

HEIN LAW FIRM, CHARTERED

5845 SW 29th Street, Topeka, KS 66614-2462

Phone: (785) 273-1441

Fax: (785) 273-9243

Ronald R. Hein

Attorney-at-Law

Email: rhein@heinlaw.com

Testimony re: HB 2660
House Health and Human Services Committee
Presented by Ronald R. Hein
on behalf of
MENTAL HEALTH CREDENTIALING COALITION
January 31, 2006

Mr. Chairman, Members of the Committee:

My name is Ron Hein, and I am legislative counsel for the Mental Health Credentialing Coalition (MHCC). The Coalition is comprised of the members of the Kansas Association for Marriage and Family Therapy, the Kansas Association of Masters in Psychology, and the Kansas Counseling Association/Kansas Mental Health Counselors Association.

The MHCC opposes HB 2660. HB 2660 will have far reaching consequences for all licensees regulated by the Behavioral Sciences Regulatory Board (BSRB), for mental health clients, and for the general public.

The MHCC was originally established to encourage all mental health service providers and licensees of the BSRB to collaborate and cooperate on issues of importance to the mental health clients. The historical relationship between the various mental health providers (Social Workers, Psychologists, Marriage and Family Therapists, Professional Counselors, and Master Level Psychologists) was, for years, confrontational and adversarial. The result was numerous "turf battles", unfortunately played out before the Kansas Legislature. These turf battles forced legislators to choose between professional groups, while not always benefitting the public or the people served by those providers.

Since the BSRB was reconstituted, there has been a new spirit of collaboration and cooperation. The various licensees are represented on the board so all providers have developed a mutual trust and respect for the integrity and history of each other group. This is a better way of resolving disputes than bringing the disputes directly to the legislature. Over the years, the legislature has chosen collaboration over turf battles not only with the BSRB licensees, but with other healthcare providers and intra-industry disputes of all types.

HB 2660 would suggest that the BSRB, rather than being a board to regulate the licensees and to protect the interests of the public, should now become a board which represents the interests of a selected provider group, and the interests of the public should be subservient to the interests of this one provider group.

The entire rationale for a licensing board is to regulate, and to insure that the public is protected by insuring that licensees meet certain statutorily prescribed minimum standards,

and to protect the public by providing a mechanism for disciplinary actions against licensees. The purpose of the board is **not** to protect the licensees or to further the interests of the licensees. It is especially not the purpose of the board to serve as a fiefdom by statutorily dominating the board with one single provider group.

At one time, the social workers had a board of their own. Later, the legislature saw value in consolidating various boards and agencies from an administrative perspective. Even more importantly, the legislature saw value in behavioral science professionals working together, not separately. This is especially true for these providers who have more similarities in their scopes of practice than dissimilarities.

Putting six social workers on a private professional association of social workers makes sense. Putting six social workers on a public, licensing and regulatory board involving multiple professions whose purpose is to protect the public not only does not make sense, it is a threat to the entire purpose of such a licensing and regulatory board

The MHCC and its members are fully aware that years ago there were some complaints which social workers had regarding past practices of the BSRB or its staff. We believe those concerns have been solved by changes in the board and the board staff years ago. If there are still unresolved social worker concerns regarding licensing or disciplinary issues, staffing assignments, or allocation of staff, we believe those issues should be addressed with, and can be corrected by, the BSRB. This bill is not the answer, and the legislature is not the appropriate body to address those managerial issues.

The MHCC understands the specific concerns that social workers have because of the sheer size of the membership. The MHCC believes that these problems can be solved by the BSRB. HB 2660 would unravel all the progress that has been made to date with this agency. The BSRB is the perfect body to oversee and mediate if and when provider groups need assistance with their individual concerns.

Today, it is well recognized that the multi-disciplinary approach is the best way to serve the public in the behavioral sciences and mental health field. Elimination of a structure that currently facilitates a multi-disciplinary approach will ultimately work to the detriment of the public. Cooperation among the BSRB providers will be facilitated by the existence of an all inclusive board, with appropriate balance of power, rather than a structure where one licensee is dominant relative to the entire profession.

The MHCC strongly urges the committee to defeat HB 2660, and to encourage the BSRB to review any concerns of the National Association of Social Workers that have prompted the introduction of this bill. This should be done with a view towards solving some of the concerns, while, at all times, recognizing that protection of the public should be the ultimate goal.

Thank you very much for permitting me to testify, and I will yield to questions.