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Behavioral Sciences Regulatory Board

SB290 Testimony

Proponent

March 6, 2012

Chair Brenda Landwehr and Members of the House Health and Human Services Committee:

I am offering testimony on behalf of the Behavioral Sciences Regulatory Board in support of SB290. Below I will outline the major parts of the bill which change and update the Addictions Counselor Licensure Act from last year, share the recent history and concerns expressed in the process of adopting the Rules and Regulations for the newly formed Addiction Counselor Licensure, explain the charge to the BSRB to find a compromise regarding the problems presented to the Joint Rules and Regulations Committee this summer and fall, and summarize the support of our Board for the changes addressed by this bill.

Major Parts of the Bill: There are three major changes to the original Addiction Counselor statutes that were passed by the legislature in HB2182 (SB6 and HB2577):

- 1) Removes the requirement for currently BSRB clinically licensed professionals to undertake a two year supervision period before being licensed as a LCAC; instead they may use an attestation from a professional licensed to diagnose and treat substance use disorders in independent practice stating that the applicant is competent to diagnose and treat substance use disorders.
- 2) Separates LBSW as a related field if licensed under BSRB. This allows BSRB, through Rules and Regulations to set a minimum number of semester hours of coursework on substance use disorders as approved by the Board, to differentiate social work as a related field. This will allow for consideration of the "TAP 21" competencies when looking at the addiction course requirements for an LAC who is currently licensed by the BSRB at the baccalaureate level.
- 3) Removes the word "psychologist" in what is now new section (E). Since "psychologists" already have the professional rights to diagnose and treat at the clinical level, this group did not want to be included as an exception for the LAC requirements.

History of Concerns and Adoption of Rules and Regulations:

At the August 29, 2011 Joint Rules and Regulations meeting, there was testimony regarding some disagreement from some of the Professional Associations and some of the Regent's Social Work Departments about the regulations as written and also with some provisions in the statute. As Executive Director, I did meet separately with each major side to see if there was some common ground for change. No consensus was reached in those separate meetings. The same concerns shared at the Joint Committee were expressed at the BSRB hearing on September 23 for the new Rules and Regulations. Following the hearing, the BSRB Board did meet, discuss and pass the regulations, with some additional amendments, by a vote of 6-4. The Joint Committee requested that I appear before their October meeting to report on the failure of any meaningful compromise on the Addiction Counselor Rules and Regulations. My Board President, Dr. Gary Price, and I appeared before the Joint Committee on October 10. I shared that some of the changes being requested would take statute modifications and could not be addressed with just the Rules and Regulations. The concerns of the Joint Committee were taken to the Board right after the meeting as this was the date of the annual retreat of the BSRB Board. The Board rescinded the adoption of the Regulations (vote 6-4) and charged me with working out a compromise among the stakeholders.

To that end, I organized a “Compromise Committee” from the Addictions Counselors; Social Workers, Psychologists, Counselors & Marriage and Family Therapists; Regents Institutions; and BSRB Director and Assistant Director to meet three times in November and December. That group did craft a compromise that was acceptable to all parties. I further presented that Compromise to the Board at its January 9, 2012 meeting. It was approved by the Board with the exception of the “Under Direction” provisions. My work with the Reviser’s Office found some problems with the wording on that section and our Board decided not to include that part of the compromise in the statute revisions.

As a result of the Joint Committee’s suggestions and the time needed to resolve the issues in the current regs and the statute, we did need to extend the “Temporary Rules and Regs” for another 120 days. That meeting to request that extension was on October 27th.

Our Board had a special meeting on October 26th to approve the temporary regs again and request their extension.

Even though the Board rescinded this approval on October 10 based upon the Legislators’ Joint Committee suggestion, the Board did approve those amended regulations at the December 12 Board meeting. The final, permanent regulations have been filed and printed in the Register. They became effective on January 20, 2012.

Board Support:

As indicated above, the Board approved the major recommendations of the “Compromise Committee” at its January 9th meeting. One section included in the Compromise report, Under Direction, was found by the Reviser’s office to be problematic. It was also an area that potentially conflicts with the direction already provided by SRS in its licensed treatment facilities. Due to those problems and some other concerns shared by Board members involved in the long term writing of the Rules and Regulations, the Board voted to strike that section from any statute changes.

Summary:

This has been a long and difficult process, not just for me, but for the new profession of Addiction Counseling, for the other five professions licensed by the BSRB, and for the Legislature and the committees that have dealt with adoption and passage of these new laws. My experience in the Legislature taught me that this, most often, is the usual course for change...weary as it might become. I am personally pleased to have this new profession added to the BSRB and believe that we have significantly increased both the protection of the public and enhanced the long term acquisition of skills and knowledge for an important profession. I am most thankful for the work of my Board, for the professional associations, and for the Compromise Committee in finding what I see as critical middle ground so that all of us can move forward.

Sincerely,

Tom Hawk, Executive Director

Gary Price, Board Chair