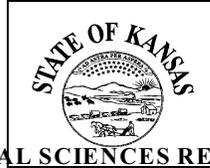


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BEHAVIORAL SCIENCES REGULATORY BOARD

TO: Chairman and Members of the House Public Health and Welfare Committee

DATE: 3-11-04

RE: Senate Bill #452
Repealing Section E of KSA 74-5344, commonly referred to as the Unlicensed Assistant Section.

This section of the licensure of psychologist act was created in order to allow psychologists to employ and to supervise "Unlicensed Assistants". At the time of enactment the only regulated professions in the mental health field were Licensed Psychologist, and I believe, Licensed Social Workers.

In the ensuing years a number of other professionals have gained licensure or certification and fall under the regulation of the Behavioral Sciences Regulatory Board. Those groups include various levels of licensed or regulated social workers, professional counselors, registered master's level psychologists, clinical psychotherapists, professional counselors, drug and alcohol abuse counselors, and marital and family therapists. Generally, professionals employed as unlicensed assistants would now fall into one of the above noted regulated professions, thus making the exception to the psychologist's practice act essentially irrelevant.

In addition, a number of unlicensed assistants were employed while completing their training or after moving to the state prior to full licensure. The Behavioral Sciences Regulatory Board is now capable of granting temporary license to such persons, allowing them to practice and to be regulated under the auspices of the Behavioral Sciences Regulatory Board.

In a survey conducted by Larry Hayes, PhD, my predecessor as a psychologist member of the Behavioral Sciences Regulatory Board, he found broad and substantial support from licensed psychologists in regard to repealing this section of law. He found that 78% of those responding to his inquiry supported the repealing and the statute, 9% were opposed, 7% favored some revision, the remainder expressed no opinion. Only one of the psychologists in opposition to the repeal noted that he currently, and has for some time, employed an unlicensed assistant. The Kansas Psychological Association is also in favor of this appeal.

The Assistant Attorney General advising the Behavioral Sciences Regulatory Board has stated that the regulations pertaining to the employment of unlicensed assistants and therefore oversight of their practices is on shaky legal ground. Thus, in her opinion the Behavioral Sciences Regularly Board may not have legal authority to regulate the practice of unlicensed assistants, leaving the public in a position of vulnerability.