

STATE OF KANSAS

Proposed

BEHAVIORAL SCIENCES REGULATORY BOARD
700 SW HARRISON ST.
SUITE 420
TOPEKA, KS 66603-3929



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www.ksbsrb.ks.gov

GOVERNOR JEFF COLYER, M.D.
MAX FOSTER, EXECUTIVE DIRECTOR

NOTICE OF PUBLIC HEARING ON PROPOSED PERMANENT REGULATIONS
For
LICENSING FEES FOR PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS,
ADDICTION COUNSELORS, PSYCHOLOGISTS, SOCIAL WORKERS AND MASTERS LEVEL
PSYCHOLOGISTS

K.A.R. 102-1-13; K.A.R. 102-2-3; K.A.R. 102-3-2

K.A.R. 102-4-2; K.A.R. 102-5-2; K.A.R. 102-7-2

The Behavioral Sciences Regulatory Board will conduct a public hearing from 10:00 – 11:00 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 licensing fees for 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.

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.

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Proposed

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. 102-1-13 Language is being added to reduce licensing fees charged by this agency.

K.A.R. 102-2-3 Language is being added to reduce licensing fees charged by this agency.

K.A.R. 102-3-2 Language is being added to reduce licensing fees charged by this agency.

K.A.R. 102-4-2 Language is being added to reduce licensing fees charged by this agency.

K.A.R. 102-5-2 Language is being added to reduce licensing fees charged by this agency.

K.A.R. 102-7-2 Language is being added to reduce licensing fees charged by this agency.

Economic impact: The result of the adoption of these regulations would be to reduce specific licensing fees for professions regulated by the Behavioral Sciences Regulatory Board.

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102-1-13. Fees. (a) Each applicant for licensure as a psychologist shall pay the appropriate fee as specified in this subsection follows:

(1) Application for a license, ~~\$225~~ \$175;

(2) original license, \$50;

(3) renewal, ~~\$200~~ \$150;

(4) duplicate license, \$20;

(5) temporary license, ~~\$150~~ \$100;

(6) temporary license renewal fee, ~~\$450~~ \$100;

(7) ~~specialty endorsement, \$130;~~

(8) temporary, 15-day permit for an out-of-state professional licensed independent psychologist, \$200; or

(9) ~~(8)~~ temporary, 15-day permit for an out-of-state professional licensed independent psychologist extension, \$200.

(b) Each applicant for a license renewal after its expiration date shall pay an additional fee of ~~\$200~~ \$150, as well as the renewal fee of ~~\$200~~ \$150.

(c) Each applicant for reinstatement of a license that has been revoked by the board shall pay a fee of \$200.

(d) Fees paid to the board shall not be refundable. (Authorized by K.S.A. ~~2008-Supp. 74-5316, K.S.A. 2008-Supp. 74-5316a, K.S.A. 74-5318, K.S.A. 74-5339, 74-5349, K.S.A. 74-5349,~~ and K.S.A. ~~2008-Supp. 74-7507;~~ implementing K.S.A. 74-5310, as amended by ~~2009-HB-2162, sec. 2,~~ K.S.A. 74-5310a, K.S.A. ~~2008-Supp. 74-5315, K.S.A. 74-5316, K.S.A. 2008-Supp. 74-5316a, K.S.A. 74-~~

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5318, and K.S.A. 74-5339 74-5319, K.S.A. 74-5320, and K.S.A. 74-5349;
 effective May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985;
 amended May 1, 1987; amended, T-102-5-1-90, May 1, 1990; amended June 11,
 1990; amended, T-102-11-29-90, Nov. 29, 1990; amended Jan. 21, 1991;
 amended Aug. 23, 1993; amended Aug. 4, 1995; amended Oct. 24, 1997;
 amended July 1, 2005; amended, T-102-7-2-07, July 2, 2007; amended Nov. 30,
 2007; amended, T-102-6-26-09, June 26, 2009; amended Oct. 9, 2009; amended
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102-2-3. Fees. (a) Each applicant for a new social work license shall pay the appropriate application fee as follows:

- (1) Licensed baccalaureate social worker (LBSW): ~~\$400.00~~ \$50;
- (2) licensed master social worker (LMSW): ~~\$400.00~~ \$50;
- (3) licensed specialist clinical social worker (LSCSW): ~~\$400.00~~ \$50;
- (4) temporary license fee: ~~\$50.00~~ \$50;
- (5) temporary, 15-day permit for an out-of-state professional licensed

independent clinical social worker: \$200; and

(6) temporary, 15-day permit for an out-of-state professional licensed
independent clinical social worker extension: \$200.

(b) Each applicant for a new social work license shall pay the appropriate original license fee as follows:

- (1) Licensed baccalaureate social worker (LBSW): ~~\$400.00~~ \$100;
- (2) licensed master social worker (LMSW): ~~\$150.00~~ \$150; and
- (3) licensed specialist clinical social worker (LSCSW): ~~\$150.00~~ \$150.

(c) Each applicant for license renewal shall pay the applicable fee as follows:

- (1) Licensed associate social worker (LASW): ~~\$400.00~~ \$50;
- (2) licensed baccalaureate social worker (LBSW): ~~\$400.00~~ \$50;
- (3) licensed master social worker (LMSW): ~~\$125.00~~ \$75; and
- (4) licensed specialist clinical social worker (LSCSW): ~~\$150.00~~ \$100.

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(d) Each applicant for license reinstatement after the date of its expiration shall pay, in addition to the renewal fee, the applicable penalty fee as follows:

- (1) Licensed associate social worker (LASW): ~~\$400.00~~ \$50;
- (2) licensed baccalaureate social worker (LBSW): ~~\$400.00~~ \$50;
- (3) licensed master social worker (LMSW): ~~\$425.00~~ \$75; and
- (4) licensed specialist clinical social worker (LSCSW): ~~\$450.00~~ \$100.

(e) The fee for a replacement license shall be ~~\$20.00~~ \$20, and the fee for a replacement wallet card license shall be ~~\$2.00~~ \$2.

(f) Each provider of continuing education programs shall pay the applicable fee as follows:

- (1) One-year, provisional approved provider application fee: ~~\$400.00~~ \$100;
- (2) three-year approved provider renewal fee: ~~\$250.00~~ \$250; and
- (3) single-program provider fee: ~~\$50.00~~ \$50.

(g) Fees paid to the board shall not be refundable. (Authorized by K.S.A. ~~2008 Supp. 65-6309a₁ and K.S.A. 65-6314, and 74-7507~~; implementing K.S.A. ~~2008 Supp. 65-6309a₁ and 65-6313, K.S.A. and 65-6314~~; effective May 1, 1982; amended, T-86-20, July 1, 1985; amended May 1, 1986; amended, T-87-10, July 1, 1986; amended May 1, 1987; amended, T-102-10-17-89, Oct. 17, 1989; amended, T-102-11-29-90, Nov. 29, 1990; amended Jan. 21, 1991; amended June 12, 1995; amended Aug. 4, 1995; amended Aug. 4, 2000; amended March

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8, 2002; amended July 1, 2005; amended, T-102-7-2-07, July 2, 2007; amended
Nov. 30, 2007; amended April 2, 2010; amended P-_____.)

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102-3-2. Fees. (a) Each applicant for licensure as a professional counselor or clinical professional counselor shall pay the appropriate fee or fees as set forth below follows:

- (1) Application for a professional counselor license, ~~\$400~~ \$50;
- (2) application for a clinical professional counselor license, ~~\$400~~ \$50;
- (3) original professional counselor license, \$150;
- (4) original license fee for a clinical professional counselor, \$150;
- (5) renewal of a professional counselor license, ~~\$450~~ \$100;
- (6) renewal of a clinical professional counselor license, ~~\$475~~ \$125;
- (7) replacement of a professional counselor or a clinical professional counselor wall certificate, \$20;
- (8) reinstatement of a professional counselor license that has been suspended or revoked, ~~\$450~~ \$100;
- (9) reinstatement of a clinical professional counselor license that has been suspended or revoked, ~~\$475~~ \$125;
- (10) temporary professional counselor license, ~~\$450~~ \$50;
- (11) temporary, 15-day permit for an out-of-state professional licensed independent clinical professional counselor, \$200; or
- (12) temporary, 15-day permit for an out-of-state professional licensed independent clinical professional counselor extension, \$200.

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(b) Each applicant for renewal of a professional counselor license after its ~~date of expiration date~~ shall pay the reinstatement fee in addition to the late renewal penalty fee of \$150 \$100.

(c) Each applicant for renewal of a clinical professional counselor license after its ~~date of expiration date~~ shall pay the reinstatement fee in addition to the late renewal penalty fee of \$175 \$125.

(d) Fees paid to the board shall not be refundable. (Authorized by K.S.A. 65-5807a, K.S.A. 65-5808, and K.S.A. 2006 Supp. 74-7507, and ~~L. 2007 Ch. 13, Sec. 4~~; implementing K.S.A. 65-5804a, 65-5807a, and K.S.A. 65-5808 and ~~L. 2007, Ch. 13, Sec. 4~~; effective, T-88-45, Nov. 10, 1987; amended, T-102-11-29-90, Nov. 29, 1990; amended Jan. 1, 1991; amended Aug. 4, 1995; amended Oct. 24, 1997; amended Aug. 4, 2000; amended July 1, 2005; amended, T-102-7-2-07, July 2, 2007; amended Nov. 30, 2007; amended P-_____.)

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102-4-2. Fees. (a) Each applicant or licensee shall pay the appropriate fee or fees as ~~set forth below~~ follows:

(1) Application for a master's level psychologist license, \$400 \$50;

(2) application for clinical psychotherapist license, \$400 \$50;

(3) original master's level psychologist license, \$150;

(4) original clinical psychotherapy license, \$150;

(5) renewal of a master's level psychologist license, \$450 \$100;

(6) renewal of a clinical psychotherapist license, \$475 \$125;

(7) replacement of a master's level psychologist or a clinical psychotherapist ~~wall-certificate~~ license, \$20;

(8) replacement of a master's level psychologist or a clinical psychotherapist wallet card license, \$2;

(~~8~~) (9) reinstatement of a master's level psychologist license after suspension or revocation, \$450 \$100;

(~~9~~) (10) reinstatement of a clinical psychotherapist license after suspension or revocation, \$475 \$125;

(40) (11) temporary master's level psychologist license, \$100;

(11) ~~renewal of a temporary master's level psychologist license, \$100;~~

(12) temporary, 15-day permit for an out-of-state ~~professional licensed independent clinical master's level psychologist~~, \$200; or

(13) temporary, 15-day permit for an out-of-state ~~professional licensed independent clinical master's level psychologist~~ extension, \$200.

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(b) Each applicant for reinstatement of a master's level psychologist license after its ~~date of expiration~~ date shall pay the renewal fee in addition to the penalty fee of ~~\$150~~ \$100.

(c) Each applicant for reinstatement of a clinical psychotherapist license after its ~~date of expiration~~ date shall pay the renewal fee in addition to the penalty fee of ~~\$175~~ \$125.

(d) Fees paid to the board shall not be refundable. (Authorized by K.S.A. 74-5365, 74-5367, 74-5367a, and ~~K.S.A. 2006 Supp. 74-7507, and L. 2007, Ch. 13, Sec. 6~~; implementing K.S.A. 74-5363, 74-5365, 74-5366, 74-5367, and ~~L. 2007, Ch. 13, Sec. 6~~ 74-5367a; effective, T-102-2-23-89, Feb. 23, 1989; effective April 3, 1989; amended, T-102-11-29-90, Nov. 29, 1990; amended Jan. 21, 1991; amended Aug. 4, 1995; amended Oct. 24, 1997; amended Aug. 4, 2000; amended July 1, 2005; amended, T-102-7-2-07, July 2, 2007; amended Nov. 30, 2007; amended P-_____.)

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102-5-2. Fees. (a) Each applicant or licensee shall pay the appropriate fee or fees as set forth below follows:

(1) Application for a marriage and family therapist license, ~~\$400~~ \$50;

(2) application for a clinical marriage and family therapist license, ~~\$400~~ \$50;

(3) original marriage and family therapist license, \$150;

(4) original clinical marriage and family therapist license, \$150;

(5) renewal of a marriage and family therapist license, ~~\$150~~ \$100;

(6) renewal of a clinical marriage and family therapist license, ~~\$175~~ \$125;

(7) replacement of a marriage and family therapist or a clinical marriage and family therapist ~~wallet certificate~~ license, \$20;

(8) replacement of a marriage and family therapist or a clinical marriage and family therapist wallet card license. \$2;

~~(8)~~ (9) reinstatement of a marriage and family therapist license, ~~\$150~~ \$100;

~~(9)~~ (10) reinstatement of a clinical marriage and family therapist license, ~~\$175~~ \$125;

~~(10)~~ (11) temporary marriage and family therapist license, \$150;

~~(11)~~ (12) temporary, 15-day permit for an out-of-state professional licensed independent clinical marriage and family therapist, \$200; or

~~(12)~~ (13) temporary, 15-day permit for an out-of-state professional licensed independent clinical marriage and family therapist extension, \$200.

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~~(b) Each applicant for reinstatement of a marriage and family therapist or clinical marriage and family therapist license after its date of expiration shall pay the reinstatement fee in addition to a late fee of \$5 for each full 30 day period of delay beyond the expiration date and for each portion of such a 30-day period. The maximum late fee shall be \$150 for each applicant for reinstatement of a marriage and family therapist license and \$175 for each applicant for reinstatement of a clinical marriage and family therapist license.~~

(1) Each applicant for renewal of a marriage and family therapist license after its expiration date shall pay the renewal fee in addition to the late renewal penalty of \$100.

(2) Each applicant for renewal of a clinical marriage and family therapist license after its expiration date shall pay the renewal fee in addition to the late renewal penalty of \$125.

(c) Fees paid to the board shall not be refundable. (Authorized by and K.S.A. 65-6405a, 65-6411, and 74-7507; implementing K.S.A. 65-6405, 65-6405a and K.S.A. 65-6411, and L. 2007, Ch. 13, Sec. 3; effective March 29, 1993; amended Aug. 23, 1993; amended Aug. 4, 1995; amended Oct. 24, 1997; amended Aug. 4, 2000; amended July 1, 2005; amended, T-102-7-2-07, July 2, 2007; amended Nov. 30, 2007; amended P-_____.)

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102-7-2. Fees. (a) Each applicant or licensee shall pay the appropriate fee or fees as follows:

(1) Application for an addiction counselor license: \$50;

~~(A) Before January 1, 2012: \$50; and~~

~~(B) on and after January 1, 2012: \$100;~~

(2) application for a ~~clinical~~ master's addiction counselor license: \$50;

~~(A) Before January 1, 2012: \$50; and~~

~~(B) on and after January 1, 2012: \$100;~~

(3) ~~original addiction counselor license: \$100~~ application for a clinical addiction counselor license: \$50;

(4) ~~original clinical~~ addiction counselor license: \$100;

~~(A) Before January 1, 2012: \$100; and~~

~~(B) on and after January 1, 2012: \$150;~~

(5) original master's addiction counselor license: \$150;

(6) original clinical addiction counselor license: \$150;

~~(5)~~ (7) renewal of an addiction counselor license: \$50;

(8) renewal of a master's addiction counselor license: \$75;

~~(6)~~ (9) renewal of a clinical addiction counselor license: \$100;

~~(7)~~ (10) replacement of an addiction counselor, a master's addiction counselor, or a clinical addiction counselor wallet certificate license: \$20;

(11) replacement of an addiction counselor, a master's addiction counselor, or a clinical addiction counselor wallet license: \$2;

~~(8)~~ (12) reinstatement of an addiction counselor license fee: \$50;

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(13) reinstatement of a master's addiction counselor license: \$75;

~~(9)~~ (14) reinstatement of a clinical addiction counselor license fee: \$150

\$100;

~~(10)~~ (15) temporary addiction counselor license fee: \$100 \$75;

(16) temporary master's addiction counselor license: \$75;

~~(11)~~ (17) temporary, 15-day permit for an out-of-state licensed clinical addiction counselor: \$200; or

~~(12)~~ (18) temporary, 15-day permit for an out-of-state state licensed clinical addiction counselor extension: \$200.

(b) Each applicant for license renewal after the ~~date~~ of its expiration date shall pay, in addition to the renewal fee, the applicable late renewal penalty fee as follows:

(1) Licensed addiction counselor (~~LAC~~): ~~\$400~~ \$50; or

(2) licensed master's addiction counselor: \$75; or

(3) licensed clinical addiction counselor (~~LCAC~~): \$150 \$100.

(c) Fees paid to the board shall not be refundable. (Authorized by K.S.A. 2010 Supp. 65-6618 and 74-7507, as amended by L. 2010, ch. 45, §15; implementing L. 2010, ch. 45, §4, as amended by 2011 HB 2182, §12, and L. 2010, ch. 45, §12 K.S.A. 65-6618; 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. 102-1-13; K.A.R. 102-2-3; K.A.R. 102-3-2
K.A.R. 102-4-2; K.A.R. 102-5-2; K.A.R. 102-7-2

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 lower various licensing fees charged by this agency.

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 that is a business owner will experience a reduction in operational expenses because of their license fee being lowered.

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.

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

Current BSRB licensees - who also are business owners - would be directly affected by these regulations.

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

Since there aren't any costs associated with the implementation of these regulations the benefits greatly outweigh the costs.

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;

As identified in previous answers to questions there is no additional cost to those impacted by these regulations.

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.

\$0. Since BSRB staff members regularly process applications and license renewals as a function of routine daily operation in the agency, there are no costs to implement the changes bought about by these regulations.

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.

\$0. 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.

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.

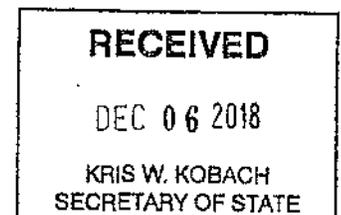
These regulations will lower licensing fees. There is no cost associated with implementation of the parameters of the regulations.

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

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- 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 proposed fee decrease 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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