

STATE OF KANSAS

Proposed

BEHAVIORAL SCIENCES REGULATORY BOARD
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GOVERNOR JEFF COLYER, M.D.
MAX FOSTER, EXECUTIVE DIRECTOR

NOTICE OF PUBLIC HEARING ON PROPOSED PERMANENT REGULATIONS
For
UTILIZATION OF THE FIFTH EDITION OF THE DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS FOR USE BY PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, ADDICTION COUNSELORS, PSYCHOLOGISTS, SOCIAL WORKERS, AND MASTERS LEVEL PSYCHOLOGISTS

K.A.R. 102-1-18; K.A.R. 102-2-14; K.A.R. 102-3-15

K.A.R. 102-4-15; K.A.R. 102-5-14; K.A.R. 102-7-12

The Behavioral Sciences Regulatory Board will conduct a public hearing from 9:00 – 10:00 A.M. on Wednesday, February 13, 2019 in the board conference room at 700 SW Harrison St. Ste-420, Topeka, Kansas to consider adopting permanent rules and regulations for utilization of the fifth edition of the diagnostic and statistical manual of mental disorders for use by professional counselors, marriage and family therapists, addiction counselors, psychologists, social workers, and masters level psychologists.

This 60-day notice of the public hearing constitutes a public comment period for purposes of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to Max L. Foster, Jr., Executive Director, Behavioral Sciences Regulatory Board, 700 SW Harrison St. Ste-420, Topeka, KS 66603-3929. E-mail comments may be directed to max.foster@ks.gov. All interested parties will be given a reasonable opportunity to present their views orally at the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Leslie Allen, Assistant Director at 785-296-3240 or the Kansas Relay Center at 1-800-766-3777. There is metered parking all around the Eisenhower State Office Building. The public entrance is on the north side of the building.

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A copy of the full text of the regulations and the economic impact statement may be reviewed or obtained at the board office. They are also available on the board website at www.ksbsrb.ks.gov, under proposed regulations. The following is a summary of the proposed regulations and economic statement. The board does not have a less costly or less intrusive method for achieving the stated purpose of these regulations.

K.A.R. 102-1-18 The purpose of this regulation is to change the referral source for use in the diagnosis and treatment of mental disorders used by professionals licensed by this agency. Currently the regulations require the use of the "diagnostic and statistical manual of mental disorders" fourth edition. This regulation change requires the use of the "diagnostic and statistical manual of mental disorders" fifth edition.

K.A.R. 102-2-14 The purpose of this regulation is to change the referral source for use in the diagnosis and treatment of mental disorders used by professionals licensed by this agency. Currently the regulations require the use of the "diagnostic and statistical manual of mental disorders" fourth edition. This regulation change requires the use of the "diagnostic and statistical manual of mental disorders" fifth edition.

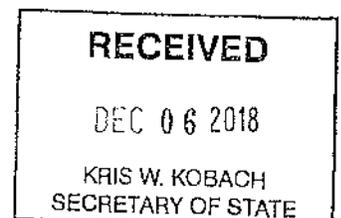
K.A.R. 102-3-15 The purpose of this regulation is to change the referral source for use in the diagnosis and treatment of mental disorders used by professionals licensed by this agency. Currently the regulations require the use of the "diagnostic and statistical manual of mental disorders" fourth edition. This regulation change requires the use of the "diagnostic and statistical manual of mental disorders" fifth edition.

K.A.R. 102-4-15 The purpose of this regulation is to change the referral source for use in the diagnosis and treatment of mental disorders used by professionals licensed by this agency. Currently the regulations require the use of the "diagnostic and statistical manual of mental disorders" fourth edition. This regulation change requires the use of the "diagnostic and statistical manual of mental disorders" fifth edition.

K.A.R. 102-5-14 The purpose of this regulation is to change the referral source for use in the diagnosis and treatment of mental disorders used by professionals licensed by this agency. Currently the regulations require the use of the "diagnostic and statistical manual of mental disorders" fourth edition. This regulation change requires the use of the "diagnostic and statistical manual of mental disorders" fifth edition.

K.A.R. 102-7-12 The purpose of this regulation is to change the referral source for use in the diagnosis and treatment of mental disorders used by professionals licensed by this agency. Currently the regulations require the use of the "diagnostic and statistical manual of mental disorders" fourth edition. This regulation change requires the use of the "diagnostic and statistical manual of mental disorders" fifth edition.

Economic impact: There would be an economic impact to licensees of the Behavioral Sciences Regulatory Board because of the requirement under these regulations.



102-1-18. Designation of referral source for use in the diagnosis and treatment of mental disorders. The "diagnostic and statistical manual of mental disorders," fourth fifth edition, text revision, copyrighted in 2000 and published by the American psychiatric association, ~~is hereby adopted by reference shall be designated as the manual to diagnose and treat mental disorders.~~ (Authorized by K.S.A. 74-5302 and K.S.A. ~~2004-Supp. 74-7507;~~ implementing K.S.A. 74-5302; effective Oct. 27, 2000; amended April 22, 2005; amended P-_____.)

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102-2-14. Designation of referral source for use in the diagnosis and treatment of mental disorders. The "diagnostic and statistical manual of mental disorders," fourth fifth edition, ~~text revision~~, copyrighted in 2000 and published by the American psychiatric association, is hereby adopted by reference shall be designated as the manual to diagnose and treat mental disorders. (Authorized by K.S.A. 65-6306, K.S.A. 65-6319, and K.S.A. 2004 Supp. 74-7507; implementing K.S.A. 65-6306 and 65-6319; effective Aug. 4, 2000; amended April 22, 2005; amended P-_____.)

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102-3-15. Designation of referral source for use in the diagnosis and treatment of mental disorders. The "diagnostic and statistical manual of mental disorders," ~~fourth~~ fifth edition, ~~text revision, copyrighted in 2000 and published by the American psychiatric association, is hereby adopted by reference shall be designated as the manual to diagnose and treat mental disorders.~~ (Authorized by K.S.A. 65-5802, ~~65-5804~~ K.S.A. 65-5804a, and K.S.A. ~~2004 Supp. 74-7507~~; implementing K.S.A. ~~65-5804~~ 65-5804a; effective Aug. 4, 2000; amended April 22, 2005; amended P-_____.)

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102-4-15. Designation of referral source for use in the diagnosis and treatment of mental disorders. The "diagnostic and statistical manual of mental disorders," fourth fifth edition, text revision, copyrighted in 2000 and published by the American psychiatric association, ~~is hereby adopted by~~ reference shall be designated as the manual to diagnose and treat mental disorders. (Authorized by K.S.A. 74-5361, 74-5363, and K.S.A. 2004 Supp. 74-7507; implementing K.S.A. 74-5363; effective Aug. 4, 2000; amended April 22, 2005; amended P-_____.)

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102-5-14. Designation of referral source for use in the diagnosis and treatment of mental disorders. The "diagnostic and statistical manual of mental disorders," fourth fifth edition, text revision, copyrighted in 2000 and published by the American psychiatric association, ~~is hereby adopted by reference shall be designated as the manual to diagnose and treat mental disorders.~~ (Authorized by K.S.A. 65-6402, K.S.A. 65-6404, and K.S.A. 2004 Supp. 74-7507; implementing K.S.A. 65-6404; effective Aug. 4, 2000; amended April 22, 2005; amended P-_____.)

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102-7-12. Designation of referral source for use in the diagnosis and treatment of substance use disorders. The "diagnostic and statistical manual of mental disorders," fourth fifth edition, ~~text revision copyrighted in 2000 and published by the American psychiatric association, is hereby adopted by reference shall be designated as the manual to diagnose and treat substance use disorders.~~ This manual shall be used for the diagnosis and treatment of substance use disorders. (Authorized by K.S.A. 2010 Supp. 65-6608 and 74-7507, as amended by L. 2010, ch. 45, §15; implementing L. 2010, ch. 45, §2, as amended by 2011 HB 2182, §10 K.S.A. 65-6608 and 65-6610; effective, T-102-7-1-11, July 1, 2011; effective, T-102-10-27-11, Oct. 27, 2011; effective Jan. 20, 2012; amended P-_____.)

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Behavioral Sciences Regulatory Board
Max Foster, Executive Director

Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget

K.A.R. 102-1-18; K.A.R. 102-2-14; K.A.R. 102-3-15
K.A.R. 102-4-15; K.A.R. 102-5-14; K.A.R. 102-7-12

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt along with the following to the Division of the Budget.

I. Brief description of the proposed rule(s) and regulation(s).

The purpose of these regulations is to change the referral source for use in the diagnosis and treatment of mental disorders used by professionals licensed by this agency. Currently the regulations require the use of the "diagnostic and statistical manual of mental disorders" fourth edition. This regulation change requires the use of the "diagnostic and statistical manual of mental disorders" fifth edition.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

These regulation changes are not mandated by the federal government.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

Business activities and growth will not be negatively impacted upon the adoption of these regulations. Any Behavioral Sciences Regulatory Board (BSRB) licensee is required to use the "diagnostic and statistical manual of mental disorders" as a referral source in their practice. This regulation change mandates the use of the most current edition of this manual.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

Upon implementation of these regulations the economic impact of compliance costs to specific businesses, sectors, public utility ratepayers, individuals and local governments will be zero.

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C. Businesses that would be directly affected by the proposed rule and regulation;

Current BSRB licensees - who also are business owners - would be required to use the most current edition of the "diagnostic and statistical manual of mental disorders" DSM as a reference. This happens to be the fifth edition.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

Utilizing the most current edition of the "diagnostic and statistical manual of mental disorders" will assure effective public protection for anyone who utilizes the services of the professionals licensed by the BSRB.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

Requiring the use of the most current edition of this reference manual does not constitute a burden on the economic development within the state of Kansas. As previously indicated, the use of this manual has previously been mandated by current regulations. This regulation change only mandates the use of the most current version of the manual.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$150,000. As previously mentioned, BSRB statutes and regulations require the use of the current edition of this reference manual. Since the publishers of this manual have updated the current version, users of this document will need to utilize the updated version of the DSM. A new copy of this document is available for a cost of \$12 to \$30. It is estimated that 11,000 current BSRB licensees are affected by this regulation change. In many offices, it is not unusual for multiple licensees to work for a single employer. Therefore, it is very possible that one copy of the manual could be shared by more than one staff member. In addition, it is possible for a licensee to access the DSM "on-line" -- and this would not require purchase of the document. Based upon this fact, because of this change in the regulations, BSRB estimated that 5,000 copies of this manual will be ordered. This equates to a maximum fiscal impact of \$150,000. **NOTE:** This is a one-time cost. The previous version of this document was used for more than 10 years prior to updating to the current version of the document.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

\$150,000. Please see response to previous question.

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Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

This regulation change only mandates the use of the most current version of the reference manual. Outside of the cost of acquiring an updated version of the DSM, (Previously noted), there is no additional cost associated with implementation of the parameters of the regulations.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES NO

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

These regulations have no fiscal impact on cities, counties or school districts.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

All affected licensees were notified of the regulation change through information disseminated by the BSRB at advisory committee meetings for the professions regulated.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

These are not environmental rules and regulations.

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