

Professions Licensed by the Behavioral Sciences Regulatory Board; Adult Care Home Licensure Act and Receiverships; Naturopathic Doctors; SB 15

SB 15 provides for licensure by reciprocity for social workers at baccalaureate, master's, and specialist clinical levels; amends requirements for licensure by reciprocity for other professions regulated by the Behavioral Sciences Regulatory Board (BSRB); provides for provisional licenses; amends provisions related to temporary licenses; clarifies the use of professional titles; amends statutes in several named acts for professions regulated by the BSRB; and amends the licensure requirements for a specialist clinical social worker.

The bill also amends the Adult Care Home Licensure Act regarding the application for licensure, financial solvency, and receivership of adult care homes.

Further, the bill revises the Naturopathic Doctor Licensure Act and the Radiologic Technologists Practice Act with regard to the ordering of diagnostic imaging studies.

The bill takes effect upon publication in the *Kansas Register*.

Licensure of Professions Regulated by the BSRB

The bill provides for licensure by reciprocity for social workers at baccalaureate, master's, and specialist clinical levels and amends the requirements for licensure by reciprocity for other professions regulated by the BSRB. The bill allows applicants who are deficient in the qualifications or in the quality of educational experience required for licensure to obtain provisional licenses to allow the applicants time to fulfill remedial or other requirements prescribed by the BSRB. For several professions, the bill also amends provisions related to temporary licenses for applicants who have met all licensure requirements except for taking the required licensing examination. Further, the bill clarifies the allowable use of professional titles for individuals with provisional and temporary licenses, amends the statutes included in several named acts for professions regulated by the BSRB, and makes technical amendments.

The bill also amends the licensure requirements for a specialist clinical social worker to reduce the number of hours of postgraduate supervised professional experience required.

Social Work Licensure by Reciprocity [New Section 1]

Baccalaureate level. The bill authorizes the BSRB to issue a license to an individual who is currently registered, certified, or licensed to practice social work at the baccalaureate level in another jurisdiction, if the BSRB determines:

- The standards for registration, certification, or licensure to practice social work at the baccalaureate level in another jurisdiction are substantially the equivalent of the requirements in the Social Workers Licensure Act and rules and regulations of the BSRB for licensure as a baccalaureate social worker; or

- The applicant demonstrates compliance on forms set by the BSRB and meets the following standards as adopted by the BSRB:
 - Registration, certification, or licensure to practice social work at the baccalaureate level for at least 48 of the last 54 months immediately preceding the application, with at least the minimum professional experience established by rules and regulations of the BSRB;
 - No disciplinary actions of a serious nature brought by a registration, certification, or licensing board or agency; and
 - Completion of a baccalaureate degree in social work from a regionally accredited university.

Master’s level. The bill authorizes the BSRB to issue a license to an individual who is currently registered, certified, or licensed to practice social work at the master’s level in another jurisdiction, if the BSRB determines the same requirements outlined above for the baccalaureate level have been met, but at the master’s level.

Specialist clinical level. The bill requires an applicant seeking reciprocal licensure as a specialist social worker to demonstrate:

- Compliance with the requirements for reciprocal licensure to practice social work at the master’s level;
- Current license to practice social work at the clinical level in another state; and
- Competence to diagnose and treat mental disorders by meeting at least two of the following areas acceptable to the BSRB:
 - Passage of a BSRB-approved national clinical examination;
 - Three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or
 - Attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery, stating the applicant is competent to diagnose and treat mental disorders.

[*Note:* The requirements for provisional licensure for the practice of social work at the clinical level in KSA 65-6309 (Section 10 of the bill) move from that statute to New Section 1 of the bill and are amended as noted above.]

Application fee for reciprocal licensure. If required by the BSRB, applicants for reciprocal licensure at the baccalaureate, master’s, and specialist clinical levels must pay the application fee established by the BSRB and set out in statute.

Licensure by Reciprocity for Other Professions

The bill amends the statutes establishing the requirements for licensure by reciprocity for professions other than the practice of social work to create uniform requirements across the professions licensed by the BSRB. One of the available qualifying requirements for reciprocal licensure is amended by reducing the number of months an applicant needs to be registered, certified, or licensed to practice a profession in another jurisdiction from at least 60 of the last 66 months immediately preceding the application to at least 48 of the last 54 months preceding the application. The amended time frame is the same as that set out in New Section 1 for the practice of social work at the three levels and applies to the following professions:

- Professional counseling (Section 9) [*Note:* The bill also clarifies a requirement of “at least” a master’s degree in counseling or a related field from a regionally accredited university or college is required.];
- Marriage and family therapy (Section 14) [*Note:* The bill also clarifies the requirement of completion of “at least” a master’s degree in marriage or family therapy or allows for “at least” a master’s degree “in a related field as approved by the Board.”];
- Addiction counseling at the baccalaureate, master’s, and clinical levels (Section 17);
- Doctoral level psychologist (Section 20); and
- Master’s level psychologist (Section 23). [*Note:* The bill also clarifies the requirement of completion of “at least” a master’s degree in psychology from a regionally accredited university or college.]

Provisional License

Remediation of deficiency. The bill authorizes the BSRB to require an applicant for licensure for any of the following professions fulfill remedial or other requirements as prescribed by the BSRB if, after evaluation, the BSRB determines such applicant is deficient in the qualifications or in the quality of the applicant’s educational experience required by the applicable statute or by rules and regulations adopted by the BSRB for that profession:

- Professional counselor (New Section 2);
- Marriage and family therapist (New Section 3);
- Master’s level psychologist (New Section 4);
- Baccalaureate, master’s, and specialist clinical social worker (New Section 5) [*Note:* The bill provides that New Section 5 is part of and supplemental to the Social Workers Licensure Act.];

- Addiction counselor (New Section 6) [*Note: The bill provides that New Section 6 is part of and supplemental to the Addiction Counselor Licensure Act.*]; and
- Psychologist (New Section 7).

Application for provisional license. The bill allows an applicant for licensure for any of the professions listed above who is completing remedial or other requirements prescribed by the BSRB due to a deficiency to apply to the BSRB for a provisional license in the applicable profession. The application for provisional licensure is required to be made on a form and in a manner prescribed by the BSRB.

Expiration, renewal, and reissuance of provisional license. The bill states a provisional license for any of the professions listed under the section on Remediation of Deficiency expires upon the earlier of the date the BSRB issues or denies a license or 12 months after the date of issuance of the provisional license. The renewal or reissuance of a provisional license upon subsequent application for the same license level is prohibited.

Professional title designation. The bill authorizes an individual holding a provisional license for any of the professions listed under the section on Remediation of Deficiency is authorized to use the statutorily permitted title or initials for such profession only if the designation is preceded by the word “provisional.”

Temporary Licenses

When an applicant meets all requirements for licensure except for taking the required examination, the bill allows such applicant to apply for a temporary license pending completion of the examination. The amendments made to temporary licensure statutes for multiple professions are discussed below.

Social worker (Section 10). The bill extends the expiration of a temporary license to practice social work from 6 to 12 months after the date of issuance of the temporary license. Additionally, a person practicing social work with a temporary license is prohibited from using the title “licensed baccalaureate social worker” or “licensed master social worker” or use the initials “LBSW” or “LMSW” unless followed by the words “by temporary license.”

Marriage and family therapist (Section 13). The bill amends the statute pertaining to the temporary licensure of marriage and family therapists to make technical amendments and to include a reference to a statute amended by the bill that establishes a temporary license fee for marriage and family therapists not to exceed \$175 (Section 15).

Addiction counselor (Section 16). The bill amends the statute pertaining to the temporary licensure of addiction counselors and master’s addiction counselors to clarify the requirement to pay both a fee for a temporary license and an application fee for licensure as an addiction counselor, and to correct statutory references.

Practice of psychology (Section 21). The bill amends the statute pertaining to the temporary license to practice psychology to require, absent extenuating circumstances approved by the BSRB, such a temporary license expires upon the earlier of the date the BSRB

issues or denies a license to practice psychology or two years after the date of issuance of the temporary license. The renewal or reissuance of a temporary license on any subsequent application for licensure under the Licensure of Psychologists Act of the State of Kansas is prohibited. No limit is placed on the number of times an applicant is allowed to take the required examination for licensure.

Doctoral practice of psychology (Section 21). The bill amends the statute pertaining to the issuance of a temporary license for the doctoral practice of psychology to prohibit the reissuance of a temporary license on any subsequent application for licensure under the provisions of the Licensure of Psychologists Act of the State of Kansas. No limit is placed on the number of times an applicant is allowed to take the required examination for licensure. Technical amendments also are made.

Master's level psychologists (Section 22). The bill amends the statute pertaining to the temporary license to practice of a master's level psychologist to require the practice to be under the direction of a licensed psychologist, licensed clinical psychotherapist, a person licensed by the State Board of Healing Arts to practice medicine and surgery, or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental health disorders.

Licensure of Psychologists [Section 19]

The bill amends the statute providing for the licensure of psychologists to make the required application fee non-refundable.

Exemption from Examination for Social Workers [Section 10]

The bill amends the statute pertaining to an exemption from the examination requirement for licensure as a social worker to require only that the applicant has taken and passed an examination similar to that for which an exemption is sought, as determined by the BSRB.

Change in Licensure Requirement for Specialist Clinical Social Worker [Section 25]

The bill amends the licensure requirements for a specialist clinical social worker to reduce the number of hours of postgraduate supervised professional experience from 4,000 hours to 3,000 hours and the number of hours of clinical supervision from not less than 150 hours to not less than 100 hours.

Changes to Act Citations

The bill amends the statutes and bill sections referenced when citing the named acts cited below.

Professional Counselors Licensure Act (Section 8). The Professional Counselors Licensure Act includes KSA 65-5801 through 65-5818 and New Section 2 of the bill, and amendments made to these statutes and New Section 2.

Social Workers Licensure Act (Section 11). The Social Workers Licensure Act includes KSA 65-6301 through 65-6321 and New Sections 1 and 5 of the bill and amendments to them.

Marriage and Family Therapist Licensure Act (Section 12). The Marriage and Family Therapist Licensure Act includes KSA 65-6401 through 65-6414 and New Section 3 and amendments to them.

Licensure of Psychologists Act of the State of Kansas (Section 18). The Licensure of Psychologists Act of the State of Kansas includes KSA 74-5301 through 74-5350 and New Section 7 and amendments to them.

Licensure of Master's Level Psychologists Act (Section 24). The Licensure of Master's Level Psychologists Act includes KSA 74-5361 through 74-5375 and New Section 4 and amendments to them.

Amendments to Adult Care Home Licensure Act and Receiverships

The bill amends the Adult Care Home Licensure Act regarding the application for licensure, financial solvency, and receivership of adult care homes. The bill requires the application for a license to operate an adult care home include evidence of access to sufficient working capital necessary to operate an adult care home and include a list of current or previously licensed facilities in Kansas or outside the state in which an applicant has or previously had any ownership interest in the operations or the real property of the facility.

With regard to a receivership, the bill addresses restrictions on licensure; adds a venue for filing an application for receivership; modifies the powers and duties of a receiver; places a restriction on the application or renewal of a license for a licensee and applicant under a receivership; addresses the number of copies of an application for receivership to be sent to and posted at a facility; addresses the timing of hearings and continuances on an application for receivership; modifies the powers and duties of a receiver; and adds operators and any individuals or entities that appear on a license to operate an adult care home to the list of those who are required to repay the payments made by the Secretary for Aging and Disability Services (Secretary) and personnel costs and other expenses to establish a receivership and assist the receiver, and who are subject to a lien on non-exempt personal and real property until amounts owed are repaid.

Further, the bill amends and creates definitions and makes clarifying amendments.

Definitions [Section 26]

The bill defines "insolvent" to mean the adult care home, or any individual or entity that operates an adult care home or appears on the adult care home license, has stopped paying debts in the ordinary course of business or is unable to pay debts as they come due in the ordinary course of business.

As it pertains to the denial, suspension, or revocation of a license to operate an adult care home, the bill amends the definition of "person" to eliminate the requirement that such

individual have an indirect or direct ownership interest of 25 percent or more in an adult care home and instead requires the individual have only any indirect or direct ownership interest.

Application for Licensure [Section 27]

In addition to the presently required affirmative evidence of the applicant's ability to comply with reasonable standards and rules and regulations adopted under the provisions of the Adult Care Home Licensure Act, the bill requires an application for a license to operate an adult care home contain the following additional information, if applicable:

- A detailed projected budget for the first 12 months of operation prepared according to generally accepted accounting principles and certified by the principal officer of the applicant, accompanied by evidence of access to sufficient working capital to operate the adult care home in accordance with the budget, in the form of cash on deposit, a line of credit, applicant's equity, or any combination of these; and
- A list of each current or previously licensed facility in Kansas or any other state, territory, or country or the District of Columbia in which the applicant has or previously had any percentage of ownership in the operations or the real property of the facility.

Amendments to Receivership Statutes

Restrictions on new license or reinstatement (Section 28). When the district court appoints a receiver, the bill prohibits the applicant or licensee under the receivership from being eligible to apply for a new or reinstated license for ten years from the date of termination of the receivership action.

Procedural changes. The bill makes the following procedural changes with regard to receiverships:

- Adds Shawnee County District Court as another venue option for filing the application for receivership (Section 30);
- Reduces from five to one the number of copies of the application for receivership the applicant is required to send to the adult care home and requires the adult care home to post only the one copy of the application in a conspicuous place within the adult care home (Section 31);
- Requires an answer to the application for receivership to be filed by a party within five days after the service of process of such application (Section 32);
- Specifies the time frame in which the application for receivership must be heard is no later than the seventh day following the filing of the answer or other responsive pleading, rather than the seventh day following the filing of the application (Section 33);

- Extends the length of time for which the district court is allowed to grant a continuance for good cause from 10 days to not more than 14 days (Section 33); and
- Removes the requirement the receiver must apply for a license to operate an adult care home on forms provided by the licensing agency (Section 33).

Powers and duties of the receiver (Section 34). The bill reorganizes and relocates the statutory powers and duties of the receiver within KSA 39-959 and:

- Adds the receiver is entitled to the immediate use of all proceeds of any accounts receivable to discharge the powers and duties of the receiver;
- Adds the authority to terminate contracts as necessary to carry out the receiver's powers and duties;
- Modifies the receiver's authority to enter into contracts necessary to carry out the receiver's powers and duties and to incur expenses for individual items for repairs, improvements, or supplies without having to procure competitive bids, by removing the requirement that the total amount of such individual item cannot exceed \$500;
- Adds authorization for the receiver to repay the receiver's expenditures from moneys appropriated to the Kansas Department for Aging and Disability Services (KDADS) for receivership purposes set in statute, if incoming payments from the operation of the adult care home exceed the costs incurred by the receiver in the performance of the receiver's powers and duties;
- Deletes the requirement the receiver honor all existing leases, mortgages, chattel mortgages, and security interests; and
- Adds, if incoming payments from the operation of the adult care home exceed the costs incurred by the receiver in the performance of the receiver's powers and duties, the receiver may pay post-receivership quality care assessments as established under state law.

Payment and liens (Sections 35 and 36). Continuing law allows the Secretary to authorize expenditures from moneys appropriated for receiverships if incoming payments from the operation of the adult care home are less than the cost incurred by the receiver in the performance of the receiver's functions or for the initial operating expenses of the receivership. Continuing law also requires KDADS to keep an itemized ledger showing costs of personnel and other expenses in establishing the receivership and assisting the receiver and requires KDADS be paid for these costs.

The bill adds "operator" to the list of parties who owe and are required to repay the payments made by the Secretary and the costs of personnel and other expenses described above and against whom a lien on all non-exempt personal and real property is required until the debt is repaid. The bill also clarifies the owner, operator, or licensee responsible for payment

of such debt and subject to a lien includes any individuals or entities that appear on the license to operate the adult care home.

Recovery of expenses and costs upon termination of receivership (Section 37).

The bill removes the Secretary for Children and Families as an entity eligible to recover expenses and costs under a receivership, clarifying only KDADS is eligible to recover such expenses.

Naturopathic Doctors [Sections 38 and 39]

The bill revises the Naturopathic Doctor Licensure Act and the Radiologic Technologists Practice Act. The bill amends the definition of “naturopathic medicine” in the Naturopathic Doctor Licensure Act to include ordering diagnostic imaging studies, including, but not limited to, x-ray, ultrasound, mammogram, bone densitometry, computed tomography, magnetic resonance imaging, and electrocardiograms, except that naturopathic doctors are required to refer patients to an appropriately licensed and qualified healthcare professional to conduct diagnostic imaging studies and interpret the results of such studies (Section 38). The bill also amends the definition of “licensed practitioner” in the Radiologic Technologists Practice Act to include a Kansas licensed physician assistant, advanced practice registered nurse, and naturopathic doctor (Section 39).