

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE
PROPONENT TESTIMONY ON HB 2340
FEBRUARY 13, 2023

Chair Landwehr and Committee Members,

Thank you for the opportunity to speak to the Committee today. I am David Fye, Executive Director of the Behavioral Sciences Regulatory Board (BSRB), and I will be speaking as a proponent of HB 2340, a bill requested on behalf of the BSRB.

The BSRB is a composite Board that serves as the licensing agency for most of the state’s mental health professionals. Our mission is to protect the public’s health, safety, and welfare from unlawful or unprofessional practitioners who fall under the board’s jurisdiction. We oversee requirements that applicants must satisfy before being granted licensure. The BSRB licenses the following professions: Social Work, Professional Counseling, Marriage and Family Therapy, Addiction Counseling, Licensed Psychology, Master’s Level Psychology, and Behavior Analysis. Currently, our agency has more than 14,779 active permanent licensees in the professions we regulate.

CURRENT NUMBER OF PERMANENT LICENSES

Social Workers	8,091	Licensed Psychologists	999
Professional Counselors	2,100	Master's Level Psychologists	591
Marriage & Family Therapists	1,095	Behavior Analysts	384
Addiction Counselors	1,519		

The Board of the BSRB has included several items in HB 2340 that will assist the public protection mission of the agency and address other issues, such as workforce concerns. Additionally, the Board utilizes standing Advisory Committees for each of the seven professions regulated by the Board, which assist the work of the Board discussing topics relevant to the professions and forwarding recommendations to the Board for consideration. Currently, the 55 individuals volunteer to serve on these Advisory Committees, so the final recommendations on the Board before you in HB 2340 represent positions which have been discussed by many individuals associated with the Board. Below, I have included a summary of significant items included in the HB 2340

Lowering Years of Practice for Reciprocity Applicants

For most professions under the Board, the statutes require certain reciprocity applicants to have obtained a license from a jurisdiction with substantially equivalent requirements for licensure or to have met other requirements. One of these requirements states the applicant must have practiced in that jurisdiction 48 of the past 54 months. However, recent changes to reciprocity requirements for certain groups of individuals and current discussions on multi-state compacts have led to a significant amount of confusion concerning

this item and the Board believes it would best serve the public protect mission of the Board and address workforce concerns by lowering the required period of time from 48 months to 12 months, so this item is included in HB 2340.

Increasing Time Period for Temporary Licenses

HB 2340 includes language to extend the time period for temporary licenses from 1 year to 2 years. When applicants apply for initial licensure, they must meet certain criteria to be approved to take a standardized licensing examination for their profession. When they reach this point in the licensing process, they are able to request a temporary license to be able to work while attempting to pass the licensing examination. The Board has received information that some individuals have struggled to pass the licensing examination, so the Board voted to request a change to statute to extend the time period for temporary licenses one additional year, which allows more time if the applicant is struggling to pass the licensing examination, allows the applicant greater flexibility when scheduling that examination, and provides assistance to address workforce concerns by allowing an individual to work up to 2 years with a temporary license.

Creating Pathway for Requesting Additional Time to Complete Continuing Education Hours

HB 2340 creates a new pathway for current licensees to request additional time to complete continuing education hours, if certain conditions are met. Currently, one of the requirements to renew a permanent license under the BSRB is completion of continuing education hours. However, the BSRB has received comments from some licensees that were unable to complete their continuing education hours because of unexpected extreme conditions relating to their health, the health of someone close to them, or other factors. In some of these cases, the licensees chose to let their licenses expire. Under this new pathway, if current licensees are reaching the expiration date of their license and they have not completed the necessary continuing education hours to renew their license, they can request up to 3 months of additional time if they submit a request to the BSRB, show extenuating circumstances existed for needing the additional time, and provide a plan for attaining the necessary hours. If approved, they would be able to renew their licenses, then attain the necessary hours as approved by the BSRB.

Decrease Reinstatement Fee and Create New 6-Month Reinstatement Temporary License

HB 2340 creates language allowing previous licensees whose licenses have expired to be able to reinstate their licenses more quickly and at a decreased cost. Currently, if most licensees allow their licenses to expire, to reinstate those licenses, they would need to pay a renewal fee as well as a reinstatement fee equal to the cost of the renewal fee. However, in an effort to address workforce concerns, the Board elected that for anyone whose license has been expired for over one year, who is interested in rejoining the workforce under a profession of the BSRB, the cost to reinstate the license would be cut in half. Additionally, one of the requirements to reinstate a license is attain continuing education hours for the previous time period. However, HB 2340 creates a new 6-month reinstatement temporary license for individuals who had not met this requirement, which would allow that person to work under this new 6-month reinstatement temporary license while attaining the necessary hours for their permanent license to be fully reinstated.

Creating New Temporary License for Graduates of Social Work Programs “in Candidacy” for Accreditation

HB 2340 includes language creating new Temporary “in candidacy” licenses for social work applicants who received their education from programs that are “in candidacy” for accreditation by the national accrediting body for the social work profession, the Council on Social Work Education (CSWE).

The BSRB is in a time of transitions concerning the topic of online education. In the past, most education was received while students were physically present at schools and many of the BSRB program requirements for the education standards of the professions reflected this viewpoint. However, there has

been a growth and improvement in online education programs and many of these programs have recently started operating in the state of Kansas. For the social work profession, the BSRB requires that students receive their education from programs that meet certain standards. The national accrediting body for the social work profession is CSWE. If applicants received their education from programs accredited by CSWE, the BSRB is able to expedite their license applications. However, if applicants did not receive their education from programs accredited by CSWE, then those applicants must have received their education from a program that meets alternative requirements in the licensing regulations for the profession. For many years, these regulations have required that applicants from non-accredited programs must have received half of their education while in face-to-face contact with core faculty at the physical location of the education institution.

The issue for new online programs is that the accreditation process with CSWE takes about 3 years to 3 and a half years to complete. Therefore, for new schools that are seeking accreditation, they will begin accepting students and those students may graduate from that program prior to the program reaching accreditation. If those applicants apply for licensure from the BSRB, since they received their education from a program that is not accredited by CSWE, they will need to have received their education from a program that met the alternate requirements for licensure. If those programs are online-only programs, then they would be unable to meet those requirements.

CSWE utilizes steps to accreditation that include (1) Pre-Candidacy, (2) Candidacy, and (3) Accreditation. Pre-Candidacy means that a program has submitted an application and other materials and is in communication with CSWE seeking to be accepted into the accreditation phase known as "Candidacy." Once a school is accepted into "Candidacy," CSWE performs onsite inspections and provides the program with annual reports indicating whether the program is on track to reach accreditation. If the program reaches accreditation, CSWE will backdate their accreditation date to when the program was accepted into "Candidacy." However, for the BSRB's licensing purposes, the issue is what should be done for these students when they graduate from a program that is in "Candidacy" for accreditation.

First, the Advisory Committees discussed whether the requirement for education to be received while the student was physically present is still necessary. The Social Work Advisory Committee, Professional Counseling Advisory Committee, Addiction Counseling Advisory Committee, and Marriage and Family Therapy Advisory Committee recommended to the Board removing the physical presence requirement and allowing for the face-to-face component to be satisfied either in person or by screen for their professions educational regulations and the Board voted to support that recommendation, so that change is working its way through the regulation change process.

Second, the BSRB researched methods used by other states to resolve the issue of students graduating from programs that are in "Candidacy" for accreditation. The Board recommended adopting a model similar to one used by the Minnesota Board of Social Work, which grants a temporary license to applicants from programs that are in "Candidacy" for accreditation. Once their program reaches accreditation, they can request a permanent license. If their program does not become accredited, then they would no longer be able to use the temporary license. This new language creating this Temporary Candidacy License is included in HB 2340.

Creating New Student Temporary Addiction Counseling Licenses

HB 2340 creates a new student temporary addiction counseling license for students who are seeking to become licensed as Licensed Addiction Counselors, but are short of the coursework necessary to obtain this level of licensure. Under this new Student Temporary License, an individual would be able to provide helpful services to an employer while completing necessary requirements for a full permanent addiction counseling license.

Modify Continuing Education Requirements to Reduce Required Hours in Diagnosis and Treatment and add New Requirement in Cultural Diversity

HB 2340 includes language that, within the total continuing education hours required to renew a license, decrease the required continuing education hours in diagnosis and treatment from 6 hours to 3 hours and adds a new requirement of 3 continuing education hours in cultural diversity for each license period.

In the summer of 2021, representatives from the Kansas Psychology Association (KPA) provided public comment to the BSRB's Licensed Psychology Advisory Committee, requesting the Advisory Committee recommend to the Board a new requirement in continuing education in Diversity, Equity, and Inclusion (DEI). The Licensed Psychology Advisory Committee recommended to the Board a new requirement of 3 continuing hours of DEI training each 2-year license period for Licensed Psychologists, and to allow for continuing education hours that also involved ethics to satisfy the DEI requirement and an existing ethics requirement, plus for hours with a connection to diagnosis and treatment to satisfy the DEI requirement plus the existing continuing education requirement for hours in diagnosis and treatment. The Board requested statutory language to add this new requirement for the Licensed Psychology profession and it was included in the original draft language of 2022 SB 387. During that hearing, some Committee members requested further clarity on the definition of DEI and what items that training would cover. The Committee removed language on the proposed requirement from the bill prior to advancing the remainder of the bill out of Committee favorable for passage.

In 2021, the BSRB's Social Work Advisory Committee requested creation of a survey to obtain input from social work licenses under the BSRB on topics relevant to the profession. This survey was sent to all licensed social workers in December 2021 and 1,087 social workers responded to the survey. The report on the survey is located on the BSRB website at: <https://ksbsrb.ks.gov/about-us/committees/social-work-advisory-committee>. The survey included a question that asked "*Should social workers be required to take three hours of continuing education related to the areas of diversity, equity, and inclusion every two-year license renewal period, if those hours could be part of the 40 hours required during each license renewal period?*" 1,078 individuals answered this question with the following responses:

- Yes – 60.48% (652 individuals)
- No – 30.61% (330 individuals)
- Unsure – 8.35% (90 individuals)
- Prefer Not to Answer – 0.56% (6 individuals)

In 2022, the Social Work Advisory Committee recommended to the Board requiring 3 hours of continuing education in DEI training each 2-year license period.

On October 24, 2022, the Board discussed continuing education requirements broadly and it was noted that the requirement of 6 continuing education hours in diagnosis and treatment, for all practitioners who are able to diagnose and treat, was a unique requirement compared to continuing education requirements in other states. However, it was noted that other states require categories of continuing education training not currently required by the BSRB. The Board discussed the recommendation by the Social Work Advisory Committee for DEI continuing education for their profession, the value of diversity training for all licensees, and the value of not requiring too many hours in specific categories. The Board voted to request statutory language to decrease the required number of continuing education hours in diagnosis and treatment from 6 hours to 3 hours and to add language for a new requirement of 3 hours in diversity training for all licensees. Members of the Board noted the state of Texas currently requires 6 hours of continuing education in cultural diversity with a definition of acceptable hours as "*professional development regarding age, disability, ethnicity, gender, gender identity, language, national origin, race, religion, culture, sexual orientation, and socio-economic status.*" The Board voted to use the same language for the proposed standard for Kansas licensees and that language is included in HB 2340.

Require Social Work Supervisors to be Board-Approved Supervisors

HB 2340 includes language to require Board-approved clinical supervisors for social worker. The Board has received information from issues related to supervision and believes requiring clinical supervisors be Board-approved supervisors for the social work profession would better assist with the public protection mission of the Board, by utilizing a process currently used by the Board for the professional counseling and marriage and family therapy professions.

Add Board Member for Behavior Analyst Profession

HB 2340 would add a Board member for the behavior analyst profession. In 2014, the Legislature passed the Applied Behavior Analysis Act, which established categories of licensure for behavior analysts and assistant behavior analysts under the BSRB. When that statute was enacted, no Board member was added to the Board of the BSRB for that profession. Since that time, the profession has grown to 384 individuals and the Board believes it would better serve the public protection mission of the Board to have an individual on the Board who could speak to unique aspects of the profession.

Other Modifications to Behavior Analyst Statutes

HB 2340 includes several changes to create more uniformity between the regulations for the Behavior Analyst profession, including adding language to authorize restatements of licenses and modifying disciplinary remedies to make the language more consistent with professions under the Board.

Statutory Cleanup

HB 2340 includes reorganization of certain statutes and includes additional clarifying language to better assist the public and other individuals seeking to understand processes of the BSRB by reviewing the statutes.