the board that the applicant is a person who merits
 33 the public trust.

34 (c) (1) Applications for licensure as a clinical professional counselor
 35 shall be made to the board on a form and in the manner prescribed by the
 36 board. Each applicant shall furnish evidence satisfactory to the board that
 37 the applicant:

- 38 (A) Is licensed by the board as a licensed professional counselor or
 39 meets all requirements for licensure as a licensed professional counselor;
- 40 (B) has completed 15 credit hours, as part of or in addition to the
 41 requirements under subsection (b), supporting diagnosis or treatment of
 42 mental disorders with use of the American psychiatric association's
 43 diagnostic and statistical manual through identifiable study of the

1 following content areas: Psychopathology, diagnostic assessment,
2 interdisciplinary referral and collaboration, treatment approaches and
3 professional ethics;

4 (C) has completed a graduate level supervised clinical practicum of
5 supervised professional experience including psychotherapy and
6 assessment with individuals, couples, families or groups, integrating
7 diagnosis and treatment of mental disorders with use of the American
8 psychiatric association's diagnostic and statistical manual, with not less
9 than ~~350~~ 280 hours of direct client contact or additional postgraduate
10 supervised experience as determined by the board;

11 (D) 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~~ 3,000 hours of supervised
14 professional experience, including at least 1,500 hours of direct client
15 contact conducting psychotherapy and assessments with individuals,
16 couples, families or groups and not less than ~~150~~ 100 hours of *face-to-face*
17 clinical supervision, ~~including not less than 50 hours of person-to-person~~
18 ~~individual supervision, as defined by the board in rules and regulations,~~
19 *including not less than 50 hours of individual supervision, except that the*
20 *board may waive the requirement that such supervision be face-to-face*
21 *upon a finding of extenuating circumstances, integrating diagnosis and*
22 *treatment of mental disorders with use of the American psychiatric*
23 *association's diagnostic and statistical manual, except that ~~one-half the~~*
24 *board may waive 1/2 of the ~~requirement of hours required by this~~*
25 *subparagraph ~~may be waived for persons with an individual who has a~~*
26 *doctor's doctoral degree in professional counseling or a related field*
27 *acceptable to approved by the board and who completes the required 1/2 of*
28 *the hours in not less than one year of supervised professional experience;*

29 (E) for persons ~~earning~~ *who earned* a degree under subsection (b)
30 prior to July 1, 2003, in lieu of the education requirements under
31 subparagraphs (B) and (C), has completed the education requirements for
32 licensure as a professional counselor in effect on the day immediately
33 preceding the effective date of this act;

34 (F) for persons who apply for and are eligible for a temporary permit
35 to practice as a licensed professional counselor on the day immediately
36 preceding the effective date of this act, in lieu of the education and training
37 requirements under subparagraphs (B), (C) and (D), has completed the
38 education and training requirements for licensure as a professional
39 counselor in effect on the day immediately preceding the effective date of
40 this act;

41 (G) has passed an examination approved by the board; and

42 (H) has paid the application fee fixed under K.S.A. 65-5808, and
43 amendments thereto.

1 (2) A person who was licensed or registered as a professional
2 counselor in Kansas at any time prior to the effective date of this act, who
3 has been actively engaged in the practice of professional counseling as a
4 registered or licensed professional counselor within five years prior to the
5 effective date of this act and whose last license or registration in Kansas
6 prior to the effective date of this act was not suspended or revoked, upon
7 application to the board, payment of fees *pursuant to K.S.A. 65-5808, and*
8 *amendments thereto*, and completion of applicable continuing education
9 requirements, shall be licensed as a licensed clinical professional
10 counselor by providing demonstration of competence to diagnose and treat
11 mental disorders through at least two of the following areas acceptable to
12 the board:

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

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

19 (C) attestation from one professional licensed to diagnose and treat
20 mental disorders in independent practice or licensed to practice medicine
21 and surgery that the applicant is competent to diagnose and treat mental
22 disorders.

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

37 (4) A licensed professional counselor may diagnose and treat mental
38 disorders specified in the edition of the diagnostic and statistical manual of
39 mental disorders of the American psychiatric association designated by the
40 board by rules and regulations only under the direction of a licensed
41 clinical professional counselor, licensed psychologist, person licensed to
42 practice medicine and surgery or person licensed to provide mental health
43 services as an independent practitioner and whose licensure allows for the

1 diagnosis and treatment of mental disorders. When a client has symptoms
2 of a mental disorder, a licensed professional counselor shall consult with
3 the client's primary care physician or psychiatrist to determine if there may
4 be a medical condition or medication that may be causing or contributing
5 to the client's symptoms of a mental disorder. A client may request in
6 writing that such consultation be waived and such request shall be made a
7 part of the client's record. A licensed professional counselor may continue
8 to evaluate and treat the client until such time that the medical consultation
9 is obtained or waived.

10 (d) The board shall adopt rules and regulations establishing the
11 criteria that a college or university shall satisfy in order to be approved by
12 the board. The board may send a questionnaire developed by the board to
13 any college or university for which the board does not have sufficient
14 information to determine whether the school meets the requirements for
15 approval and rules and regulations adopted under this section. The
16 questionnaire providing the necessary information shall be completed and
17 returned to the board in order for the college or university to be considered
18 for approval. The board may contract with investigative agencies,
19 commissions or consultants to assist the board in obtaining information
20 about colleges and universities. In entering such contracts, the authority to
21 approve college and universities shall remain solely with the board.

22 (e) A person who is waiting to take the examination required by the
23 board may apply to the board for a temporary license to practice as a
24 licensed professional counselor by:

25 (1) Paying an application fee of ~~no~~ not more than \$150; and

26 (2) meeting the application requirements as stated in K.S.A. 65-
27 5804a(b)(1), (2) and (4), and amendments thereto.

28 (f) (1) A temporary license may be issued by the board after the
29 application has been reviewed and approved by the board and the applicant
30 has paid the appropriate fee set by the board for issuance of ~~new licenses~~ a
31 *temporary license*.

32 (2) Absent extenuating circumstances approved by the board, a
33 temporary license issued by the board shall expire upon the date the board
34 issues or denies a license to practice professional counseling or ~~six~~ 12
35 months after the date of issuance of the temporary license. No temporary
36 license will be renewed or issued again on any subsequent application for
37 the same license level. The preceding provisions in no way limit the
38 number of times an applicant may take the examination.

39 (g) A person practicing professional counseling with a temporary
40 license may not use the title "licensed professional counselor" or the
41 initials "LPC" independently. The word "licensed" may be used only when
42 followed by the words "by temporary license," such as licensed
43 professional counselor by temporary license, or professional counselor

1 licensed by temporary license.

2 (h) No person may practice professional counseling under a
3 temporary license except under the supervision of a person licensed by the
4 behavioral sciences regulatory board at the independent level.

5 (i) Nothing in this section shall affect any temporary license to
6 practice issued under this section prior to the effective date of this act and
7 in effect on the effective date of this act. Such temporary license shall be
8 subject to the provisions of this section in effect at the time of its issuance
9 and shall continue to be effective until the date of expiration of the
10 temporary license provided under this section at the time of issuance of
11 such temporary license.

12 Sec. 14. K.S.A. 65-5807a is hereby amended to read as follows: 65-
13 5807a. (a) Upon written application and board approval, an individual who
14 is licensed to engage in the independent clinical practice of professional
15 counseling at the clinical level in another jurisdiction ~~and~~, who is in good
16 standing in that other jurisdiction *and who has engaged in the clinical*
17 *practice of professional counseling in that jurisdiction for at least two*
18 *years immediately preceding application* may engage in the independent
19 practice of clinical professional counseling as provided by K.S.A. 65-5801
20 et seq., and amendments thereto, in this state for ~~no~~ *not* more than ~~15~~ 30
21 days per year upon receipt of a temporary permit to practice issued by the
22 board. *Such individual engaging in such practice in this state shall provide*
23 *quarterly reports to the board on a form approved by the board detailing*
24 *the total days of practice in this state.*

25 (b) Any clinical professional counseling services rendered within any
26 24-hour period shall count as one entire day of clinical professional
27 counseling services.

28 (c) The temporary permit to practice shall be effective on the date of
29 approval by the board and shall expire ~~December 31 of that year~~ *one year*
30 *after issuance*. Upon written application ~~and for good cause shown, the~~
31 ~~board may extend the temporary permit to practice no more than 15~~
32 ~~additional days not later than 30 days before the expiration of a temporary~~
33 ~~permit and under emergency circumstances, as defined by the board, the~~
34 ~~board may extend the temporary permit for not more than one additional~~
35 ~~year. Such extended temporary permit shall authorize the individual to~~
36 ~~practice in this state for an additional 30 days during the additional year.~~
37 *Such individual engaging in such practice shall provide quarterly reports*
38 *to the board on a form approved by the board detailing the total days of*
39 *practice in this state.*

40 (d) The board may charge a fee of a maximum of \$200 for a
41 temporary permit to practice and a fee of a maximum of \$200 for an
42 extension of a temporary permit to practice as established by rules and
43 regulations of the board.

1 (e) A person who holds a temporary permit to practice clinical
 2 professional counseling in this state shall be deemed to have submitted to
 3 the jurisdiction of the board and shall be bound by the statutes and
 4 regulations that govern the practice of clinical professional counseling in
 5 this state.

6 (f) In accordance with the Kansas administrative ~~procedures~~
 7 *procedure* act, the board may issue a cease and desist order or assess a fine
 8 of up to \$1,000 per day, or both, against a person licensed in another
 9 jurisdiction who engages in the independent practice of clinical
 10 professional counseling in this state without complying with the provisions
 11 of this section.

12 (g) This section shall be a part of and supplemental to the
 13 professional counselors licensure act.

14 Sec. 15. K.S.A. 65-5808 is hereby amended to read as follows: 65-
 15 5808. (a) The board may fix the following fees, and any such fees shall be
 16 established by rules and regulations adopted by the board:

17 (1) For application for licensure as a professional counselor, not more
 18 than \$100;

19 (2) for an original license as a professional counselor, not more than
 20 \$175;

21 (3) for a temporary license as a professional counselor, not more than
 22 \$175;

23 (4) for renewal for licensure as a professional counselor, not more
 24 than \$150;

25 (5) for application for licensure as a clinical professional counselor,
 26 not more than \$175;

27 (6) for licensure as a clinical professional counselor, not more than
 28 \$175;

29 (7) for renewal for licensure as a clinical professional counselor, not
 30 more than \$175;

31 (8) for late renewal penalty, an amount equal to the fee for renewal of
 32 a license;

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

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

35 (11) for a wallet card license, not more than \$5; *and*

36 (12) *for application as a board-approved clinical supervisor, not*
 37 *more than \$50.*

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

39 Sec. 16. K.S.A. 65-5809 is hereby amended to read as follows: 65-
 40 5809. (a) The board may refuse to issue, renew or reinstate a license, may
 41 condition, limit, revoke or suspend a license, may publicly or privately
 42 censure a licensee or may impose a fine not to exceed \$1,000 per violation
 43 upon a finding that a licensee or an applicant for licensure:

1 (1) Is incompetent to practice professional counseling,—which.
 2 "*Incompetent to practice professional counseling*" means:

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

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

9 (C) a pattern of practice or other behavior that demonstrates a
 10 manifest incapacity or incompetence to practice professional counseling;

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

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

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

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

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

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

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

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

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

40 (11) *has violated any lawful order or directive of the board previously*
 41 *entered by the board.*

42 (b) For issuance of a new license or reinstatement of a revoked or
 43 suspended license for a licensee or applicant for licensure with a felony

1 conviction, the board may only issue or reinstate such license by a ²/₃
2 majority vote.

3 (c) Administrative proceedings and disciplinary actions regarding
4 licensure under the professional counselors licensure act shall be
5 conducted in accordance with the Kansas administrative procedure act.
6 Judicial review and civil enforcement of agency actions under the
7 professional counselors licensure act shall be in accordance with the
8 Kansas judicial review act.

9 Sec. 17. K.S.A. 2020 Supp. 65-6306 is hereby amended to read as
10 follows: 65-6306. (a) The board shall issue a license as a baccalaureate
11 social worker to an applicant who *has*:

12 (1) ~~Has~~—A baccalaureate degree from an accredited college or
13 university, including completion of a social work program recognized and
14 approved by the board, pursuant to rules and regulations adopted by the
15 board;

16 (2) ~~has~~—passed an examination approved by the board for this
17 purpose; and

18 (3) ~~has~~—satisfied the board that the applicant is a person who merits
19 the public trust.

20 (b) The board shall issue a license as a master social worker to an
21 applicant who *has*:

22 (1) ~~Has~~—A master's degree from an accredited college or university,
23 including completion of a social work program recognized and approved
24 by the board, pursuant to rules and regulations adopted by the board;

25 (2) ~~has~~—passed an examination approved by the board for this
26 purpose; and

27 (3) ~~has~~—satisfied the board that the applicant is a person who merits
28 the public trust.

29 (c) The board shall issue a license in one of the social work
30 specialties to an applicant who *has*:

31 (1) ~~Has~~—A master's or doctor's degree from an accredited graduate
32 school of social work, including completion of a social work program
33 recognized and approved by the board, pursuant to rules and regulations
34 adopted by the board;

35 (2) ~~has~~—had two years of full-time post-master's or post-doctor's
36 degree experience under the supervision of a licensed social worker in the
37 area of the specialty in which such applicant seeks to be licensed;

38 (3) ~~has~~—passed an examination approved by the board for this
39 purpose; and

40 (4) ~~has~~—satisfied the board that the applicant is a person who merits
41 the public trust.

42 (d) (1) The board shall issue a license as a specialist clinical social
43 worker to an applicant who:

1 (A) Has met the requirements of subsection (c);

2 (B) has completed 15 credit hours as part of or in addition to the
3 requirements under subsection (c) supporting diagnosis or treatment of
4 mental disorders with use of the American psychiatric association's
5 diagnostic and statistical manual, through identifiable study of the
6 following content areas: Psychopathology, diagnostic assessment,
7 interdisciplinary referral and collaboration, treatment approaches and
8 professional ethics;

9 (C) has completed a graduate level supervised clinical practicum of
10 supervised professional experience including psychotherapy and
11 assessment, integrating diagnosis and treatment of mental disorders with
12 use of the American psychiatric association's diagnostic and statistical
13 manual, ~~with not less than 350 hours of direct client contact or additional~~
14 ~~postgraduate supervised experience as determined by the board;~~

15 (D) has completed as part of or in addition to the requirements of
16 subsection (c) not less than two years of postgraduate supervised
17 professional experience in accordance with a clinical supervision plan
18 approved by the board of not less than 3,000 hours of supervised
19 professional experience including at least 1,500 hours of direct client
20 contact conducting psychotherapy and assessments with individuals,
21 couples, families or groups and not less than 100 hours of *face-to-face*
22 clinical supervision, *as defined by the board in rules and regulations*,
23 including not less than ~~75~~ 50 hours of ~~person-to-person~~ individual
24 supervision, *except that the board may waive the requirement that such*
25 *supervision be face-to-face upon a finding of extenuating circumstances*,
26 integrating diagnosis and treatment of mental disorders with use of the
27 American psychiatric association's diagnostic and statistical manual;

28 (E) for persons earning a degree under subsection (c) prior to July 1,
29 2003, in lieu of the education and training requirements under ~~parts~~
30 ~~subparagraphs~~ (B) and (C) ~~of this subsection~~, has completed the education
31 requirements for licensure as a specialist clinical social worker in effect on
32 the day immediately preceding the effective date of this act;

33 (F) for persons who apply for and are eligible for a temporary license
34 to practice as a specialist clinical social worker on the day immediately
35 preceding the effective date of this act, in lieu of the education and training
36 requirements under ~~parts~~ *subparagraphs* (B), (C) and (D) ~~of this~~
37 ~~subsection~~, has completed the education and training requirements for
38 licensure as a specialist clinical social worker in effect on the day
39 immediately preceding the effective date of this act;

40 (G) has passed an examination approved by the board; and

41 (H) has paid the application fee.

42 (2) A licensed specialist clinical social worker may engage in the
43 social work practice and is authorized to diagnose and treat mental

1 disorders specified in the edition of the diagnostic and statistical manual of
2 mental disorders of the American psychiatric association designated by the
3 board by rules and regulations. When a client has symptoms of a mental
4 disorder, a licensed specialist clinical social worker shall consult with the
5 client's primary care physician or psychiatrist to determine if there may be
6 a medical condition or medication that may be causing or contributing to
7 the client's symptoms of a mental disorder. A client may request in writing
8 that such consultation be waived and such request shall be made a part of
9 the client's record. A licensed specialist clinical social worker may
10 continue to evaluate and treat the client until such time that the medical
11 consultation is obtained or waived.

12 (3) Notwithstanding any other provision of this subsection, a licensed
13 master social worker who has provided to the board an acceptable clinical
14 supervision plan for licensure as a specialist clinical social worker prior to
15 the effective date of this act shall be licensed as a specialist clinical social
16 worker under this act upon completion of the requirements in effect for
17 licensure as a specialist clinical social worker at the time the acceptable
18 training plan is submitted to the board.

19 (4) A person licensed as a specialist clinical social worker on the day
20 immediately preceding the effective date of this act shall be deemed to be
21 a licensed specialist clinical social worker under this act. Such person shall
22 not be required to file an original application for licensure as a specialist
23 clinical social worker under this act.

24 (e) The board shall adopt rules and regulations establishing the
25 criteria which a social work program of a college or university shall satisfy
26 to be recognized and approved by the board under this section. The board
27 may send a questionnaire developed by the board to any college or
28 university conducting a social work program for which the board does not
29 have sufficient information to determine whether the program should be
30 recognized and approved by the board and whether the program meets the
31 rules and regulations adopted under this section. The questionnaire
32 providing the necessary information shall be completed and returned to the
33 board in order for the program to be considered for recognition and
34 approval. The board may contract with investigative agencies,
35 commissions or consultants to assist the board in obtaining information
36 about a social work program of a college or university. In entering such
37 contracts the authority to recognize and approve a social work program of
38 a college or university shall remain solely with the board.

39 Sec. 18. K.S.A. 65-6309a is hereby amended to read as follows: 65-
40 6309a. (a) Upon written application and board approval, an individual who
41 is licensed to engage in the independent clinical practice of social work at
42 the clinical level in another jurisdiction ~~and~~, who is in good standing in
43 that other jurisdiction *and who has engaged in the clinical practice of*

1 *social work in that jurisdiction may engage in the independent practice of*
2 *clinical social work as provided by K.S.A. 65-6308, and amendments*
3 *thereto, in this state for ~~no~~ not more than ~~15~~ 30 days per year upon receipt*
4 *of a temporary permit to practice issued by the board. Such individual*
5 *engaging in such practice in this state shall provide quarterly reports to*
6 *the board on a form approved by the board detailing the total days of*
7 *practice in this state.*

8 (b) Any clinical social work services rendered within any 24-hour
9 period shall count as one entire day of clinical social work services.

10 (c) The temporary permit to practice shall be effective on the date of
11 approval by the board and shall expire ~~December 31 of that year~~ *one year*
12 *after issuance. Upon written application and for good cause shown, the*
13 ~~board may extend the temporary permit to practice no more than 15~~
14 ~~additional days not later than 30 days before the expiration of a temporary~~
15 ~~permit and under emergency circumstances, as defined by the board, the~~
16 ~~board may extend the temporary permit for not more than one additional~~
17 ~~year. Such extended temporary permit shall authorize the individual to~~
18 ~~practice in this state for an additional 30 days during the additional year.~~
19 *Such individual engaging in such practice shall provide quarterly reports*
20 *to the board on a form approved by the board detailing the total days of*
21 *practice in this state.*

22 (d) The board may charge a fee of a maximum of \$200 for a
23 temporary permit to practice and a fee of a maximum of \$200 for an
24 extension of a temporary permit to practice as established by rules and
25 regulations of the board.

26 (e) A person who holds a temporary permit to practice clinical social
27 work in this state shall be deemed to have submitted to the jurisdiction of
28 the board and shall be bound by the statutes and regulations that govern
29 the practice of clinical social work in this state.

30 (f) In accordance with the Kansas administrative procedure act, the
31 board may issue a cease and desist order or assess a fine of up to \$1,000
32 per day, or both, against a person licensed in another jurisdiction who
33 engages in the independent practice of clinical social work in this state
34 without complying with the provisions of this section.

35 (g) This section shall be *a* part of and supplemental to article 63 of
36 chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

37 Sec. 19. K.S.A. 65-6311 is hereby amended to read as follows: 65-
38 6311. (a) The board may refuse to issue, renew or reinstate a license, may
39 condition, limit, revoke or suspend a license, may publicly or privately
40 censure a licensee or may impose a fine not to exceed \$1,000 per violation
41 upon a finding that a licensee or an applicant for license:

42 (1) Is incompetent to practice social work, ~~which~~. *"Incompetent to*
43 *practice social work"* means:

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

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

7 (C) a pattern of practice or other behavior that demonstrates a
8 manifest incapacity or incompetence to practice social work;

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

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

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

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

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

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

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

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

31 (10) has had a *professional* license, registration or certificate ~~to~~
32 ~~practice social work~~ revoked, suspended or limited, or has had other
33 disciplinary action taken, or an application for a license, registration or
34 certificate denied, by the proper regulatory authority of another state,
35 territory, District of Columbia, or other country, a certified copy of the
36 record of the action of the other jurisdiction being conclusive evidence
37 thereof; *or*

38 (11) *has violated any lawful order or directive of the board previously*
39 *entered by the board.*

40 (b) For issuance of a new license or reinstatement of a revoked or
41 suspended license for a licensee or applicant for licensure with a felony
42 conviction, the board may only issue or reinstate such license by a ²/₃
43 majority vote.

1 (c) Administrative proceedings and disciplinary actions regarding
2 licensure under the social workers licensure act shall be conducted in
3 accordance with the Kansas administrative procedure act. Judicial review
4 and civil enforcement of agency actions under the social workers licensure
5 act shall be in accordance with the Kansas judicial review act.

6 Sec. 20. K.S.A. 65-6404 is hereby amended to read as follows: 65-
7 6404. (a) An applicant for licensure as a marriage and family therapist
8 shall furnish evidence that the applicant *has*:

9 (1) ~~Has Attained the age of 21 years of age;~~

10 (2) (A) ~~has~~ completed a master's or doctoral degree from a marriage
11 and family therapy program, in an educational institution with standards
12 approved by the board; ~~or~~ (B) has completed a master's or doctoral degree
13 from an educational institution in a related field for which the course work
14 is considered by the board to be equivalent to that provided in ~~clause (2)~~
15 ~~subparagraph (A) of this paragraph~~ and consists of a minimum of nine
16 semester hours in human development, nine semester hours in theories of
17 marriage and family functioning, nine semester hours of marital and
18 family assessment and therapy, three semester hours in professional
19 studies and three semester hours in research; or (C) completed a master's
20 or doctoral degree from an educational institution in a related field with
21 additional work from an educational program in marriage and family
22 therapy approved by the board and such degree program and additional
23 work includes the course work requirements provided in ~~clause (2)~~
24 ~~subparagraph (B) of this paragraph~~;

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

26 (4) ~~has~~ satisfied the board that the applicant is a person who merits
27 the public trust; and

28 (5) ~~each applicant~~ has paid the application fee established by the
29 board under K.S.A. 65-6411, and amendments thereto.

30 (b) (1) Applications for licensure as a clinical marriage and family
31 therapist shall be made to the board on a form and in the manner
32 prescribed by the board. Each applicant shall furnish evidence satisfactory
33 to the board that the applicant:

34 (A) Is licensed by the board as a licensed marriage and family
35 therapist or meets all requirements for licensure as a marriage and family
36 therapist;

37 (B) has completed 15 credit hours as part of or in addition to the
38 requirements under subsection (a) supporting diagnosis or treatment of
39 mental disorders with use of the American psychiatric association's
40 diagnostic and statistical manual, through identifiable study of the
41 following content areas: Psychopathology, diagnostic assessment,
42 interdisciplinary referral and collaboration, treatment approaches and
43 professional ethics;

1 (C) has completed a graduate level supervised clinical practicum of
2 supervised professional experience including psychotherapy and
3 assessment with individuals, couples, families or groups, integrating
4 diagnosis and treatment of mental disorders with use of the American
5 psychiatric association's diagnostic and statistical manual, with not less
6 than 350 hours of direct client contact or additional postgraduate
7 supervised experience as determined by the board;

8 (D) has completed not less than two years of postgraduate supervised
9 professional experience in accordance with a clinical supervision plan
10 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
11 professional experience including at least 1,500 hours of direct client
12 contact conducting psychotherapy and assessments with individuals,
13 couples, families or groups and not less than ~~150~~ 100 hours of *face-to-face*
14 clinical supervision, *as defined by the board in rules and regulations*,
15 including not less than 50 hours of ~~person-to-person~~ individual
16 supervision, *except that the board may waive the requirement that such*
17 *supervision be face-to-face upon a finding of extenuating circumstances*,
18 integrating diagnosis and treatment of mental disorders with use of the
19 American psychiatric association's diagnostic and statistical manual,
20 except that ~~one-half the board may waive 1/2 of the requirement of hours~~
21 ~~required by this part (D) may be waived~~ *subparagraph for persons with an*
22 *individual who has a doctor's degree in marriage and family therapy or a*
23 *related field acceptable to the board and who completes the required 1/2 of*
24 *the hours in not less than one year of supervised professional experience;*

25 (E) for persons ~~earning~~ *who earned* a degree under subsection (a)
26 prior to July 1, 2003, in lieu of the education and training requirements
27 under ~~parts~~ *subparagraphs* (B) and (C) ~~of this subsection~~, has completed
28 the education requirements for licensure as a marriage and family therapist
29 in effect on the day immediately preceding the effective date of this act;

30 (F) for persons who apply for and are eligible for a temporary permit
31 to practice as a licensed marriage and family therapist on the day
32 immediately preceding the effective date of this act, in lieu of the
33 education and training requirements under ~~parts~~ *subparagraphs* (B), (C)
34 and (D) ~~of this subsection~~, has completed the education and training
35 requirements for licensure as a marriage and family therapist in effect on
36 the day immediately preceding the effective date of this act;

37 (G) has passed an examination approved by the board; and

38 (H) has paid the application fee fixed under K.S.A. 65-6411, and
39 amendments thereto.

40 (2) A person who was licensed or registered as a marriage and family
41 therapist in Kansas at any time prior to the effective date of this act, who
42 has been actively engaged in the practice of marriage and family therapy
43 as a registered or licensed marriage and family therapist within five years

1 prior to the effective date of this act and whose last license or registration
2 in Kansas prior to the effective date of this act was not suspended or
3 revoked, upon application to the board, payment of fees and completion of
4 applicable continuing education requirements, shall be licensed as a
5 licensed clinical marriage and family therapist by providing demonstration
6 of competence to diagnose and treat mental disorders through at least two
7 of the following areas acceptable to the board:

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

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

14 (C) attestation from one professional licensed to diagnose and treat
15 mental disorders in independent practice or licensed to practice medicine
16 and surgery that the applicant is competent to diagnose and treat mental
17 disorders.

18 (3) A licensed clinical marriage and family therapist may engage in
19 the independent practice of marriage and family therapy and is authorized
20 to diagnose and treat mental disorders specified in the edition of the
21 diagnostic and statistical manual of mental disorders of the American
22 psychiatric association designated by the board by rules and regulations.
23 When a client has symptoms of a mental disorder, a licensed clinical
24 marriage and family therapist shall consult with the client's primary care
25 physician or psychiatrist to determine if there may be a medical condition
26 or medication that may be causing or contributing to the client's symptoms
27 of a mental disorder. A client may request in writing that such consultation
28 be waived and such request shall be made a part of the client's record. A
29 licensed clinical marriage and family therapist may continue to evaluate
30 and treat the client until such time that the medical consultation is obtained
31 or waived.

32 (4) On and after January 1, 2002, a licensed marriage and family
33 therapist may diagnose and treat mental disorders ~~specified in the edition~~
34 ~~of the diagnostic and statistical manual of mental disorders~~ specified in the
35 edition of the diagnostic and statistical manual of mental disorders of the
36 American psychiatric association designated by the board by rules and
37 regulations only under the direction of a licensed clinical marriage and
38 family therapist, licensed psychologist, person licensed to practice
39 medicine and surgery or person licensed to provide mental health services
40 as an independent practitioner and whose licensure allows for the
41 diagnosis and treatment of mental disorders. When a client has symptoms
42 of a mental disorder, a licensed marriage and family therapist shall consult
43 with the client's primary care physician or psychiatrist to determine if there

1 may be a medical condition or medication that may be causing or
2 contributing to the client's symptoms of a mental disorder. A client may
3 request in writing that such consultation be waived and such request shall
4 be made a part of the client's record. A licensed marriage and family
5 therapist may continue to evaluate and treat the client until such time that
6 the medical consultation is obtained or waived.

7 Sec. 21. K.S.A. 65-6405a is hereby amended to read as follows: 65-
8 6405a. (a) Upon written application and board approval, an individual who
9 is licensed to engage in the independent clinical practice of marriage and
10 family therapy at the clinical level in another jurisdiction ~~and~~, who is in
11 good standing in that other jurisdiction *and who has engaged in the*
12 *clinical practice of marriage and family therapy in that jurisdiction for at*
13 *least two years immediately preceding application* may engage in the
14 independent practice of clinical marriage and family therapy as provided
15 by K.S.A. 65-6401 et seq., and amendments thereto, in this state for ~~no~~ *not*
16 ~~more than 15~~ 30 days per year upon receipt of a temporary permit to
17 practice issued by the board. *Such individual engaging in such practice in*
18 *this state shall provide quarterly reports to the board on a form approved*
19 *by the board detailing the total days of practice in this state.*

20 (b) Any clinical marriage and family therapy services rendered within
21 any 24-hour period shall count as one entire day of clinical marriage and
22 family therapy services.

23 (c) The temporary permit to practice shall be effective on the date of
24 approval by the board and shall expire ~~December 31 of that year~~ *one year*
25 *after issuance.* Upon written application ~~and for good cause shown, the~~
26 ~~board may extend the temporary permit to practice no more than 15~~
27 ~~additional days not later than 30 days before the expiration of a temporary~~
28 *permit and under emergency circumstances, as defined by the board, the*
29 *board may extend the temporary permit for not more than one additional*
30 *year. Such extended temporary permit shall authorize the individual to*
31 *practice in this state for an additional 30 days during the additional year.*
32 *Such individual engaging in such practice shall provide quarterly reports*
33 *to the board on a form approved by the board detailing the total days of*
34 *practice in this state.*

35 (d) The board may charge a fee of a maximum of \$200 for a
36 temporary permit to practice and a fee of a maximum of \$200 for an
37 extension of a temporary permit to practice as established by rules and
38 regulations of the board.

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

1 (f) In accordance with the Kansas administrative procedures act, the
2 board may issue a cease and desist order or assess a fine of up to \$1,000
3 per day, or both, against a person licensed in another jurisdiction who
4 engages in the independent practice of clinical marriage and family
5 therapy in this state without complying with the provisions of this section.

6 (g) This section shall be a part of and supplemental to the marriage
7 and family therapists licensure act.

8 Sec. 22. K.S.A. 65-6408 is hereby amended to read as follows: 65-
9 6408. (a) The board may refuse to issue, renew or reinstate a license, may
10 condition, limit, revoke or suspend a license, may publicly or privately
11 censure a licensee or may impose a fine not to exceed \$1,000 per violation
12 upon a finding that a licensee or an applicant for license:

13 (1) Is incompetent to practice marriage and family therapy, ~~which~~.
14 "*Incompetent to practice marriage and family therapy*" 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, as
17 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 marriage and family
23 therapy;

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, *the District of Columbia* or
33 the United States, territory of the United States or another country and the
34 applicant or licensee has not demonstrated to the board's satisfaction that
35 such person has been sufficiently rehabilitated to merit the public trust;

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

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

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

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

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

3 (10) has had a *professional* registration, license or certificate ~~as a~~
 4 ~~marriage and family therapist~~ revoked, suspended or limited, or has had
 5 other disciplinary action taken, or an application for 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; *or*

10 (11) *has violated any lawful order or directive of the board previously*
 11 *entered by the board.*

12 (b) For issuance of a new license or reinstatement of a revoked or
 13 suspended license for a licensee or applicant for licensure with a felony
 14 conviction, the board may only issue or reinstate such license by a ²/₃
 15 majority vote.

16 (c) Administrative proceedings and disciplinary actions regarding
 17 licensure under the marriage and family therapists licensure act shall be
 18 conducted in accordance with the Kansas administrative procedure act.
 19 Judicial review and civil enforcement of agency actions under the
 20 marriage and family therapists licensure act shall be in accordance with the
 21 Kansas judicial review act.

22 Sec. 23. K.S.A. 2020 Supp. 65-6411 is hereby amended to read as
 23 follows: 65-6411. (a) The board may fix the following fees, and any such
 24 fees shall be established by rules and regulations adopted by the board:

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

27 (2) for temporary licensure as a marriage and family therapist, not to
 28 exceed \$175;

29 (3) for original licensure as a marriage and family therapist, not to
 30 exceed \$175;

31 (4) for renewal for licensure as a marriage and family therapist, not to
 32 exceed \$175;

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

35 (6) for original licensure as a clinical marriage and family therapist,
 36 not to exceed \$175;

37 (7) for renewal for licensure as a clinical marriage and family
 38 therapist, not to exceed \$175;

39 (8) for reinstatement of a license, not to exceed \$175;

40 (9) for replacement of a license, not to exceed \$20;

41 (10) for renewal penalty, an amount equal to the renewal of license;
 42 ~~and~~

43 (11) for a wallet card license, not to exceed \$5; *and*

1 (12) for application for approval as a board-approved clinical
2 supervisor, not to exceed \$50.

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

4 Sec. 24. K.S.A. 65-6610 is hereby amended to read as follows: 65-
5 6610. (a) An applicant for licensure as an addiction counselor shall furnish
6 evidence that the applicant:

7 (1) Has attained ~~the age of~~ 21 years of age;

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

11 (B) has completed at least a baccalaureate degree from a college or
12 university approved by the board. As part of, or in addition to, the
13 baccalaureate degree coursework, such applicant shall also complete a
14 minimum number of semester hours of coursework on substance use
15 disorders as approved by the board; or

16 (C) is currently licensed in Kansas as a licensed baccalaureate social
17 worker and has completed a minimum number of semester hours of
18 coursework on substance use disorders as approved by the board; ~~and~~

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

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

22 (5) has paid the application fee established by the board under K.S.A.
23 65-6618, and amendments thereto.

24 (b) Applications for licensure as a master's addiction counselor shall
25 be made to the board on a form and in the manner prescribed by the board.
26 Each applicant shall furnish evidence satisfactory to the board that the
27 applicant:

28 (1) (A) Has attained ~~the age of~~ 21 years of age;

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

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

37 (iii) is currently licensed in Kansas as a licensed master social
38 worker, licensed professional counselor, licensed marriage and family
39 therapist or licensed master's level psychologist; ~~and~~

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

41 (D) has satisfied the board that the applicant is a person who merits
42 the public trust; and

43 (E) has paid the application fee fixed under K.S.A. 65-6618, and

1 amendments thereto; or

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

3 (i) Holds an active license by the board as an addiction counselor; and

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

6 (B) has completed six hours of continuing education in the diagnosis
7 and treatment of substance use disorders during the three years
8 immediately preceding the application date.

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

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

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

17 (ii) has completed not less than two years of postgraduate supervised
18 professional experience in accordance with a clinical supervision plan
19 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
20 professional experience including at least 1,500 hours of direct client
21 contact conducting substance abuse assessments and treatment with
22 individuals, couples, families or groups and not less than ~~150~~ 100 hours of
23 *face-to-face* clinical supervision, *as defined by the board in rules and*
24 *regulations*, including not less than 50 hours of ~~person-to-person~~
25 individual supervision, *except that the board may waive the requirement*
26 *that such supervision be face-to-face upon a finding of extenuating*
27 *circumstances*, integrating diagnosis and treatment of substance use
28 disorders with use of the diagnostic and statistical manual of mental
29 disorders of the American psychiatric association; ~~or has completed not~~
30 ~~less than one year of postgraduate supervised professional experience in~~
31 ~~accordance with a clinical supervision plan approved by the board of not~~
32 ~~less than 2,000 hours of supervised professional experience including at~~
33 ~~least 750 hours of direct client contact conducting substance abuse~~
34 ~~assessments and treatment with individuals, couples, families or groups~~
35 ~~and not less than 75 hours of clinical supervision, including not less than~~
36 ~~25 hours of person-to-person individual supervision, integrating diagnosis~~
37 ~~and treatment of substance use disorders with use of the diagnostic and~~
38 ~~statistical manual of mental disorders of the American psychiatric~~
39 ~~association, and such person has a doctoral degree in addiction counseling~~
40 ~~or a related field as approved by the board, except that the board may~~
41 ~~wave 1/2 of the hours required by this clause for an individual who has a~~
42 ~~doctoral degree in addiction counseling or a related field approved by the~~
43 ~~board and who completes the required 1/2 of the hours in not less than one~~

1 *year of supervised professional experience; or*

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

7 (ii) has completed not less than two years of postgraduate supervised
8 professional experience in accordance with a clinical supervision plan
9 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
10 professional experience including at least 1,500 hours of direct client
11 contact conducting substance abuse assessments and treatment with
12 individuals, couples, families or groups and not less than ~~150~~ 100 hours of
13 *face-to-face* clinical supervision, *as defined by the board in rules and*
14 *regulations*, including not less than 50 hours of ~~person-to-person~~
15 individual supervision, *except that the board may waive the requirement*
16 *that such supervision be face-to-face upon a finding of extenuating*
17 *circumstances*, integrating diagnosis and treatment of substance use
18 disorders with use of the diagnostic and statistical manual of mental
19 disorders of the American psychiatric association; ~~or has completed not~~
20 ~~less than one year of postgraduate supervised professional experience in~~
21 ~~accordance with a clinical supervision plan approved by the board of not~~
22 ~~less than 2,000 hours of supervised professional experience including at~~
23 ~~least 750 hours of direct client contact conducting substance abuse~~
24 ~~assessments and treatment with individuals, couples, families or groups~~
25 ~~and not less than 75 hours of clinical supervision, including not less than~~
26 ~~25 hours of person-to-person individual supervision, integrating diagnosis~~
27 ~~and treatment of substance use disorders with use of the diagnostic and~~
28 ~~statistical manual of mental disorders of the American psychiatric~~
29 ~~association, and such person has a doctoral degree in addiction counseling~~
30 ~~or a related field as approved by the board, except that the board may~~
31 ~~wave 1/2 of the hours required by this clause for an individual who has a~~
32 ~~doctoral degree in addiction counseling or a related field approved by the~~
33 ~~board and who completes the required 1/2 of the hours in not less than one~~
34 ~~year of supervised professional experience; or~~

35 (C) (i) has completed a master's degree from a college or university
36 approved by the board and is licensed by the board as a licensed master's
37 addiction counselor; 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~~ 3,000 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~~ 100 hours of

1 *face-to-face* clinical supervision, *as defined by the board in rules and*
2 *regulations, including not less than 50 hours of*~~person-to-person~~
3 *individual supervision, except that the board may waive the requirement*
4 *that such supervision be face-to-face upon a finding of extenuating*
5 *circumstances, integrating diagnosis and treatment of substance use*
6 *disorders with use of the diagnostic and statistical manual of mental*
7 *disorders of the American psychiatric association;*~~or has completed not~~
8 ~~less than one year of postgraduate supervised professional experience in~~
9 ~~accordance with a clinical supervision plan approved by the board of not~~
10 ~~less than 2,000 hours of supervised professional experience including at~~
11 ~~least 750 hours of direct client contact conducting substance abuse~~
12 ~~assessments and treatment with individuals, couples, families or groups~~
13 ~~and not less than 75 hours of clinical supervision, including not less than~~
14 ~~25 hours of person-to-person individual supervision, integrating diagnosis~~
15 ~~and treatment of substance use disorders with use of the diagnostic and~~
16 ~~statistical manual of mental disorders of the American psychiatric~~
17 ~~association, and such person has a doctoral degree in addiction counseling~~
18 ~~or a related field as approved by the board, except that the board may~~
19 ~~wave 1/2 of the hours required by this clause for an individual who has a~~
20 ~~doctoral degree in addiction counseling or a related field approved by the~~
21 ~~board and who completes the required 1/2 of the hours in not less than one~~
22 ~~year of supervised professional experience; or~~

23 (D) is currently licensed in Kansas as a licensed psychologist,
24 licensed specialist clinical social worker, licensed clinical professional
25 counselor, licensed clinical psychotherapist or licensed clinical marriage
26 and family therapist and provides to the board an attestation from a
27 professional licensed to diagnose and treat mental disorders, or substance
28 use disorders, or both, in independent practice or licensed to practice
29 medicine and surgery stating that the applicant is competent to diagnose
30 and treat substance use disorders;~~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) has paid the application fee fixed under K.S.A. 65-6618, and
35 amendments thereto.

36 Sec. 25. K.S.A. 65-6612 is hereby amended to read as follows: 65-
37 6612. (a) Upon written application and board approval, an individual who
38 is licensed to engage in the independent clinical practice of addiction
39 counseling at the clinical level in another jurisdiction~~and~~, who is in good
40 standing in that other jurisdiction *and who has engaged in the clinical*
41 *practice of addiction counseling in that jurisdiction for at least two years*
42 *immediately preceding application* may engage in the independent practice
43 of clinical addiction counseling as provided by the addiction counselor

1 licensure act; in this state for not more than ~~15~~ 30 days per year upon
2 receipt of a temporary permit to practice issued by the board. *Such*
3 *individual engaging in such practice shall provide quarterly reports to the*
4 *board on a form approved by the board detailing the total days of practice*
5 *in this state.*

6 (b) Any clinical addiction counseling services rendered within any
7 24-hour period shall count as one entire day of clinical addiction
8 counseling services.

9 (c) The temporary permit to practice shall be effective on the date of
10 approval by the board and shall expire ~~December 31 of that year~~ *one year*
11 *after issuance.* Upon written application ~~and for good cause shown, the~~
12 ~~board may extend the temporary permit to practice no more than 15~~
13 ~~additional days not later than 30 days before the expiration of a temporary~~
14 ~~permit and under emergency circumstances, as defined by the board, the~~
15 ~~board may extend the temporary permit for not more than one additional~~
16 ~~year. Such extended temporary permit shall authorize the individual to~~
17 ~~practice in this state for an additional 30 days during the additional year.~~
18 *Such individual engaging in such practice shall provide quarterly reports*
19 *to the board on a form approved by the board detailing the total days of*
20 *practice in this state.*

21 (d) The board shall charge a fee for a temporary permit to practice
22 and a fee for an extension of a temporary permit to practice as fixed under
23 K.S.A. 65-6618, and amendments thereto.

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

28 (f) In accordance with the Kansas administrative procedure act, the
29 board may issue a cease and desist order or assess a fine of up to \$1,000
30 per day, or both, against a person licensed in another jurisdiction who
31 engages in the independent practice of clinical addiction counseling in this
32 state without complying with the provisions of this section.

33 Sec. 26. K.S.A. 65-6615 is hereby amended to read as follows: 65-
34 6615. (a) The board may refuse to issue, renew or reinstate a license, may
35 condition, limit, revoke or suspend a license, may publicly or privately
36 censure a licensee or may impose a fine not to exceed \$1,000 per violation
37 upon a finding that a licensee or an applicant for license:

38 (1) Is incompetent to practice addiction counseling, ~~which.~~
39 *"Incompetent to practice addiction counseling"* means:

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

43 (B) repeated instances involving failure to adhere to the applicable

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

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

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

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

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

17 (5) has violated a provision of the addiction counselor licensure act or
18 one or more of the rules and regulations of the board;

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

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

23 (8) has failed to obtain continuing education credits required by rules
24 and regulations of the board;

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

27 (10) has had a *professional* registration, license or certificate ~~as an~~
28 ~~addiction counselor~~ revoked, suspended or limited, or has had other
29 disciplinary action taken, or an application for registration, license or
30 certificate denied, by the proper regulatory authority of another state,
31 territory, District of Columbia or another country, a certified copy of the
32 record of the action of the other jurisdiction being conclusive evidence
33 thereof; *or*

34 (11) *has violated any lawful order or directive of the board previously*
35 *entered by the board.*

36 (b) For issuance of a new license or reinstatement of a revoked or
37 suspended license for a licensee or applicant for licensure with a felony
38 conviction, the board may only issue or reinstate such license by a ²/₃
39 majority vote.

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

1 licensure act shall be in accordance with the Kansas judicial review act.

2 Sec. 27. K.S.A. 74-5316a is hereby amended to read as follows: 74-
3 5316a. (a) Upon written application and board approval, an individual who
4 is licensed to engage in the independent practice of psychology in another
5 jurisdiction ~~and~~, who is in good standing in that other jurisdiction *and who*
6 *has engaged in the practice of psychology in that jurisdiction for at least*
7 *two years immediately preceding application* may engage in the
8 independent practice of psychology as provided by K.S.A. 74-5301 et seq.,
9 and amendments thereto, in this state for ~~no~~ *not* more than ~~15~~ 30 days per
10 year upon receipt of a temporary permit to practice issued by the board.
11 *Such individual engaging in such practice in this state shall provide*
12 *quarterly reports to the board on a form approved by the board detailing*
13 *the total days of practice in this state.*

14 (b) Any psychology services rendered within any 24-hour period
15 shall count as one entire day of psychology services.

16 (c) The temporary permit to practice shall be effective on the date of
17 approval by the board and shall expire ~~December 31 of that year~~ *one year*
18 *after issuance*. Upon written application ~~and for good cause shown, the~~
19 ~~board may extend the temporary permit to practice no more than 15~~
20 ~~additional days not later than 30 days before the expiration of a temporary~~
21 ~~permit and under emergency circumstances, as defined by the board, the~~
22 ~~board may extend the temporary permit for not more than one additional~~
23 ~~year. Such extended temporary permit shall authorize the individual to~~
24 ~~practice in this state for an additional 30 days during the additional year.~~
25 *Such individual engaging in such practice shall provide quarterly reports*
26 *to the board on a form approved by the board detailing the total days of*
27 *practice in this state.*

28 (d) The board may charge a fee of a maximum of \$200 for a
29 temporary permit to practice and a fee of a maximum of \$200 for an
30 extension of a temporary permit to practice as established by rules and
31 regulations of the board.

32 (e) A person who holds a temporary permit to practice psychology in
33 this state shall be deemed to have submitted to the jurisdiction of the board
34 and shall be bound by the statutes and regulations that govern the practice
35 of psychology in this state.

36 (f) In accordance with the Kansas administrative ~~procedures~~
37 ~~procedure~~ act, the board may issue a cease and desist order or assess a fine
38 of up to \$1,000 per day, or both, against a person licensed in another
39 jurisdiction who engages in the independent practice of psychology in this
40 state without complying with the provisions of this section.

41 (g) This section shall be a part of and supplemental to the licensure of
42 psychologists act.

43 Sec. 28. K.S.A. 74-5324 is hereby amended to read as follows: 74-

1 5324. (a) The board may refuse to issue, renew or reinstate a license, may
2 condition, limit, revoke or suspend a license, may publicly or privately
3 censure a licensee or may impose a fine not to exceed \$1,000 per violation
4 upon a finding that a licensee or an applicant for a license:

5 (1) Is incompetent to practice psychology; ~~which.~~ "*Incompetent to*
6 *practice psychology*" means:

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

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

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

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

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

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

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

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

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

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

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

37 (10) has had a *professional* registration, license or certificate ~~as a~~
38 ~~psychologist~~ revoked, suspended or limited, or has had other disciplinary
39 action taken, or an application for registration, license or certificate denied,
40 by the proper regulatory authority of another state, territory, District of
41 Columbia or another country, a certified copy of the record of the action of
42 the other jurisdiction being conclusive evidence thereof; *or*

43 (11) *has violated any lawful order or directive of the board previously*

1 *entered by the board.*

2 (b) For issuance of a new license or reinstatement of a revoked or
3 suspended license for a licensee or applicant for licensure with a felony
4 conviction, the board may only issue or reinstate such license by a ²/₃
5 majority vote.

6 (c) Administrative proceedings and disciplinary actions regarding
7 licensure under the licensure of psychologists act of the state of Kansas
8 shall be conducted in accordance with the Kansas administrative procedure
9 act. Judicial review and civil enforcement of agency actions under the
10 licensure of psychologists of the state of Kansas act shall be in accordance
11 with the Kansas judicial review act.

12 Sec. 29. K.S.A. 74-5363 is hereby amended to read as follows: 74-
13 5363. (a) Any person who desires to be licensed under this act shall apply
14 to the board in writing, on forms prepared and furnished by the board.
15 Each application shall contain appropriate documentation of the particular
16 qualifications required by the board and shall be accompanied by the
17 required fee.

18 (b) The board shall license as a licensed master's level psychologist
19 any applicant for licensure who pays the fee prescribed by the board under
20 K.S.A. 74-5365, and amendments thereto, which shall not be refunded,
21 who has satisfied the board as to such applicant's training and who
22 complies with the provisions of this subsection. An applicant for licensure
23 also shall submit evidence satisfactory to the board that such applicant:

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

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

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

1 theory, history of psychology, motivation, and statistics and 24 semester
2 hours or its equivalent in professional core courses such as, but not limited to,
3 to, two courses in psychological testing, psychopathology, two courses in
4 psychotherapy, personality theories, developmental psychology, research
5 methods, social psychology;

6 (4) has completed 750 clock hours of academically supervised
7 practicum in the master's degree program or 1,500 clock hours of
8 postgraduate supervised work experience; *and*

9 (5) has passed an examination approved by the board with a
10 minimum score set by the board by rules and regulations.

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

15 (A) Is licensed by the board as a licensed master's level psychologist
16 or meets all requirements for licensure as a master's level psychologist;

17 (B) has completed 15 credit hours as part of or in addition to the
18 requirements under subsection (b) supporting diagnosis or treatment of
19 mental disorders with use of the American psychiatric association's
20 diagnostic and statistical manual, through identifiable study of:
21 Psychopathology, diagnostic assessment, interdisciplinary referral and
22 collaboration, treatment approaches and professional ethics;

23 (C) has completed a graduate level supervised clinical practicum of
24 supervised professional experience including psychotherapy and
25 assessment with individuals, couples, families or groups, integrating
26 diagnosis and treatment of mental disorders with use of the American
27 psychiatric association's diagnostic and statistical manual, with not less
28 than 350 hours of direct client contact or additional postgraduate
29 supervised experience as determined by the board;

30 (D) has completed not less than two years of postgraduate supervised
31 professional experience in accordance with a clinical supervision plan
32 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
33 professional experience including at least 1,500 hours of direct client
34 contact conducting psychotherapy and assessments with individuals,
35 couples, families or groups and not less than ~~150~~ 100 hours of *face-to-face*
36 clinical supervision, *as defined by the board in rules and regulations*,
37 including not less than 50 hours of ~~person-to-person~~ individual
38 supervision, *except that the board may waive the requirement that such*
39 *supervision be face-to-face upon a finding of extenuating circumstances*,
40 integrating diagnosis and treatment of mental disorders with use of the
41 American psychiatric association's diagnostic and statistical manual;

42 (E) for persons earning a degree under subsection (b) prior to July 1,
43 2003, in lieu of the education requirements under subparagraphs (B) and

1 (C), has completed the education requirements for licensure as a licensed
2 master's level psychologist in effect on the day immediately preceding the
3 effective date of this act;

4 (F) for persons who apply for and are eligible for a temporary license
5 to practice as a licensed master's level psychologist on the day
6 immediately preceding the effective date of this act, in lieu of the
7 education and training requirements under subparagraphs (B), (C) and (D),
8 has completed the education and training requirements for licensure as a
9 master's level psychologist in effect on the day immediately preceding the
10 effective date of this act;

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

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

15 (2) A person who was licensed or registered as a master's level
16 psychologist in Kansas at any time prior to the effective date of this act,
17 who has been actively engaged in the practice of master's level psychology
18 as a registered or licensed master's level psychologist within five years
19 prior to the effective date of this act and whose last license or registration
20 in Kansas prior to the effective date of this act was not suspended or
21 revoked, upon application to the board, payment of fees and completion of
22 applicable continuing education requirements, shall be licensed as a
23 licensed clinical psychotherapist by providing demonstration of
24 competence to diagnose and treat mental disorders through at least two of
25 the following areas acceptable to the board:

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

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

32 (C) attestation from one professional licensed to diagnose and treat
33 mental disorders in independent practice or licensed to practice medicine
34 and surgery that the applicant is competent to diagnose and treat mental
35 disorders.

36 (3) A licensed clinical psychotherapist may engage in the independent
37 practice of master's level psychology and is authorized to diagnose and
38 treat mental disorders specified in the edition of the diagnostic and
39 statistical manual of mental disorders of the American psychiatric
40 association designated by the board by rules and regulations. When a client
41 has symptoms of a mental disorder, a licensed clinical psychotherapist
42 shall consult with the client's primary care physician or psychiatrist to
43 determine if there may be a medical condition or medication that may be

1 causing or contributing to the client's symptoms of a mental disorder. A
2 client may request in writing that such consultation be waived and such
3 request shall be made a part of the client's record. A licensed clinical
4 psychotherapist may continue to evaluate and treat the client until such
5 time that the medical consultation is obtained or waived.

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

19 Sec. 30. K.S.A. 74-5367a is hereby amended to read as follows: 74-
20 5367a. (a) Upon written application and board approval, an individual who
21 is licensed to engage in the independent clinical practice of masters level
22 psychology at the clinical level in another jurisdiction ~~and~~, who is in good
23 standing in that other jurisdiction *and who has engaged in the clinical*
24 *practice of masters level psychology in that jurisdiction for at least two*
25 *years immediately preceding application* may engage in the independent
26 practice of clinical masters level psychology as provided by K.S.A. 74-
27 5361 et seq., and amendments thereto, in this state for ~~no~~ *not* more than ~~15~~
28 *30* days per year upon receipt of a temporary permit to practice issued by
29 the board. *Such individual engaging in such practice in this state shall*
30 *provide quarterly reports to the board on a form approved by the board*
31 *detailing the total days of practice in this state.*

32 (b) Any clinical masters level psychology services rendered within
33 any 24-hour period shall count as one entire day of clinical masters level
34 psychology services.

35 (c) The temporary permit to practice shall be effective on the date of
36 approval by the board and shall expire ~~December 31 of that year~~ *one year*
37 *after issuance.* Upon written application ~~and for good cause shown, the~~
38 ~~board may extend the temporary permit to practice no more than 15~~
39 ~~additional days~~ *not later than 30 days before the expiration of a temporary*
40 *permit and under emergency circumstances, as defined by the board, the*
41 *board may extend the temporary permit for not more than one additional*
42 *year. Such extended temporary permit shall authorize the individual to*
43 *practice in this state for an additional 30 days during the additional year.*

1 *Such individual engaging in such practice shall provide quarterly reports*
2 *to the board on a form approved by the board detailing the total days of*
3 *practice in this state.*

4 (d) The board may charge a fee of a maximum of \$200 for a
5 temporary permit to practice and a fee of a maximum of \$200 for an
6 extension of a temporary permit to practice as established by rules and
7 regulations of the board.

8 (e) A person who holds a temporary permit to practice clinical
9 masters level psychology in this state shall be deemed to have submitted to
10 the jurisdiction of the board and shall be bound by the statutes and
11 regulations that govern the practice of clinical masters level psychology in
12 this state.

13 (f) In accordance with the Kansas administrative ~~procedures~~
14 *procedure* act, the board may issue a cease and desist order or assess a fine
15 of up to \$1,000 per day, or both, against a person licensed in another
16 jurisdiction who engages in the independent practice of clinical masters
17 level psychology in this state without complying with the provisions of
18 this section.

19 (g) This act shall be a part of and supplemental to the licensure of
20 masters level psychologists act.

21 Sec. 31. K.S.A. 74-5369 is hereby amended to read as follows: 74-
22 5369. (a) The board may refuse to issue, renew or reinstate a license, may
23 condition, limit, revoke or suspend a license, may publicly or privately
24 censure a licensee or may impose a fine not to exceed \$1,000 per violation
25 upon a finding that a licensee or an applicant for licensure:

26 (1) Is incompetent to practice psychology; ~~which~~. *"Incompetent to*
27 *practice psychology"* means:

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

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

34 (C) a pattern of practice or other behavior that demonstrates a
35 manifest incapacity or incompetence to practice master's level psychology;

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

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

42 (4) is currently listed on a child abuse registry or an adult protective
43 services registry as the result of a substantiated finding of abuse or neglect

1 by any state agency, agency of another state, *the District of Columbia* or
2 the United States, territory of the United States or another country and the
3 applicant or licensee has not demonstrated to the board's satisfaction that
4 such person has been sufficiently rehabilitated to merit the public trust;

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

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

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

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

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

15 (10) has had a *professional* registration, license or certificate ~~as a~~
16 ~~master's level psychologist~~ revoked, suspended or limited, or has had other
17 disciplinary action taken, or an application for a registration, license or
18 certificate denied, by the proper regulatory authority of another state,
19 territory, District of Columbia or another country, a certified copy of the
20 record of the action of the other jurisdiction being conclusive evidence
21 thereof; *or*

22 (11) *has violated any lawful order or directive of the board previously*
23 *entered by the board.*

24 (b) For issuance of a new license or reinstatement of a revoked or
25 suspended license for a licensee or applicant for licensure with a felony
26 conviction, the board may only issue or reinstate such license by a ²/₃
27 majority vote.

28 (c) Administrative proceedings and disciplinary actions regarding
29 licensure under the licensure of master's level psychologists act shall be
30 conducted in accordance with the Kansas administrative procedure act.
31 Judicial review and civil enforcement of agency actions under the
32 licensure of master's level psychologists act shall be in accordance with the
33 Kansas judicial review act.

34 Sec. 32. K.S.A. 65-425, 65-431, 65-5804a, 65-5807a, 65-5808, 65-
35 5809, 65-6309a, 65-6311, 65-6404, 65-6405a, 65-6408, 65-6610, 65-6612,
36 65-6615, 74-5316a, 74-5324, 74-5363, 74-5367a and 74-5369 and K.S.A.
37 2020 Supp. 65-6306 and 65-6411 are hereby repealed.

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