Dr. Grey Endres
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HB 2311
Opponent
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Private Citizen

My name is Dr. Grey Endres. I am a 61year old lifelong Kansan, as I was born in Wichita and currently live in Lenexa. I graduated from Kansas schools with two degrees from the University of Kansas. I have worked with traumatized and abused children since 1986. My purpose has been to protect, educate, and treat children and families who have been victimized by violence, abuse and trauma. I am writing today to encourage the committee to vote NO on HB 2311.

I am curious what is the purpose of House bill 2311? In October of 2020, the Texas State Board of Social Work Examiners voted to change their code of conduct and allow social workers to discriminate against LGBTQ and disabled clients. The change was recommended by Republican Governor Greg Abbott. Two weeks later, the Texas Behavioral Health Executive Council voted unanimously to restore protections for LGBTQ and disabled clients to Texas social workers' code of conduct.

HB 2311 would allow foster care agencies in Kansas to make decisions for children in their care based on religious beliefs rather than on the best interest of the child. As in the case of the Texas State Board of Social Work Examiners, this law would allow an agency to discriminate.

If HB 2311 becomes law, it will lead to several unintended consequences and conflicts for the mental health professionals, agencies, and clients it is intended to protect. For example, any Kansas licensed social worker, psychologist, professional counselor, behavioral analyst, marriage & family therapist, addictions counselor, and/ or mastered level psychologist that worked in a foster care agency that followed HB 2311 would be at odds with their Kansas license. Each of those licensed behavioral health specialists are required by their Kansas license to follow their Kansas Administrative Regulations entitled Unprofessional Code of Conduct (102-2-7, 102-1-10a, 102-4-12, 102-7-11, 102-5-12, 102-3-12a, 102-8-11.) For example,
The social work unprofessional code of conduct states that;
(k) treating any client, student, or supervisee in a cruel manner; (l) discriminating against any client, student, or supervisee on the basis of color, race, gender, religion, national origin, or disability;

The addiction counselors' unprofessional code of conduct states that;
(j) engaging in any behavior that is abusive or demeaning to a client, student, or supervisee; (k) imposing one's personal values, spiritual beliefs, or lifestyle on a client, student, or supervisee; (l) discriminating against any client, student, directee, or supervisee on the basis of color, race, gender, age, religion, national origin, or disability;

In addition, engaging in any such unprofessional conduct would be contrary to each specialist's code of ethics. For example, the National Association of Social Workers Code of Ethics states that the social workers' primary responsibility is to promote the well-being of clients and their interests.

1.05 Cultural Competence
(b) Social workers should demonstrate knowledge that guides practice with clients of various cultures and be able to demonstrate skills in the provision of culturally informed services that empower marginalized individuals and groups. Social workers must take action against oppression, racism, discrimination, and inequities, and acknowledge personal privilege.

Finally, any agency that would allow discrimination towards a client (custodian, or child) would they themselves be in violation of their individual agency's accreditation. For example, Foster Adopt Connect and TFI/The Family Initiative are accredited by the Council On Accreditation. KVC/Camber is accredited by the Joint Commission. Both of these accreditation bodies have standards that address discrimination.
HB 2311 is not needed as all of the licensed mental health providers & agencies that I have already mentioned have best practice standards that address competencies. For example, the social work code of unprofessional conduct states that,

(j) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, and experience and with accepted professional standards for social work;
(h) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;

While the NASW Code of Ethics states that – 1.04 (a) Social workers should provide services and represent themselves as competent only within the boundaries of their education, training, license, certification, consultation received, supervised experience, or other relevant professional experience.

Social worker (in addition to the other 6 licensed providers) are ethically bound to not practice outside the scope of their training, their agencies capacity, and or their client religious or moral beliefs. Thus, it is already an expectation that a social worker and or social service agency will not put a client (custodian) in a position that would violate their deep held beliefs. For example, if I was not competent in treating someone with a substance use, I would refer the case to someone who was competent. Or if I had a deeply held moral belief, I would stand down from a case that would create a conflict of interest for me so as to not allow my potential bias to make decisions for a client.

1.06 (a) Social workers should be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment. Social workers should inform clients when a real or potential conflict of interest arises and take reasonable steps to resolve the issue

in a manner that makes the clients' interests primary and protects clients' interests to the greatest extent possible. In some cases, protecting clients' interests may require termination of the professional relationship with proper referral of the client.

Thus, what is the purpose of HB 2311? It is my recommendation that house bill 2311 be allowed to die in committee. If it passes, it will violate seven Kansas Administrative Regulations. It is unnecessary, and will do more harm to Kansas licensed providers, the child welfare system, clients (parents, custodians, & children) and the agencies that are expected to provide services to the most vulnerable population – Kansas children.
Thank you for your service to the great state of Kansas.