

SENATE BILL No. 222

By Committee on Health Care Strategies

2-8

9 AN ACT concerning professional counselors; relating to licensure by the
10 behavioral sciences regulatory board; amending K.S.A. 65-5804a and
11 repealing the existing section.
12

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

14 Section 1. K.S.A. 65-5804a is hereby amended to read as follows: 65-
15 5804a. (a) Applications for licensure as a professional counselor shall be
16 made to the board on a form and in the manner prescribed by the board.
17 Each application shall be accompanied by the fee fixed under K.S.A. 65-
18 5808 and amendments thereto.

19 (b) Each applicant for licensure as a professional counselor shall fur-
20 nish evidence satisfactory to the board that the applicant:

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

22 (2) has completed 60 graduate semester hours including a graduate
23 degree in counseling from a college or university approved by the board
24 and which includes 45 graduate semester hours distributed among each
25 of the following areas:

26 (A) Counseling theory and practice;

27 (B) the helping relationship;

28 (C) group dynamics, processing and counseling;

29 (D) human growth and development;

30 (E) life-style and career development;

31 (F) appraisal of individuals;

32 (G) social and cultural foundations;

33 (H) research and evaluation;

34 (I) professional orientation;

35 (J) supervised practicum and internship;

36 (3) has passed an examination required by the board; and

37 (4) has satisfied the board that the applicant is a person who merits
38 the public trust.

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

43 (A) Is licensed by the board as a licensed professional counselor or

- 1 meets all requirements for licensure as a licensed professional counselor;
- 2 (B) has completed 15 credit hours as part of or in addition to the
3 requirements under subsection (b) supporting diagnosis or treatment of
4 mental disorders with use of the American psychiatric association's di-
5 agnostic and statistical manual, through identifiable study of the following
6 content areas: Psychopathology, diagnostic assessment, interdisciplinary
7 referral and collaboration, treatment approaches and professional ethics;
- 8 (C) has completed a graduate level supervised clinical practicum of
9 supervised professional experience including psychotherapy and assess-
10 ment with individuals, couples, families or groups, integrating diagnosis
11 and treatment of mental disorders with use of the American psychiatric
12 association's diagnostic and statistical manual, with not less than 350 hours
13 of direct client contact or additional postgraduate supervised experience
14 as determined by the board;
- 15 (D) has completed not less than two years of postgraduate supervised
16 professional experience in accordance with a clinical supervision plan ap-
17 proved by the board of not less than 4,000 hours of supervised profes-
18 sional experience including at least 1,500 hours of direct client contact
19 conducting psychotherapy and assessments with individuals, couples,
20 families or groups and not less than 150 hours of clinical supervision,
21 including not less than 50 hours of person-to-person individual supervi-
22 sion, integrating diagnosis and treatment of mental disorders with use of
23 the American psychiatric association's diagnostic and statistical manual,
24 except that one-half of the requirement of this part (D) may be waived
25 for persons with a doctor's degree in professional counseling or a related
26 field acceptable to the board;
- 27 (E) for persons earning a degree under subsection (b) prior to July
28 1, 2003, in lieu of the education requirements under parts (B) and (C) of
29 this subsection, has completed the education requirements for licensure
30 as a professional counselor in effect on the day immediately preceding
31 the effective date of this act;
- 32 (F) for persons who apply for and are eligible for a temporary permit
33 to practice as a licensed professional counselor on the day immediately
34 preceding the effective date of this act, in lieu of the education and train-
35 ing requirements under parts (B), (C) and (D) of this subsection, has
36 completed the education and training requirements for licensure as a
37 professional counselor in effect on the day immediately preceding the
38 effective date of this act;
- 39 (G) has passed an examination approved by the board; and
- 40 (H) has paid the application fee fixed under K.S.A. 65-5808 and
41 amendments thereto.
- 42 (2) A person who was licensed or registered as a professional coun-
43 selor in Kansas at any time prior to the effective date of this act, who has

1 been actively engaged in the practice of professional counseling as a reg-
2 istered or licensed professional counselor within five years prior to the
3 effective date of this act and whose last license or registration in Kansas
4 prior to the effective date of this act was not suspended or revoked, upon
5 application to the board, payment of fees and completion of applicable
6 continuing education requirements, shall be licensed as a licensed clinical
7 professional counselor by providing demonstration of competence to di-
8 agnose and treat mental disorders through at least two of the following
9 areas acceptable to the board:

10 (a) Either (i) graduate coursework or (ii) passing a national, clinical
11 examination;

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

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

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

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

1 or medication that may be causing or contributing to the client's symp-
2 toms of a mental disorder. A client may request in writing that such
3 consultation be waived and such request shall be made a part of the
4 client's record. A licensed professional counselor may continue to eval-
5 uate and treat the client until such time that the medical consultation is
6 obtained or waived.

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

19 (e) A person who is waiting to take the examination required by the
20 board shall apply to the board for a temporary license to practice as a
21 licensed professional counselor by (1) paying an application fee of no
22 more than \$150 and (2) meeting the application requirements as stated
23 in subsections (b)(1), (2) and (4) of K.S.A. 65-5804a and amendments
24 thereto.

25 (f) (1) A temporary license may be issued by the board after the
26 application has been reviewed and approved by the board and the appli-
27 cant has paid the appropriate fee set by the board for issuance of new
28 licenses.

29 (2) A temporary license issued by the board shall expire at such time
30 as final action on the application is completed or two years after the date
31 of issuance of the license.

32 (g) A person practicing professional counseling with a temporary per-
33 mit or license may not use the title "licensed professional counselor" or
34 the initials "LPC" independently. The word "licensed" may be used only
35 when followed by the words "by temporary license" such as licensed pro-
36 fessional counselor by temporary license, or professional counselor li-
37 censed by temporary license.

38 (h) Nothing in this section shall affect any temporary permit or li-
39 cense to practice issued under this section prior to the effective date of
40 this act and in effect on the effective date of this act. Such temporary
41 permit or license shall be subject to the provisions of this section in effect
42 at the time of its issuance and shall continue to be effective until the date
43 of expiration of the temporary permit or license provided under this sec-

1 tion at the time of issuance of such temporary permit or license.

2 (i) *The board shall issue a license to any applicant for a license to*
3 *engage in the practice of professional counseling who (1) has satisfactorily*
4 *completed the requirements for and has received a graduate degree in*
5 *counseling from a college or university which is not approved by the board*
6 *for such purpose solely because such college or university does not require*
7 *the number of semester hours in residency that the board requires for*
8 *such approval, if such applicant has completed satisfactorily such number*
9 *of semester hours in residency or more, and (2) who satisfies all other*
10 *qualifications and requirements, including passing the examination re-*
11 *quired by the board, for a license to engage in the practice of professional*
12 *counseling.*

13 Sec. 2. K.S.A. 65-5804a is hereby repealed.

14 Sec. 3. This act shall take effect and be in force from and after its
15 publication in the Kansas register.