

HOUSE BILL No. 2603

By Committee on Health and Human Services

2-10

1 AN ACT concerning behavioral sciences; relating to the behavioral
2 sciences regulatory board; professions regulated thereby; changing
3 licensing requirements; fees; discipline; amending K.S.A. 65-5804a,
4 65-5809, 65-6311, 65-6404, 65-6408, 65-6610, 65-6615, 74-5324, 74-
5 5363 and 74-5369 and K.S.A. 2019 Supp. 65-6306 and repealing the
6 existing sections.
7

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

9 Section 1. K.S.A. 65-5804a is hereby amended to read as follows: 65-
10 5804a. (a) Applications for licensure as a professional counselor shall be
11 made to the board on a form and in the manner prescribed by the board.
12 Each application shall be accompanied by the fee fixed under K.S.A. 65-
13 5808, and amendments thereto.

14 (b) Each applicant for licensure as a professional counselor shall
15 furnish evidence satisfactory to the board that the applicant:

16 (1) Is at least 21 years of age;
17 (2) has completed 60 graduate semester hours including a graduate
18 degree in counseling or a related field from a college or university
19 approved by the board and that includes 45 graduate semester hours of
20 counseling coursework distributed among each of the following areas:

- 21 (A) Counseling theory and practice;
22 (B) the helping relationship;
23 (C) group dynamics, processing and counseling;
24 (D) human growth and development;
25 (E) life-style and career development;
26 (F) appraisal of individuals;
27 (G) social and cultural foundations;
28 (H) research and evaluation;
29 (I) professional orientation; and
30 (J) supervised practicum and internship;
31 (3) has passed an examination required by the board; and
32 (4) has satisfied the board that the applicant is a person who merits
33 the public trust.

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

1 the applicant:

2 (A) Is licensed by the board as a licensed professional counselor or
3 meets all requirements for licensure as a licensed professional counselor;

4 (B) has completed 15 credit hours, as part of or in addition to the
5 requirements under subsection (b), supporting diagnosis or treatment of
6 mental disorders with use of the American psychiatric association's
7 diagnostic and statistical manual through identifiable study of the
8 following content areas: Psychopathology, diagnostic assessment,
9 interdisciplinary referral and collaboration, treatment approaches and
10 professional ethics;

11 (C) has completed a graduate level supervised clinical practicum of
12 supervised professional experience including psychotherapy and
13 assessment with individuals, couples, families or groups, integrating
14 diagnosis and treatment of mental disorders with use of the American
15 psychiatric association's diagnostic and statistical manual, with not less
16 than 350 hours of direct client contact or additional postgraduate
17 supervised experience as determined by the board;

18 (D) has completed not less than two years of postgraduate supervised
19 professional experience in accordance with a clinical supervision plan
20 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
21 professional experience, including at least 1,500 hours of direct client
22 contact conducting psychotherapy and assessments with individuals,
23 couples, families or groups and not less than ~~150~~ 100 hours of *face-to-face*
24 clinical supervision, ~~including not less than 50 hours of person-to-person~~
25 ~~individual supervision, as defined by the board in rules and regulations,~~
26 *including not less than 50 hours of individual supervision*, integrating
27 diagnosis and treatment of mental disorders with use of the American
28 psychiatric association's diagnostic and statistical manual, except that *the*
29 *board may waive one-half of the requirement of hours required by this*
30 *subparagraph may be waived for persons with an individual who has a*
31 *doctor's degree in professional counseling or a related field acceptable to*
32 *approved by the board and who completes the required one-half of the*
33 *hours in not less than one year of supervised professional experience;*

34 (E) for persons earning a degree under subsection (b) prior to July 1,
35 2003, in lieu of the education requirements under subparagraphs (B) and
36 (C), has completed the education requirements for licensure as a
37 professional counselor in effect on the day immediately preceding the
38 effective date of this act;

39 (F) for persons who apply for and are eligible for a temporary permit
40 to practice as a licensed professional counselor on the day immediately
41 preceding the effective date of this act, in lieu of the education and training
42 requirements under subparagraphs (B), (C) and (D), has completed the
43 education and training requirements for licensure as a professional

1 counselor in effect on the day immediately preceding the effective date of
2 this act;

3 (G) has passed an examination approved by the board; and

4 (H) has paid the application fee fixed under K.S.A. 65-5808, and
5 amendments thereto.

6 (2) A person who was licensed or registered as a professional
7 counselor in Kansas at any time prior to the effective date of this act, who
8 has been actively engaged in the practice of professional counseling as a
9 registered or licensed professional counselor within five years prior to the
10 effective date of this act and whose last license or registration in Kansas
11 prior to the effective date of this act was not suspended or revoked, upon
12 application to the board, payment of fees and completion of applicable
13 continuing education requirements, shall be licensed as a licensed clinical
14 professional counselor by providing demonstration of competence to
15 diagnose and treat mental disorders through at least two of the following
16 areas acceptable to the board:

17 (A) Either: (i) Graduate coursework; or (ii) passing a national,
18 clinical examination;

19 (B) either: (i) Three years of clinical practice in a community mental
20 health center, its contracted affiliate or a state mental hospital; or (ii) three
21 years of clinical practice in other settings with demonstrated experience in
22 diagnosing or treating mental disorders; or

23 (C) attestation from one professional licensed to diagnose and treat
24 mental disorders in independent practice or licensed to practice medicine
25 and surgery that the applicant is competent to diagnose and treat mental
26 disorders.

27 (3) A licensed clinical professional counselor may engage in the
28 independent practice of professional counseling and is authorized to
29 diagnose and treat mental disorders specified in the edition of the
30 diagnostic and statistical manual of mental disorders of the American
31 psychiatric association designated by the board by rules and regulations.
32 When a client has symptoms of a mental disorder, a licensed clinical
33 professional counselor shall consult with the client's primary care
34 physician or psychiatrist to determine if there may be a medical condition
35 or medication that may be causing or contributing to the client's symptoms
36 of a mental disorder. A client may request in writing that such consultation
37 be waived and such request shall be made a part of the client's record. A
38 licensed clinical professional counselor may continue to evaluate and treat
39 the client until such time that the medical consultation is obtained or
40 waived.

41 (4) A licensed professional counselor may diagnose and treat mental
42 disorders specified in the edition of the diagnostic and statistical manual of
43 mental disorders of the American psychiatric association designated by the

1 board by rules and regulations only under the direction of a licensed
2 clinical professional counselor, licensed psychologist, person licensed to
3 practice medicine and surgery or person licensed to provide mental health
4 services as an independent practitioner and whose licensure allows for the
5 diagnosis and treatment of mental disorders. When a client has symptoms
6 of a mental disorder, a licensed professional counselor shall consult with
7 the client's primary care physician or psychiatrist to determine if there may
8 be a medical condition or medication that may be causing or contributing
9 to the client's symptoms of a mental disorder. A client may request in
10 writing that such consultation be waived and such request shall be made a
11 part of the client's record. A licensed professional counselor may continue
12 to evaluate and treat the client until such time that the medical consultation
13 is obtained or waived.

14 (d) The board shall adopt rules and regulations establishing the
15 criteria that a college or university shall satisfy in order to be approved by
16 the board. The board may send a questionnaire developed by the board to
17 any college or university for which the board does not have sufficient
18 information to determine whether the school meets the requirements for
19 approval and rules and regulations adopted under this section. The
20 questionnaire providing the necessary information shall be completed and
21 returned to the board in order for the college or university to be considered
22 for approval. The board may contract with investigative agencies,
23 commissions or consultants to assist the board in obtaining information
24 about colleges and universities. In entering such contracts, the authority to
25 approve college and universities shall remain solely with the board.

26 (e) A person who is waiting to take the examination required by the
27 board may apply to the board for a temporary license to practice as a
28 licensed professional counselor by: (1) Paying an application fee of ~~no~~ *not*
29 more than \$150; and (2) meeting the application requirements as stated in
30 K.S.A. 65-5804a(b)(1), (2) and (4), and amendments thereto.

31 (f) (1) A temporary license may be issued by the board after the
32 application has been reviewed and approved by the board and the applicant
33 has paid the appropriate fee set by the board for issuance of ~~new licenses a~~
34 *temporary license*.

35 (2) Absent extenuating circumstances approved by the board, a
36 temporary license issued by the board shall expire upon the date the board
37 issues or denies a license to practice professional counseling or ~~six~~ *12*
38 months after the date of issuance of the temporary license. No temporary
39 license will be renewed or issued again on any subsequent application for
40 the same license level. The preceding provisions in no way limit the
41 number of times an applicant may take the examination.

42 (g) A person practicing professional counseling with a temporary
43 license may not use the title "licensed professional counselor" or the

1 initials "LPC" independently. The word "licensed" may be used only when
2 followed by the words "by temporary license," such as licensed
3 professional counselor by temporary license, or professional counselor
4 licensed by temporary license.

5 (h) No person may practice professional counseling under a
6 temporary license except under the supervision of a person licensed by the
7 behavioral sciences regulatory board at the independent level.

8 (i) Nothing in this section shall affect any temporary license to
9 practice issued under this section prior to the effective date of this act and
10 in effect on the effective date of this act. Such temporary license shall be
11 subject to the provisions of this section in effect at the time of its issuance
12 and shall continue to be effective until the date of expiration of the
13 temporary license provided under this section at the time of issuance of
14 such temporary license.

15 Sec. 2. K.S.A. 65-5809 is hereby amended to read as follows: 65-
16 5809. (a) The board may refuse to issue, renew or reinstate a license, may
17 condition, limit, revoke or suspend a license, may publicly or privately
18 censure a licensee or may impose a fine not to exceed \$1,000 per violation
19 upon a finding that a licensee or an applicant for licensure:

20 (1) Is incompetent to practice professional counseling, ~~which~~
21 *Incompetent to practice professional counseling* means:

22 (A) One or more instances involving failure to adhere to the
23 applicable standard of care to a degree that constitutes gross negligence, as
24 determined by the board;

25 (B) repeated instances involving failure to adhere to the applicable
26 standard of care to a degree that constitutes ordinary negligence, as
27 determined by the board; or

28 (C) a pattern of practice or other behavior that demonstrates a
29 manifest incapacity or incompetence to practice professional counseling;

30 (2) has been convicted of a felony offense and has not demonstrated
31 to the board's satisfaction that such person has been sufficiently
32 rehabilitated to merit the public trust;

33 (3) has been convicted of a misdemeanor against persons and has not
34 demonstrated to the board's satisfaction that such person has been
35 sufficiently rehabilitated to merit the public trust;

36 (4) is currently listed on a child abuse registry or an adult protective
37 services registry as the result of a substantiated finding of abuse or neglect
38 by any state agency, agency of another state, *the District of Columbia* or
39 the United States, territory of the United States or another country and the
40 applicant or licensee has not demonstrated to the board's satisfaction that
41 such person has been sufficiently rehabilitated to merit the public trust;

42 (5) has violated a provision of the professional counselors licensure
43 act or one or more rules and regulations of the board;

1 (6) has obtained or attempted to obtain a license or license renewal by
2 bribery or fraudulent representation;

3 (7) has knowingly made a false statement on a form required by the
4 board for a license or license renewal;

5 (8) has failed to obtain continuing education credits as required by
6 rules and regulations adopted by the board;

7 (9) has been found to have engaged in unprofessional conduct as
8 defined by applicable rules and regulations adopted by the board; ~~or~~

9 (10) has had a *professional* registration, license or certificate ~~as a~~
10 ~~professional counselor~~ revoked, suspended or limited, or has had other
11 disciplinary action taken, or an application for a registration, license or
12 certificate denied, by the proper regulatory authority of another state,
13 territory, District of Columbia, or other country, a certified copy of the
14 record of the action of the other jurisdiction being conclusive evidence
15 thereof; *or*

16 (11) *has violated any lawful order or directive of the board previously*
17 *entered by the board.*

18 (b) For issuance of a new license or reinstatement of a revoked or
19 suspended license for a licensee or applicant for licensure with a felony
20 conviction, the board may only issue or reinstate such license by a ²/₃
21 majority vote.

22 (c) Administrative proceedings and disciplinary actions regarding
23 licensure under the professional counselors licensure act shall be
24 conducted in accordance with the Kansas administrative procedure act.
25 Judicial review and civil enforcement of agency actions under the
26 professional counselors licensure act shall be in accordance with the
27 Kansas judicial review act.

28 Sec. 3. K.S.A. 2019 Supp. 65-6306 is hereby amended to read as
29 follows: 65-6306. (a) The board shall issue a license as a baccalaureate
30 social worker to an applicant who:

31 (1) Has a baccalaureate degree from an accredited college or
32 university, including completion of a social work program recognized and
33 approved by the board, pursuant to rules and regulations adopted by the
34 board;

35 (2) has passed an examination approved by the board for this
36 purpose; and

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

39 (b) The board shall issue a license as a master social worker to an
40 applicant who:

41 (1) Has a master's degree from an accredited college or university,
42 including completion of a social work program recognized and approved
43 by the board, pursuant to rules and regulations adopted by the board;

1 (2) has passed an examination approved by the board for this
2 purpose; and

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

5 (c) The board shall issue a license in one of the social work
6 specialties to an applicant who:

7 (1) Has a master's or doctor's degree from an accredited graduate
8 school of social work, including completion of a social work program
9 recognized and approved by the board, pursuant to rules and regulations
10 adopted by the board;

11 (2) has had two years of full-time post-master's or post-doctor's
12 degree experience under the supervision of a licensed social worker in the
13 area of the specialty in which such applicant seeks to be licensed;

14 (3) has passed an examination approved by the board for this
15 purpose; and

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

18 (d) (1) The board shall issue a license as a specialist clinical social
19 worker to an applicant who:

20 (A) Has met the requirements of subsection (c);

21 (B) has completed 15 credit hours as part of or in addition to the
22 requirements under subsection (c) supporting diagnosis or treatment of
23 mental disorders with use of the American psychiatric association's
24 diagnostic and statistical manual, through identifiable study of the
25 following content areas: Psychopathology, diagnostic assessment,
26 interdisciplinary referral and collaboration, treatment approaches and
27 professional ethics;

28 (C) has completed a graduate level supervised clinical practicum of
29 supervised professional experience including psychotherapy and
30 assessment, integrating diagnosis and treatment of mental disorders with
31 use of the American psychiatric association's diagnostic and statistical
32 manual, with not less than 350 hours of direct client contact or additional
33 postgraduate supervised experience as determined by the board;

34 (D) has completed as part of or in addition to the requirements of
35 subsection (c) not less than two years of postgraduate supervised
36 professional experience in accordance with a clinical supervision plan
37 approved by the board of not less than 3,000 hours of supervised
38 professional experience including at least 1,500 hours of direct client
39 contact conducting psychotherapy and assessments with individuals,
40 couples, families or groups and not less than 100 hours of *face-to-face*
41 clinical supervision, *as defined by the board in rules and regulations*,
42 including not less than ~~75~~ 50 hours of ~~person-to-person~~ individual
43 supervision, integrating diagnosis and treatment of mental disorders with

1 use of the American psychiatric association's diagnostic and statistical
2 manual;

3 (E) for persons earning a degree under subsection (c) prior to July 1,
4 2003, in lieu of the education and training requirements under ~~parts~~
5 ~~subparagraphs~~ (B) and (C) ~~of this subsection~~, has completed the education
6 requirements for licensure as a specialist clinical social worker in effect on
7 the day immediately preceding the effective date of this act;

8 (F) for persons who apply for and are eligible for a temporary license
9 to practice as a specialist clinical social worker on the day immediately
10 preceding the effective date of this act, in lieu of the education and training
11 requirements under ~~parts~~ ~~subparagraphs~~ (B), (C) and (D) ~~of this~~
12 ~~subsection~~, has completed the education and training requirements for
13 licensure as a specialist clinical social worker in effect on the day
14 immediately preceding the effective date of this act;

15 (G) has passed an examination approved by the board; and

16 (H) has paid the application fee.

17 (2) A licensed specialist clinical social worker may engage in the
18 social work practice and is authorized to diagnose and treat mental
19 disorders specified in the edition of the diagnostic and statistical manual of
20 mental disorders of the American psychiatric association designated by the
21 board by rules and regulations. When a client has symptoms of a mental
22 disorder, a licensed specialist clinical social worker shall consult with the
23 client's primary care physician or psychiatrist to determine if there may be
24 a medical condition or medication that may be causing or contributing to
25 the client's symptoms of a mental disorder. A client may request in writing
26 that such consultation be waived and such request shall be made a part of
27 the client's record. A licensed specialist clinical social worker may
28 continue to evaluate and treat the client until such time that the medical
29 consultation is obtained or waived.

30 (3) Notwithstanding any other provision of this subsection, a licensed
31 master social worker who has provided to the board an acceptable clinical
32 supervision plan for licensure as a specialist clinical social worker prior to
33 the effective date of this act shall be licensed as a specialist clinical social
34 worker under this act upon completion of the requirements in effect for
35 licensure as a specialist clinical social worker at the time the acceptable
36 training plan is submitted to the board.

37 (4) A person licensed as a specialist clinical social worker on the day
38 immediately preceding the effective date of this act shall be deemed to be
39 a licensed specialist clinical social worker under this act. Such person shall
40 not be required to file an original application for licensure as a specialist
41 clinical social worker under this act.

42 (e) The board shall adopt rules and regulations establishing the
43 criteria which a social work program of a college or university shall satisfy

1 to be recognized and approved by the board under this section. The board
2 may send a questionnaire developed by the board to any college or
3 university conducting a social work program for which the board does not
4 have sufficient information to determine whether the program should be
5 recognized and approved by the board and whether the program meets the
6 rules and regulations adopted under this section. The questionnaire
7 providing the necessary information shall be completed and returned to the
8 board in order for the program to be considered for recognition and
9 approval. The board may contract with investigative agencies,
10 commissions or consultants to assist the board in obtaining information
11 about a social work program of a college or university. In entering such
12 contracts the authority to recognize and approve a social work program of
13 a college or university shall remain solely with the board.

14 Sec. 4. K.S.A. 65-6311 is hereby amended to read as follows: 65-
15 6311. (a) The board may refuse to issue, renew or reinstate a license, may
16 condition, limit, revoke or suspend a license, may publicly or privately
17 censure a licensee or may impose a fine not to exceed \$1,000 per violation
18 upon a finding that a licensee or an applicant for license:

19 (1) Is incompetent to practice social work, ~~which~~. *Incompetent to*
20 *practice social work* means:

21 (A) One or more instances involving failure to adhere to the
22 applicable standard of care to a degree that constitutes gross negligence, as
23 determined by the board;

24 (B) repeated instances involving failure to adhere to the applicable
25 standard of care to a degree that constitutes ordinary negligence, as
26 determined by the board; or

27 (C) a pattern of practice or other behavior that demonstrates a
28 manifest incapacity or incompetence to practice social work;

29 (2) has been convicted of a felony offense and has not demonstrated
30 to the board's satisfaction that such person has been sufficiently
31 rehabilitated to merit the public trust;

32 (3) has been convicted of a misdemeanor against persons and has not
33 demonstrated to the board's satisfaction that such person has been
34 sufficiently rehabilitated to merit the public trust;

35 (4) is currently listed on a child abuse registry or an adult protective
36 services registry as the result of a substantiated finding of abuse or neglect
37 by any state agency, agency of another state, *the District of Columbia* or
38 the United States, territory of the United States or another country and the
39 applicant or licensee has not demonstrated to the board's satisfaction that
40 such person has been sufficiently rehabilitated to merit the public trust;

41 (5) has violated a provision of the social workers licensure act or one
42 or more rules and regulations of the board;

43 (6) has obtained or attempted to obtain a license or license renewal by

1 bribery or fraudulent representation;

2 (7) has knowingly made a false statement on a form required by the
3 board for a license or license renewal;

4 (8) has failed to obtain continuing education credits as required by
5 rules and regulations adopted by the board;

6 (9) has been found to have engaged in unprofessional conduct as
7 defined by applicable rules and regulations adopted by the board; ~~or~~

8 (10) has had a *professional* license, registration or certificate ~~to~~
9 ~~practice social work~~ revoked, suspended or limited, or has had other
10 disciplinary action taken, or an application for a license, registration or
11 certificate denied, by the proper regulatory authority of another state,
12 territory, District of Columbia, or other country, a certified copy of the
13 record of the action of the other jurisdiction being conclusive evidence
14 thereof; *or*

15 (11) *has violated any lawful order or directive of the board previously*
16 *entered by the board.*

17 (b) For issuance of a new license or reinstatement of a revoked or
18 suspended license for a licensee or applicant for licensure with a felony
19 conviction, the board may only issue or reinstate such license by a ²/₃
20 majority vote.

21 (c) Administrative proceedings and disciplinary actions regarding
22 licensure under the social workers licensure act shall be conducted in
23 accordance with the Kansas administrative procedure act. Judicial review
24 and civil enforcement of agency actions under the social workers licensure
25 act shall be in accordance with the Kansas judicial review act.

26 Sec. 5. K.S.A. 65-6404 is hereby amended to read as follows: 65-
27 6404. (a) An applicant for licensure as a marriage and family therapist
28 shall furnish evidence that the applicant:

29 (1) Has attained the age of 21;

30 (2) (A) has completed a master's or doctoral degree from a marriage
31 and family therapy program, in an educational institution with standards
32 approved by the board; or (B) has completed a master's or doctoral degree
33 from an educational institution in a related field for which the course work
34 is considered by the board to be equivalent to that provided in ~~clause (2)~~
35 ~~subparagraph (A) of this paragraph~~ and consists of a minimum of nine
36 semester hours in human development, nine semester hours in theories of
37 marriage and family functioning, nine semester hours of marital and
38 family assessment and therapy, three semester hours in professional
39 studies and three semester hours in research; or (C) completed a master's
40 or doctoral degree from an educational institution in a related field with
41 additional work from an educational program in marriage and family
42 therapy approved by the board and such degree program and additional
43 work includes the course work requirements provided in ~~clause (2)~~

1 ~~subparagraph (B) of this paragraph;~~

2 (3) has passed an examination approved by the board;

3 (4) has satisfied the board that the applicant is a person who merits
4 the public trust; and

5 (5) each applicant has paid the application fee established by the
6 board under K.S.A. 65-6411, and amendments thereto.

7 (b) (1) Applications for licensure as a clinical marriage and family
8 therapist shall be made to the board on a form and in the manner
9 prescribed by the board. Each applicant shall furnish evidence satisfactory
10 to the board that the applicant:

11 (A) Is licensed by the board as a licensed marriage and family
12 therapist or meets all requirements for licensure as a marriage and family
13 therapist;

14 (B) has completed 15 credit hours as part of or in addition to the
15 requirements under subsection (a) supporting diagnosis or treatment of
16 mental disorders with use of the American psychiatric association's
17 diagnostic and statistical manual, through identifiable study of the
18 following content areas: Psychopathology, diagnostic assessment,
19 interdisciplinary referral and collaboration, treatment approaches and
20 professional ethics;

21 (C) has completed a graduate level supervised clinical practicum of
22 supervised professional experience including psychotherapy and
23 assessment with individuals, couples, families or groups, integrating
24 diagnosis and treatment of mental disorders with use of the American
25 psychiatric association's diagnostic and statistical manual, with not less
26 than 350 hours of direct client contact or additional postgraduate
27 supervised experience as determined by the board;

28 (D) has completed not less than two years of postgraduate supervised
29 professional experience in accordance with a clinical supervision plan
30 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
31 professional experience including at least 1,500 hours of direct client
32 contact conducting psychotherapy and assessments with individuals,
33 couples, families or groups and not less than ~~150~~ 100 hours of *face-to-face*
34 clinical supervision, *as defined by the board in rules and regulations*,
35 including not less than 50 hours of ~~person-to-person~~ individual
36 supervision, integrating diagnosis and treatment of mental disorders with
37 use of the American psychiatric association's diagnostic and statistical
38 manual, except that *the board may waive one-half of the requirement of*
39 *hours required by this part (D) may be waived subparagraph for persons*
40 *with an individual who has a doctor's degree in marriage and family*
41 *therapy or a related field acceptable to the board and who completes the*
42 *required one-half of the hours in not less than one year of supervised*
43 *professional experience;*

1 (E) for persons earning a degree under subsection (a) prior to July 1,
2 2003, in lieu of the education and training requirements under ~~parts~~
3 ~~subparagraphs (B) and (C) of this subsection~~, has completed the education
4 requirements for licensure as a marriage and family therapist in effect on
5 the day immediately preceding the effective date of this act;

6 (F) for persons who apply for and are eligible for a temporary permit
7 to practice as a licensed marriage and family therapist on the day
8 immediately preceding the effective date of this act, in lieu of the
9 education and training requirements under ~~parts~~ *subparagraphs* (B), (C)
10 and (D) ~~of this subsection~~, has completed the education and training
11 requirements for licensure as a marriage and family therapist in effect on
12 the day immediately preceding the effective date of this act;

13 (G) has passed an examination approved by the board; and

14 (H) has paid the application fee fixed under K.S.A. 65-6411, and
15 amendments thereto.

16 (2) A person who was licensed or registered as a marriage and family
17 therapist in Kansas at any time prior to the effective date of this act, who
18 has been actively engaged in the practice of marriage and family therapy
19 as a registered or licensed marriage and family therapist within five years
20 prior to the effective date of this act and whose last license or registration
21 in Kansas prior to the effective date of this act was not suspended or
22 revoked, upon application to the board, payment of fees and completion of
23 applicable continuing education requirements, shall be licensed as a
24 licensed clinical marriage and family therapist by providing demonstration
25 of competence to diagnose and treat mental disorders through at least two
26 of the following areas acceptable to the board:

27 (A) Either: (i) Graduate coursework; or (ii) passing a national,
28 clinical examination;

29 (B) either: (i) Three years of clinical practice in a community mental
30 health center, its contracted affiliate or a state mental hospital; or (ii) three
31 years of clinical practice in other settings with demonstrated experience in
32 diagnosing or treating mental disorders; or

33 (C) attestation from one professional licensed to diagnose and treat
34 mental disorders in independent practice or licensed to practice medicine
35 and surgery that the applicant is competent to diagnose and treat mental
36 disorders.

37 (3) A licensed clinical marriage and family therapist may engage in
38 the independent practice of marriage and family therapy and is authorized
39 to diagnose and treat mental disorders specified in the edition of the
40 diagnostic and statistical manual of mental disorders of the American
41 psychiatric association designated by the board by rules and regulations.
42 When a client has symptoms of a mental disorder, a licensed clinical
43 marriage and family therapist shall consult with the client's primary care

1 physician or psychiatrist to determine if there may be a medical condition
2 or medication that may be causing or contributing to the client's symptoms
3 of a mental disorder. A client may request in writing that such consultation
4 be waived and such request shall be made a part of the client's record. A
5 licensed clinical marriage and family therapist may continue to evaluate
6 and treat the client until such time that the medical consultation is obtained
7 or waived.

8 (4) On and after January 1, 2002, a licensed marriage and family
9 therapist may diagnose and treat mental disorders specified in the edition
10 of the diagnostic and statistical manual of mental disorders specified in the
11 edition of the diagnostic and statistical manual of mental disorders of the
12 American psychiatric association designated by the board by rules and
13 regulations only under the direction of a licensed clinical marriage and
14 family therapist, licensed psychologist, person licensed to practice
15 medicine and surgery or person licensed to provide mental health services
16 as an independent practitioner and whose licensure allows for the
17 diagnosis and treatment of mental disorders. When a client has symptoms
18 of a mental disorder, a licensed marriage and family therapist shall consult
19 with the client's primary care physician or psychiatrist to determine if there
20 may be a medical condition or medication that may be causing or
21 contributing to the client's symptoms of a mental disorder. A client may
22 request in writing that such consultation be waived and such request shall
23 be made a part of the client's record. A licensed marriage and family
24 therapist may continue to evaluate and treat the client until such time that
25 the medical consultation is obtained or waived.

26 Sec. 6. K.S.A. 65-6408 is hereby amended to read as follows: 65-
27 6408. (a) The board may refuse to issue, renew or reinstate a license, may
28 condition, limit, revoke or suspend a license, may publicly or privately
29 censure a licensee or may impose a fine not to exceed \$1,000 per violation
30 upon a finding that a licensee or an applicant for license:

31 (1) Is incompetent to practice marriage and family therapy, ~~which~~.
32 *Incompetent to practice marriage and family therapy* means:

33 (A) One or more instances involving failure to adhere to the
34 applicable standard of care to a degree that constitutes gross negligence, as
35 determined by the board;

36 (B) repeated instances involving failure to adhere to the applicable
37 standard of care to a degree that constitutes ordinary negligence, as
38 determined by the board; or

39 (C) a pattern of practice or other behavior that demonstrates a
40 manifest incapacity or incompetence to practice marriage and family
41 therapy;

42 (2) has been convicted of a felony offense and has not demonstrated
43 to the board's satisfaction that such person has been sufficiently

1 rehabilitated to merit the public trust;

2 (3) has been convicted of a misdemeanor against persons and has not
 3 demonstrated to the board's satisfaction that such person has been
 4 sufficiently rehabilitated to merit the public trust;

5 (4) is currently listed on a child abuse registry or an adult protective
 6 services registry as the result of a substantiated finding of abuse or neglect
 7 by any state agency, agency of another state, *the District of Columbia* or
 8 the United States, territory of the United States or another country and the
 9 applicant or licensee has not demonstrated to the board's satisfaction that
 10 such person has been sufficiently rehabilitated to merit the public trust;

11 (5) has violated a provision of the marriage and family therapists
 12 licensure act or one or more of the rules and regulations of the board;

13 (6) has obtained or attempted to obtain a license or license renewal by
 14 bribery or fraudulent representation;

15 (7) has knowingly made a false statement on a form required by the
 16 board for license or license renewal;

17 (8) has failed to obtain continuing education credits required by rules
 18 and regulations of the board;

19 (9) has been found to have engaged in unprofessional conduct as
 20 defined by applicable rules and regulations adopted by the board; ~~or~~

21 (10) has had a *professional* registration, license or certificate ~~as a~~
 22 ~~marriage and family therapist~~ revoked, suspended or limited, or has had
 23 other disciplinary action taken, or an application for registration, license or
 24 certificate denied, by the proper regulatory authority of another state,
 25 territory, District of Columbia or another country, a certified copy of the
 26 record of the action of the other jurisdiction being conclusive evidence
 27 thereof; *or*

28 (11) *has violated any lawful order or directive of the board previously*
 29 *entered by the board.*

30 (b) For issuance of a new license or reinstatement of a revoked or
 31 suspended license for a licensee or applicant for licensure with a felony
 32 conviction, the board may only issue or reinstate such license by a ²/₃
 33 majority vote.

34 (c) Administrative proceedings and disciplinary actions regarding
 35 licensure under the marriage and family therapists licensure act shall be
 36 conducted in accordance with the Kansas administrative procedure act.
 37 Judicial review and civil enforcement of agency actions under the
 38 marriage and family therapists licensure act shall be in accordance with the
 39 Kansas judicial review act.

40 Sec. 7. K.S.A. 65-6610 is hereby amended to read as follows: 65-
 41 6610. (a) An applicant for licensure as an addiction counselor shall furnish
 42 evidence that the applicant:

43 (1) Has attained the age of 21;

1 (2) (A) has completed at least a baccalaureate degree from an
2 addiction counseling program that is part of a college or university
3 approved by the board; or

4 (B) has completed at least a baccalaureate degree from a college or
5 university approved by the board. As part of, or in addition to, the
6 baccalaureate degree coursework, such applicant shall also complete a
7 minimum number of semester hours of coursework on substance use
8 disorders as approved by the board; or

9 (C) is currently licensed in Kansas as a licensed baccalaureate social
10 worker and has completed a minimum number of semester hours of
11 coursework on substance use disorders as approved by the board; and

12 (3) has passed an examination approved by the board;

13 (4) has satisfied the board that the applicant is a person who merits
14 the public trust; and

15 (5) has paid the application fee established by the board under K.S.A.
16 65-6618, and amendments thereto.

17 (b) Applications for licensure as a master's addiction counselor shall
18 be made to the board on a form and in the manner prescribed by the board.
19 Each applicant shall furnish evidence satisfactory to the board that the
20 applicant:

21 (1) (A) Has attained the age of 21;

22 (B) (i) has completed at least a master's degree from an addiction
23 counseling program that is part of a college or university approved by the
24 board;

25 (ii) has completed at least a master's degree from a college or
26 university approved by the board. As part of or in addition to the master's
27 degree coursework, such applicant shall also complete a minimum number
28 of semester hours of coursework supporting the diagnosis and treatment of
29 substance use disorders as approved by the board; or

30 (iii) is currently licensed in Kansas as a licensed master social
31 worker, licensed professional counselor, licensed marriage and family
32 therapist or licensed master's level psychologist; ~~and~~

33 (C) has passed an examination approved by the board;

34 (D) has satisfied the board that the applicant is a person who merits
35 the public trust; and

36 (E) has paid the application fee fixed under K.S.A. 65-6618, and
37 amendments thereto; or

38 (2) (A) has met the following requirements on or before July 1, 2016:

39 (i) Holds an active license by the board as an addiction counselor; and

40 (ii) has completed at least a master's degree in a related field from a
41 college or university approved by the board; and

42 (B) has completed six hours of continuing education in the diagnosis
43 and treatment of substance use disorders during the three years

1 immediately preceding the application date.

2 (c) Applications for licensure as a clinical addiction counselor shall
3 be made to the board on a form and in the manner prescribed by the board.
4 Each applicant shall furnish evidence satisfactory to the board that the
5 applicant:

6 (1) Has attained the age of 21; and

7 (2) (A) (i) has completed at least a master's degree from an addiction
8 counseling program that is part of a college or university approved by the
9 board; and

10 (ii) has completed not less than two years of postgraduate supervised
11 professional experience in accordance with a clinical supervision plan
12 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
13 professional experience including at least 1,500 hours of direct client
14 contact conducting substance abuse assessments and treatment with
15 individuals, couples, families or groups and not less than ~~150~~ 100 hours of
16 *face-to-face* clinical supervision, *as defined by the board in rules and*
17 *regulations*, including not less than 50 hours of ~~person-to-person~~
18 individual supervision, integrating diagnosis and treatment of substance
19 use disorders with use of the diagnostic and statistical manual of mental
20 disorders of the American psychiatric association; ~~or has completed not~~
21 ~~less than one year of postgraduate supervised professional experience in~~
22 ~~accordance with a clinical supervision plan approved by the board of not~~
23 ~~less than 2,000 hours of supervised professional experience including at~~
24 ~~least 750 hours of direct client contact conducting substance abuse~~
25 ~~assessments and treatment with individuals, couples, families or groups~~
26 ~~and not less than 75 hours of clinical supervision, including not less than~~
27 ~~25 hours of person-to-person individual supervision, integrating diagnosis~~
28 ~~and treatment of substance use disorders with use of the diagnostic and~~
29 ~~statistical manual of mental disorders of the American psychiatric~~
30 ~~association, and such person has a doctoral degree in addiction counseling~~
31 ~~or a related field as approved by the board, except that the board may~~
32 ~~waive one-half of the hours required by this clause for an individual who~~
33 ~~has a doctoral degree in addiction counseling or a related field approved~~
34 ~~by the board and who completes the required one-half of the hours in not~~
35 ~~less than one year of supervised professional experience; or~~

36 (B) (i) has completed at least a master's degree from a college or
37 university approved by the board. As part of or in addition to the master's
38 degree coursework, such applicant shall also complete a minimum number
39 of semester hours of coursework supporting the diagnosis and treatment of
40 substance use disorders as approved by the board; and

41 (ii) has completed not less than two years of postgraduate supervised
42 professional experience in accordance with a clinical supervision plan
43 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised

1 professional experience including at least 1,500 hours of direct client
2 contact conducting substance abuse assessments and treatment with
3 individuals, couples, families or groups and not less than ~~150~~ 100 hours of
4 *face-to-face* clinical supervision, *as defined by the board in rules and*
5 *regulations*, including not less than 50 hours of ~~person-to-person~~
6 individual supervision, integrating diagnosis and treatment of substance
7 use disorders with use of the diagnostic and statistical manual of mental
8 disorders of the American psychiatric association; ~~or has completed not~~
9 ~~less than one year of postgraduate supervised professional experience in~~
10 ~~accordance with a clinical supervision plan approved by the board of not~~
11 ~~less than 2,000 hours of supervised professional experience including at~~
12 ~~least 750 hours of direct client contact conducting substance abuse~~
13 ~~assessments and treatment with individuals, couples, families or groups~~
14 ~~and not less than 75 hours of clinical supervision, including not less than~~
15 ~~25 hours of person-to-person individual supervision, integrating diagnosis~~
16 ~~and treatment of substance use disorders with use of the diagnostic and~~
17 ~~statistical manual of mental disorders of the American psychiatric~~
18 ~~association, and such person has a doctoral degree in addiction counseling~~
19 ~~or a related field as approved by the board, except that the board may~~
20 ~~waive one-half of the hours required by this clause for an individual who~~
21 ~~has a doctoral degree in addiction counseling or a related field approved~~
22 ~~by the board and who completes the required one-half of the hours in not~~
23 ~~less than one year of supervised professional experience; or~~

24 (C) (i) has completed a master's degree from a college or university
25 approved by the board and is licensed by the board as a licensed master's
26 addiction counselor; and

27 (ii) has completed not less than two years of postgraduate supervised
28 professional experience in accordance with a clinical supervision plan
29 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
30 professional experience including at least 1,500 hours of direct client
31 contact conducting substance abuse assessments and treatment with
32 individuals, couples, families or groups and not less than ~~150~~ 100 hours of
33 *face-to-face* clinical supervision, *as defined by the board in rules and*
34 *regulations*, including not less than 50 hours of ~~person-to-person~~
35 individual supervision, integrating diagnosis and treatment of substance
36 use disorders with use of the diagnostic and statistical manual of mental
37 disorders of the American psychiatric association; ~~or has completed not~~
38 ~~less than one year of postgraduate supervised professional experience in~~
39 ~~accordance with a clinical supervision plan approved by the board of not~~
40 ~~less than 2,000 hours of supervised professional experience including at~~
41 ~~least 750 hours of direct client contact conducting substance abuse~~
42 ~~assessments and treatment with individuals, couples, families or groups~~
43 ~~and not less than 75 hours of clinical supervision, including not less than~~

1 ~~25 hours of person-to-person individual supervision, integrating diagnosis~~
 2 ~~and treatment of substance use disorders with use of the diagnostic and~~
 3 ~~statistical manual of mental disorders of the American psychiatric~~
 4 ~~association, and such person has a doctoral degree in addiction counseling~~
 5 ~~or a related field as approved by the board, except that the board may~~
 6 ~~waive one-half of the hours required by this clause for an individual who~~
 7 ~~has a doctoral degree in addiction counseling or a related field approved~~
 8 ~~by the board and who completes the required one-half of the hours in not~~
 9 ~~less than one year of supervised professional experience; or~~

10 (D) is currently licensed in Kansas as a licensed psychologist,
 11 licensed specialist clinical social worker, licensed clinical professional
 12 counselor, licensed clinical psychotherapist or licensed clinical marriage
 13 and family therapist and provides to the board an attestation from a
 14 professional licensed to diagnose and treat mental disorders, or substance
 15 use disorders, or both, in independent practice or licensed to practice
 16 medicine and surgery stating that the applicant is competent to diagnose
 17 and treat substance use disorders; ~~and~~

18 (3) has passed an examination approved by the board; ~~and~~

19 (4) has satisfied the board that the applicant is a person who merits
 20 the public trust; and

21 (5) has paid the application fee fixed under K.S.A. 65-6618, and
 22 amendments thereto.

23 Sec. 8. K.S.A. 65-6615 is hereby amended to read as follows: 65-
 24 6615. (a) The board may refuse to issue, renew or reinstate a license, may
 25 condition, limit, revoke or suspend a license, may publicly or privately
 26 censure a licensee or may impose a fine not to exceed \$1,000 per violation
 27 upon a finding that a licensee or an applicant for license:

28 (1) Is incompetent to practice addiction counseling; ~~which.~~
 29 *Incompetent to practice addiction counseling* means:

30 (A) One or more instances involving failure to adhere to the
 31 applicable standard of care to a degree that constitutes gross negligence, as
 32 determined by the board;

33 (B) repeated instances involving failure to adhere to the applicable
 34 standard of care to a degree that constitutes ordinary negligence, as
 35 determined by the board; or

36 (C) a pattern of practice or other behavior that demonstrates a
 37 manifest incapacity or incompetence to practice addiction counseling;

38 (2) has been convicted of a felony offense and has not demonstrated
 39 to the board's satisfaction that such person has been sufficiently
 40 rehabilitated to merit the public trust;

41 (3) has been convicted of a misdemeanor against persons and has not
 42 demonstrated to the board's satisfaction that such person has been
 43 sufficiently rehabilitated to merit the public trust;

1 (4) is currently listed on a child abuse registry or an adult protective
 2 services registry as the result of a substantiated finding of abuse or neglect
 3 by any state agency, agency of another state, *the District of Columbia* or
 4 the United States, territory of the United States or another country and the
 5 applicant or licensee has not demonstrated to the board's satisfaction that
 6 such person has been sufficiently rehabilitated to merit the public trust;

7 (5) has violated a provision of the addiction counselor licensure act or
 8 one or more of the rules and regulations of the board;

9 (6) has obtained or attempted to obtain a license or license renewal by
 10 bribery or fraudulent representation;

11 (7) has knowingly made a false statement on a form required by the
 12 board for license or license renewal;

13 (8) has failed to obtain continuing education credits required by rules
 14 and regulations of the board;

15 (9) has been found to have engaged in unprofessional conduct as
 16 defined by applicable rules and regulations adopted by the board; ~~or~~

17 (10) has had a *professional* registration, license or certificate ~~as an~~
 18 ~~addiction counselor~~ revoked, suspended or limited, or has had other
 19 disciplinary action taken, or an application for registration, license or
 20 certificate denied, by the proper regulatory authority of another state,
 21 territory, District of Columbia or another country, a certified copy of the
 22 record of the action of the other jurisdiction being conclusive evidence
 23 thereof; *or*

24 (11) *has violated any lawful order or directive of the board previously*
 25 *entered by the board.*

26 (b) For issuance of a new license or reinstatement of a revoked or
 27 suspended license for a licensee or applicant for licensure with a felony
 28 conviction, the board may only issue or reinstate such license by a ²/₃
 29 majority vote.

30 (c) Administrative proceedings and disciplinary actions regarding
 31 licensure under the addiction counselor licensure act shall be conducted in
 32 accordance with the Kansas administrative procedure act. Judicial review
 33 and civil enforcement of agency actions under the addiction counselor
 34 licensure act shall be in accordance with the Kansas judicial review act.

35 Sec. 9. K.S.A. 74-5324 is hereby amended to read as follows: 74-
 36 5324. (a) The board may refuse to issue, renew or reinstate a license, may
 37 condition, limit, revoke or suspend a license, may publicly or privately
 38 censure a licensee or may impose a fine not to exceed \$1,000 per violation
 39 upon a finding that a licensee or an applicant for a license:

40 (1) Is incompetent to practice psychology, ~~which~~. *Incompetent to*
 41 *practice psychology* means:

42 (A) One or more instances involving failure to adhere to the
 43 applicable standard of care to a degree that constitutes gross negligence, as

1 determined by the board;

2 (B) repeated instances involving failure to adhere to the applicable
3 standard of care to a degree that constitutes ordinary negligence, as
4 determined by the board; or

5 (C) a pattern of practice or other behavior that demonstrates a
6 manifest incapacity or incompetence to practice psychology;

7 (2) has been convicted of a felony offense and has not demonstrated
8 to the board's satisfaction that such person has been sufficiently
9 rehabilitated to merit the public trust;

10 (3) has been convicted of a misdemeanor against persons and has not
11 demonstrated to the board's satisfaction that such person has been
12 sufficiently rehabilitated to merit the public trust;

13 (4) is currently listed on a child abuse registry or an adult protective
14 services registry as the result of a substantiated finding of abuse or neglect
15 by any state agency, agency of another state or the United States, territory
16 of the United States or another country and the applicant or licensee has
17 not demonstrated to the board's satisfaction that such person has been
18 sufficiently rehabilitated to merit the public trust;

19 (5) has violated a provision of the licensure of psychologists act of
20 the state of Kansas or one or more rules and regulations of the board;

21 (6) has obtained or attempted to obtain a license or license renewal by
22 bribery or fraudulent representation;

23 (7) has knowingly made a false statement on a form required by the
24 board for a license or license renewal;

25 (8) has failed to obtain continuing education credits as required by
26 rules and regulations of the board;

27 (9) has been found to have engaged in unprofessional conduct as
28 defined by applicable rules and regulations adopted by the board; ~~or~~

29 (10) has had a *professional* registration, license or certificate ~~as a~~
30 ~~psychologist~~ revoked, suspended or limited, or has had other disciplinary
31 action taken, or an application for registration, license or certificate denied,
32 by the proper regulatory authority of another state, territory, District of
33 Columbia or another country, a certified copy of the record of the action of
34 the other jurisdiction being conclusive evidence thereof; *or*

35 (11) *has violated any lawful order or directive of the board previously*
36 *entered by the board.*

37 (b) For issuance of a new license or reinstatement of a revoked or
38 suspended license for a licensee or applicant for licensure with a felony
39 conviction, the board may only issue or reinstate such license by a ²/₃
40 majority vote.

41 (c) Administrative proceedings and disciplinary actions regarding
42 licensure under the licensure of psychologists act of the state of Kansas
43 shall be conducted in accordance with the Kansas administrative procedure

1 act. Judicial review and civil enforcement of agency actions under the
2 licensure of psychologists of the state of Kansas act shall be in accordance
3 with the Kansas judicial review act.

4 Sec. 10. K.S.A. 74-5363 is hereby amended to read as follows: 74-
5 5363. (a) Any person who desires to be licensed under this act shall apply
6 to the board in writing, on forms prepared and furnished by the board.
7 Each application shall contain appropriate documentation of the particular
8 qualifications required by the board and shall be accompanied by the
9 required fee.

10 (b) The board shall license as a licensed master's level psychologist
11 any applicant for licensure who pays the fee prescribed by the board under
12 K.S.A. 74-5365, and amendments thereto, which shall not be refunded,
13 who has satisfied the board as to such applicant's training and who
14 complies with the provisions of this subsection. An applicant for licensure
15 also shall submit evidence satisfactory to the board that such applicant:

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

17 (2) has satisfied the board that the applicant is a person who merits
18 public trust;

19 (3) has received at least 60 graduate hours including a master's degree
20 in psychology based on a program of studies in psychology from an
21 educational institution having a graduate program in psychology consistent
22 with state universities of Kansas; or until July 1, 2003, has received at least
23 a master's degree in psychology and during such master's or post-master's
24 coursework completed a minimum of 12 semester hours or its equivalent
25 in psychological foundation courses such as, but not limited to, philosophy
26 of psychology, psychology of perception, learning theory, history of
27 psychology, motivation, and statistics and 24 semester hours or its
28 equivalent in professional core courses such as, but not limited to, two
29 courses in psychological testing, psychopathology, two courses in
30 psychotherapy, personality theories, developmental psychology, research
31 methods, social psychology; or has passed comprehensive examinations or
32 equivalent final examinations in a doctoral program in psychology and
33 during such graduate program completed a minimum of 12 semester hours
34 or its equivalent in psychological foundation courses such as, but not
35 limited to, philosophy of psychology, psychology of perception, learning
36 theory, history of psychology, motivation, and statistics and 24 semester
37 hours or its equivalent in professional core courses such as, but not limited
38 to, two courses in psychological testing, psychopathology, two courses in
39 psychotherapy, personality theories, developmental psychology, research
40 methods, social psychology;

41 (4) has completed 750 clock hours of academically supervised
42 practicum in the master's degree program or 1,500 clock hours of
43 postgraduate supervised work experience; *and*

1 (5) has passed an examination approved by the board with a
2 minimum score set by the board by rules and regulations.

3 (c) (1) Applications for licensure as a clinical psychotherapist shall be
4 made to the board on a form and in the manner prescribed by the board.
5 Each applicant shall furnish evidence satisfactory to the board that the
6 applicant:

7 (A) Is licensed by the board as a licensed master's level psychologist
8 or meets all requirements for licensure as a master's level psychologist;

9 (B) has completed 15 credit hours as part of or in addition to the
10 requirements under subsection (b) supporting diagnosis or treatment of
11 mental disorders with use of the American psychiatric association's
12 diagnostic and statistical manual, through identifiable study of:
13 Psychopathology, diagnostic assessment, interdisciplinary referral and
14 collaboration, treatment approaches and professional ethics;

15 (C) has completed a graduate level supervised clinical practicum of
16 supervised professional experience including psychotherapy and
17 assessment with individuals, couples, families or groups, integrating
18 diagnosis and treatment of mental disorders with use of the American
19 psychiatric association's diagnostic and statistical manual, with not less
20 than 350 hours of direct client contact or additional postgraduate
21 supervised experience as determined by the board;

22 (D) has completed not less than two years of postgraduate supervised
23 professional experience in accordance with a clinical supervision plan
24 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
25 professional experience including at least 1,500 hours of direct client
26 contact conducting psychotherapy and assessments with individuals,
27 couples, families or groups and not less than ~~150~~ 100 hours of *face-to-face*
28 clinical supervision, *as defined by the board in rules and regulations*,
29 including not less than 50 hours of ~~person-to-person~~ individual
30 supervision, integrating diagnosis and treatment of mental disorders with
31 use of the American psychiatric association's diagnostic and statistical
32 manual;

33 (E) for persons earning a degree under subsection (b) prior to July 1,
34 2003, in lieu of the education requirements under subparagraphs (B) and
35 (C), has completed the education requirements for licensure as a licensed
36 master's level psychologist in effect on the day immediately preceding the
37 effective date of this act;

38 (F) for persons who apply for and are eligible for a temporary license
39 to practice as a licensed master's level psychologist on the day
40 immediately preceding the effective date of this act, in lieu of the
41 education and training requirements under subparagraphs (B), (C) and (D),
42 has completed the education and training requirements for licensure as a
43 master's level psychologist in effect on the day immediately preceding the

1 effective date of this act;

2 (G) has passed an examination approved by the board with the same
3 minimum passing score as that set by the board for licensed psychologists;
4 and

5 (H) has paid the application fee, if required by the board.

6 (2) A person who was licensed or registered as a master's level
7 psychologist in Kansas at any time prior to the effective date of this act,
8 who has been actively engaged in the practice of master's level psychology
9 as a registered or licensed master's level psychologist within five years
10 prior to the effective date of this act and whose last license or registration
11 in Kansas prior to the effective date of this act was not suspended or
12 revoked, upon application to the board, payment of fees and completion of
13 applicable continuing education requirements, shall be licensed as a
14 licensed clinical psychotherapist by providing demonstration of
15 competence to diagnose and treat mental disorders through at least two of
16 the following areas acceptable to the board:

17 (A) Either: (i) Graduate coursework; or (ii) passing a national,
18 clinical examination;

19 (B) either: (i) Three years of clinical practice in a community mental
20 health center, its contracted affiliate or a state mental hospital; or (ii) three
21 years of clinical practice in other settings with demonstrated experience in
22 diagnosing or treating mental disorders; or

23 (C) attestation from one professional licensed to diagnose and treat
24 mental disorders in independent practice or licensed to practice medicine
25 and surgery that the applicant is competent to diagnose and treat mental
26 disorders.

27 (3) A licensed clinical psychotherapist may engage in the independent
28 practice of master's level psychology and is authorized to diagnose and
29 treat mental disorders specified in the edition of the diagnostic and
30 statistical manual of mental disorders of the American psychiatric
31 association designated by the board by rules and regulations. When a client
32 has symptoms of a mental disorder, a licensed clinical psychotherapist
33 shall consult with the client's primary care physician or psychiatrist to
34 determine if there may be a medical condition or medication that may be
35 causing or contributing to the client's symptoms of a mental disorder. A
36 client may request in writing that such consultation be waived and such
37 request shall be made a part of the client's record. A licensed clinical
38 psychotherapist may continue to evaluate and treat the client until such
39 time that the medical consultation is obtained or waived.

40 (d) The board shall adopt rules and regulations establishing the
41 criteria which an educational institution shall satisfy in meeting the
42 requirements established under subsection (b)(3). The board may send a
43 questionnaire developed by the board to any educational institution for

1 which the board does not have sufficient information to determine whether
2 the educational institution meets the requirements of subsection (b)(3) and
3 rules and regulations adopted under this section. The questionnaire
4 providing the necessary information shall be completed and returned to the
5 board in order for the educational institution to be considered for approval.
6 The board may contract with investigative agencies, commissions or
7 consultants to assist the board in obtaining information about educational
8 institutions. In entering such contracts the authority to approve educational
9 institutions shall remain solely with the board.

10 Sec. 11. K.S.A. 74-5369 is hereby amended to read as follows: 74-
11 5369. (a) The board may refuse to issue, renew or reinstate a license, may
12 condition, limit, revoke or suspend a license, may publicly or privately
13 censure a licensee or may impose a fine not to exceed \$1,000 per violation
14 upon a finding that a licensee or an applicant for licensure:

15 (1) Is incompetent to practice psychology, ~~which~~. *Incompetent to*
16 *practice psychology* means:

17 (A) One or more instances involving failure to adhere to the
18 applicable standard of care to a degree that constitutes gross negligence, as
19 determined by the board;

20 (B) repeated instances involving failure to adhere to the applicable
21 standard of care to a degree that constitutes ordinary negligence, as
22 determined by the board; or

23 (C) a pattern of practice or other behavior that demonstrates a
24 manifest incapacity or incompetence to practice master's level psychology;

25 (2) has been convicted of a felony offense and has not demonstrated
26 to the board's satisfaction that such person has been sufficiently
27 rehabilitated to merit the public trust;

28 (3) has been convicted of a misdemeanor against persons and has not
29 demonstrated to the board's satisfaction that such person has been
30 sufficiently rehabilitated to merit the public trust;

31 (4) is currently listed on a child abuse registry or an adult protective
32 services registry as the result of a substantiated finding of abuse or neglect
33 by any state agency, agency of another state, *the District of Columbia* or
34 the United States, territory of the United States or another country and the
35 applicant or licensee has not demonstrated to the board's satisfaction that
36 such person has been sufficiently rehabilitated to merit the public trust;

37 (5) has violated a provision of the licensure of master's level
38 psychologists act or one or more rules and regulations of the board;

39 (6) has obtained or attempted to obtain a license or license renewal by
40 bribery or fraudulent representation;

41 (7) has knowingly made a false statement on a form required by the
42 board for a license or license renewal;

43 (8) has failed to obtain continuing education credits as required by

1 rules and regulations adopted by the board;

2 (9) has been found to have engaged in unprofessional conduct as
3 defined by applicable rules and regulations of the board; ~~or~~

4 (10) has had a *professional* registration, license or certificate ~~as a~~
5 ~~master's level psychologist~~ revoked, suspended or limited, or has had other
6 disciplinary action taken, or an application for a registration, license or
7 certificate denied, by the proper regulatory authority of another state,
8 territory, District of Columbia or another country, a certified copy of the
9 record of the action of the other jurisdiction being conclusive evidence
10 thereof; *or*

11 (11) *has violated any lawful order or directive of the board previously*
12 *entered by the board.*

13 (b) For issuance of a new license or reinstatement of a revoked or
14 suspended license for a licensee or applicant for licensure with a felony
15 conviction, the board may only issue or reinstate such license by a ²/₃
16 majority vote.

17 (c) Administrative proceedings and disciplinary actions regarding
18 licensure under the licensure of master's level psychologists act shall be
19 conducted in accordance with the Kansas administrative procedure act.
20 Judicial review and civil enforcement of agency actions under the
21 licensure of master's level psychologists act shall be in accordance with the
22 Kansas judicial review act.

23 Sec. 12. K.S.A. 65-5804a, 65-5809, 65-6311, 65-6404, 65-6408, 65-
24 6610, 65-6615, 74-5324, 74-5363 and 74-5369 and K.S.A. 2019 Supp. 65-
25 6306 are hereby repealed.

26 Sec. 13. This act shall take effect and be in force from and after its
27 publication in the statute book.