HOUSE BILL No. 2149

By Committee on Health and Human Services


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

New Section 1. (a) There is hereby created a social work examining committee consisting of seven members appointed by the governor. The membership of the examining committee shall be as follows: Five members of the examining committee shall be licensed to engage in the practice of social work and two members of the examining committee shall be from and represent the general public. Each member of the examining committee shall be a citizen of the United States and a resident of this state.

(b) The term of office of each member of the examining committee shall be four years. No member of the examining committee shall be appointed for more than two successive terms. Upon the expiration of a member's term of office, the governor shall appoint a qualified successor as provided in this subsection. Each member shall serve until a successor is appointed and qualified. Whenever a vacancy occurs in the membership of the examining committee prior to the expiration of a term of office, the governor shall appoint a qualified successor to fill the unexpired term as provided in this subsection. The governor may remove any member of the examining committee for misconduct, incompetency or neglect of duty. Upon the expiration of the term of a member of the examining committee who is licensed to engage in the practice of social work or upon the vacancy in a position of a member of the examining committee who is licensed to engage in the practice of social work, the Kansas chapter of the national association of social workers shall submit to the governor a list of at least three names of licensed social workers for each vacancy who meet the qualifications for the position. In making appointments to the examining committee, the governor shall give consideration to such list of persons.

(c) The examining committee shall organize annually at its first
meeting subsequent to June 30 and shall select from its members a chairperson and a vice-chairperson. Other meetings shall be held as the examining committee designates. A majority of members appointed to the examining committee shall constitute a quorum for the transaction of business.

(d) Members of the social work examining committee attending meetings of the examining committee, or attending a subcommittee meeting thereof authorized by the examining committee, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(e) (1) The social work examining committee shall be within the behavioral sciences regulatory board as a part thereof and shall constitute the successor to the powers, duties and functions of the behavioral sciences regulatory board with regard to the regulation of the practice of social work and the licensing of social workers. All budgeting, purchasing and related management functions of the examining committee shall be administered under the direction and supervision of the behavioral sciences regulatory board. The behavioral sciences regulatory board shall serve as the administrative and enforcement agency of the examining committee in all respects and shall perform such services and duties as it may be legally called upon to perform. All vouchers for expenditures and all payrolls of the social work examining committee shall be approved by the chairperson of the examining committee, or by a person or persons designated by the chairperson, and by the chairperson of the behavioral sciences regulatory board, or by a person or persons designated by the chairperson. The behavioral sciences regulatory board shall provide office and meeting space and clerical and other staff assistance as may be necessary to assist the examining committee to carry out its powers, duties and functions.

(2) Every act performed in the exercise of the powers, duties and functions transferred to the social work examining committee under this act by or under the authority of the examining committee shall be deemed to have the same force and effect as if performed by the behavioral sciences regulatory board in which the same were vested prior to the effective date of this act.

(3) Whenever the behavioral sciences regulatory board, or words of like effect, in regard to the powers, duties and functions transferred under this act to the social work examining committee are referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the social work examining committee.

(4) All rules and regulations and all orders or directives of the behavioral sciences regulatory board in existence on the effective date of
this act that relate specifically to the regulation of the practice of social
work or the licensing of social workers, or both, shall continue to be
effective and shall be deemed to the rules and regulations and orders or
directives of the social work examining committee until revised, amended,
revoked or nullified pursuant to law.

(5) No suit, action or other proceeding, judicial or administrative,
lawfully commenced or that could have been commenced by or against
any state agency, or by or against any officer of the state in such officer's
official capacity or in relation to the discharge of the officer's official
duties, shall abate by reason of the taking effect of the changes made by
this act. The court may allow any such suit, action or other proceeding to
be maintained by or against such state agency or officer. No criminal
action commenced or which could have been commenced by the state shall
abate by the taking effect of the act.

New Sec. 2. (a) The social work examining committee shall have the
following powers, duties and functions:

(1) Recommend to the appropriate district or county attorneys
prosecution for violations of the social workers licensure act;
(2) compile and publish annually a list of the names and addresses of
all persons who are licensed under the social workers licensure act;
(3) prescribe the form and contents of examinations required under
the social workers licensure act;
(4) adopt and enforce rules and regulations for professional conduct
of persons licensed under the social workers licensure act;
(5) adopt and enforce rules and regulations establishing requirements
for the continuing education of persons licensed under the social workers
licensure act;
(6) adopt rules and regulations establishing classes of social work
specialties that will be recognized for licensure under K.S.A. 65-6301
through 65-6318, and amendments thereto;
(7) adopt rules and regulations establishing procedures for
examination of candidates for licensure under the social workers licensure
act; and
(8) exercise such other powers and perform such other functions and
duties as may be prescribed by law.

(b) If an order of the social work examining committee is adverse to a
licensee under the social workers licensure act, the actual costs shall be
charged to such person as in ordinary civil actions in the district court. The
examining committee shall pay any additional costs and, if the board is the
unsuccessful party, the costs shall be paid by the examining committee.
Witness fees and costs may be taxed in accordance with statutes governing
taxation of witness fees and costs in the district court.

Sec. 3. K.S.A. 2016 Supp. 22-4612 is hereby amended to read as
follows: 22-4612. (a) Except as otherwise provided in this section, a county, a city, a county or city law enforcement agency, a county department of corrections or the Kansas highway patrol shall be liable to pay a health care provider for health care services rendered to persons in the custody of such agencies the lesser of the actual amount billed by such health care provider or the medicaid rate. The provisions of this section shall not apply if a person in the custody of a county or city law enforcement agency, a county department of corrections or the Kansas highway patrol is covered under a current individual or group accident and health insurance policy, medical service plan contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization contract.

(b) Nothing in this section shall prevent a county or city law enforcement agency, a county department of corrections, the Kansas highway patrol or such agencies authorized vendors from entering into agreements with health care providers for the provision of health care services at terms, conditions and amounts which are different than the medicaid rate.

(c) It shall be the responsibility of the custodial county or city law enforcement agency, county department of corrections or the Kansas highway patrol or such agencies' agents, to determine, under agreement with the secretary of health and environment, the amount payable for the services provided and to communicate that determination along with the remittance advice and payment for the services provided.

(d) Nothing in this section shall be construed to create a duty on the part of a health care provider to render health care services to a person in the custody of a county or city law enforcement agency, a county department of corrections or the Kansas highway patrol.

(e) As used in this section:

(1) "County or city law enforcement agency" means a city police department, a county sheriff's department, a county law enforcement department as defined in K.S.A. 19-4401, and amendments thereto, or a law enforcement agency established pursuant to the consolidated city-county powers in K.S.A. 12-345, and amendments thereto.

(2) "Health care provider" means a person licensed to practice any branch of the healing arts by the state board of healing arts, a person who holds a temporary permit to practice any branch of the healing arts issued by the state board of healing arts, a person engaged in a postgraduate training program approved by the state board of healing arts, a licensed physician assistant, a person licensed by the behavioral sciences regulatory board, a person licensed by the social work examining committee, a medical care facility licensed by the department of health and environment, a podiatrist licensed by the state board of healing arts, an
optometrist licensed by the board of examiners in optometry, a registered
nurse, and advanced nurse practitioner, a licensed professional nurse who
is authorized to practice as a registered nurse anesthetist, a licensed
practical nurse, a licensed physical therapist, a professional corporation
organized pursuant to the professional corporation law of Kansas by
persons who are authorized by such law to form such a corporation and
who are health care providers as defined by this subsection, a Kansas
limited liability company organized for the purpose of rendering
professional services by its members who are health care providers as
defined by this subsection and who are legally authorized to render the
professional services for which the limited liability company is organized,
a partnership of persons who are health care providers under this
subsection, a Kansas not-for-profit corporation organized for the purpose
of rendering professional services by persons who are health care
providers as defined by this subsection, a dentist certified by the state
board of healing arts to administer anesthetics under K.S.A. 65-2899, and
amendments thereto, a psychiatric hospital licensed under K.S.A. 75-
3307b, and amendments thereto, a licensed social worker or a mental
health center or mental health clinic licensed by the secretary for aging and
disability services and any health care provider licensed by the appropriate
regulatory body in another state that has a current approved provider
agreement with the secretary of health and environment.

(3) "Medicaid rate" means the terms, conditions and amounts a health
care provider would be paid for health care services rendered pursuant to a
contract or provider agreement with the secretary of health and
environment.

Sec. 4. K.S.A. 2016 Supp. 59-2132 is hereby amended to read as
follows: 59-2132. (a) Except as provided in subsection (h), in independent
and agency adoptions, the court shall require the petitioner to obtain an
assessment of the advisability of the adoption by a court approved:

(1) (A) Licensed social worker, licensed specialist social worker,
licensed specialist clinical social worker, licensed masters social worker,
licensed baccalaureate social worker or licensed associate social worker
licensed by the behavioral sciences regulatory board social work
examining committee;

(B) licensed clinical marriage and family therapist as defined in
K.S.A. 65-6402, and amendments thereto;

(C) licensed marriage and family therapist as defined in K.S.A. 65-
6402, and amendments thereto;

(D) licensed clinical professional counselor as defined in K.S.A. 65-
5802, and amendments thereto;

(E) licensed professional counselor as defined in K.S.A. 65-5802, and
amendments thereto;
(F) licensed psychologist as defined in K.S.A. 65-6319, and
amendments thereto;
(G) licensed masters level psychologist as defined in K.S.A. 74-5362,
and amendments thereto;
(H) licensed clinical psychotherapist as defined in K.S.A. 74-5363,
and amendments thereto; or
(I) a licensed child-placing agency.
(2) Any person performing an assessment pursuant to this subsection
shall:
(A) Possess a minimum of two years experience in adoption services
or be supervised by a person with such experience; or
(B) if licensed by the behavioral sciences regulatory board or by the
social work examining committee to diagnose and treat mental disorders in
independent practice, possess a minimum of one year of experience in
adoption services or be supervised by a person with such experience.
(b) The petitioner shall file with the court, not less than 10 days
before the hearing on the petition, a report of the assessment and, if
necessary, confirmation or clarification of the information filed under
K.S.A. 59-2130, and amendments thereto.
(c) If there is no one authorized pursuant to this section available to
make the assessment and report to the court, the court may use the Kansas
department for children and families for that purpose.
(d) The costs of making the assessment and report may be assessed as
court costs in the case as provided in article 20 of chapter 60 of the Kansas
Statutes Annotated, and amendments thereto.
(e) In making the assessment, the person authorized pursuant to this
section or Kansas department for children and families is authorized to
observe the child in the petitioner's home, verify financial information of
the petitioner, shall clear the name of the petitioner with the child abuse
and neglect registry through the Kansas department for children and
families and, when appropriate, with a similar registry in another state or
nation, shall determine whether the petitioner has been convicted of a
felony for any act described in articles 34, 35 or 36 of chapter 21 of the
Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of
chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2016 Supp. 21-
6104, 21-6325, 21-6326 or 21-6418 through 21-6422, and amendments
thereto, or, within the last five years been convicted of a felony violation
of K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer,
or article 57 of chapter 21 of the Kansas Statutes Annotated, and
amendments thereto, or any felony violation of any provision of the
uniform controlled substances act prior to July 1, 2009, and, when
appropriate, any similar conviction in another jurisdiction, and to contact
the agency or individuals consenting to the adoption and confirm and, if
necessary, clarify any genetic and medical history filed with the petition. This information shall be made a part of the report to the court. The report to the court by any person authorized pursuant to this section to perform this assessment shall include the results of the investigation of the petitioner, the petitioner's home and the ability of the petitioner to care for the child.

(f) In the case of a nonresident who is filing a petition to adopt a child in Kansas, the assessment and report required by this section must be completed in the petitioner's state of residence by a person authorized in that state to conduct such assessments. Such report shall be filed with the court not less than 10 days before the hearing on the petition.

(g) The assessment and report required by this section shall comply with any applicable rules and regulations of the department of health and environment and shall have been completed not more than one year prior to the filing of the petition for adoption.

(h) The assessment and report required by this section may be waived by the court upon: (1) Review of a petition requesting such waiver by a relative of the child; or

(2) the court's own motion.

Sec. 5. K.S.A. 2016 Supp. 59-2946 is hereby amended to read as follows: 59-2946. When used in the care and treatment act for mentally ill persons:

(a) "Discharge" means the final and complete release from treatment, by either the head of a treatment facility acting pursuant to K.S.A. 59-2950, and amendments thereto, or by an order of a court issued pursuant to K.S.A. 59-2973, and amendments thereto.

(b) "Head of a treatment facility" means the administrative director of a treatment facility or such person's designee.

(c) "Law enforcement officer" shall have the meaning ascribed to it in K.S.A. 22-2202, and amendments thereto.

(d) (1) "Mental health center" means any community mental health center organized pursuant to the provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto, or mental health clinic organized pursuant to the provisions of K.S.A. 65-211 through 65-215, and amendments thereto, or a mental health clinic organized as a not-for-profit or a for-profit corporation pursuant to K.S.A. 17-1701 through 17-1775, and amendments thereto, or K.S.A. 17-6001 through 17-6010, and amendments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b, and amendments thereto.

(2) "Participating mental health center" means a mental health center which has entered into a contract with the secretary for aging and disability services pursuant to the provisions of K.S.A. 39-1601 through 39-1612, and amendments thereto.
(e) 'Mentally ill person' means any person who is suffering from a mental disorder which is manifested by a clinically significant behavioral or psychological syndrome or pattern and associated with either a painful symptom or an impairment in one or more important areas of functioning, and involving substantial behavioral, psychological or biological dysfunction, to the extent that the person is in need of treatment.

(f) (1) 'Mentally ill person subject to involuntary commitment for care and treatment' means a mentally ill person, as defined in subsection (e), who also lacks capacity to make an informed decision concerning treatment, is likely to cause harm to self or others, and whose diagnosis is not solely one of the following mental disorders: Alcohol or chemical substance abuse; antisocial personality disorder; intellectual disability; organic personality syndrome; or an organic mental disorder.

(2) 'Lacks capacity to make an informed decision concerning treatment' means that the person, by reason of the person's mental disorder, is unable, despite conscientious efforts at explanation, to understand basically the nature and effects of hospitalization or treatment or is unable to engage in a rational decision-making process regarding hospitalization or treatment, as evidenced by an inability to weigh the possible risks and benefits.

(3) 'Likely to cause harm to self or others' means that the person, by reason of the person's mental disorder: (A) Is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty; or (B) is substantially unable, except for reason of indigency, to provide for any of the person's basic needs, such as food, clothing, shelter, health or safety, causing a substantial deterioration of the person's ability to function on the person's own.

No person who is being treated by prayer in the practice of the religion of any church which teaches reliance on spiritual means alone through prayer for healing shall be determined to be a mentally ill person subject to involuntary commitment for care and treatment under this act unless substantial evidence is produced upon which the district court finds that the proposed patient is likely in the reasonably foreseeable future to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in
protecting the property from such harm outweighs the person's interest in personal liberty.

(g) "Patient" means a person who is a voluntary patient, a proposed patient or an involuntary patient.

(1) "Voluntary patient" means a person who is receiving treatment at a treatment facility pursuant to K.S.A. 59-2949, and amendments thereto.

(2) "Proposed patient" means a person for whom a petition pursuant to K.S.A. 59-2952 or 59-2957, and amendments thereto, has been filed.

(3) "Involuntary patient" means a person who is receiving treatment under order of a court or a person admitted and detained by a treatment facility pursuant to an application filed pursuant to subsection (b) or (c) of K.S.A. 59-2954(b) or (c), and amendments thereto.

(h) "Physician" means a person licensed to practice medicine and surgery as provided for in the Kansas healing arts act or a person who is employed by a state psychiatric hospital or by an agency of the United States and who is authorized by law to practice medicine and surgery within that hospital or agency.

(i) "Psychologist" means a licensed psychologist, as defined by K.S.A. 74-5302, and amendments thereto.

(j) "Qualified mental health professional" means a physician or psychologist who is employed by a participating mental health center or who is providing services as a physician or psychologist under a contract with a participating mental health center, a licensed masters level psychologist, a licensed clinical psychotherapist, a licensed marriage and family therapist, a licensed clinical marriage and family therapist, a licensed professional counselor, a licensed clinical professional counselor, a licensed specialist social worker or a licensed master social worker or a registered nurse who has a specialty in psychiatric nursing, who is employed by a participating mental health center and who is acting under the direction of a physician or psychologist who is employed by, or under contract with, a participating mental health center.

(1) "Direction" means monitoring and oversight including regular, periodic evaluation of services.

(2) "Licensed master social worker" means a person licensed as a master social worker by the behavioral sciences regulatory board social work examining committee under K.S.A. 65-6301 through 65-6318, and amendments thereto.

(3) "Licensed specialist social worker" means a person licensed in a social work practice specialty by the behavioral sciences regulatory board social work examining committee under K.S.A. 65-6301 through 65-6318, and amendments thereto.

(4) "Licensed masters level psychologist" means a person licensed as a licensed masters level psychologist by the behavioral sciences regulatory
board under K.S.A. 74-5361 through 74-5373, and amendments thereto.

(5) "Registered nurse" means a person licensed as a registered professional nurse by the board of nursing under K.S.A. 65-1113 through 65-1164, and amendments thereto.

(k) "Secretary" means the secretary for aging and disability services.

(l) "State psychiatric hospital" means Larned state hospital, Osawatomie state hospital or Rainbow mental health facility.

(m) "Treatment" means any service intended to promote the mental health of the patient and rendered by a qualified professional, licensed or certified by the state to provide such service as an independent practitioner or under the supervision of such practitioner.

(n) "Treatment facility" means any mental health center or clinic, psychiatric unit of a medical care facility, state psychiatric hospital, psychologist, physician or other institution or person authorized or licensed by law to provide either inpatient or outpatient treatment to any patient.

(o) The terms defined in K.S.A. 59-3051, and amendments thereto, shall have the meanings provided by that section.

Sec. 6. K.S.A. 65-6302 is hereby amended to read as follows: 65-6302. As used in this act, unless the context clearly requires otherwise, the following words and phrases shall have the meaning ascribed to them in this section:

(a) "Board" means the behavioral sciences regulatory board created by K.S.A. 74-7501, and amendments thereto.

(b) "Examining committee" means the social work examining committee created by section 1, and amendments thereto.

(c) "Social work practice" means the professional activity of helping individuals, groups or communities enhance or restore their capacity for physical, social and economic functioning and the professional application of social work values, principles and techniques in areas such as psychotherapy, social service administration, social planning, social work consultation and social work research to one or more of the following ends: Helping people obtain tangible services; counseling with individuals, families and groups; helping communities or groups provide or improve social and health services; and participating in relevant social action. The practice of social work requires knowledge of human development and behavior; of social, economic and cultural institutions and forces; and of the interaction of all these factors. Social work practice includes the teaching of practicum courses in social work and includes the diagnosis and treatment of mental disorders as authorized under K.S.A. 65-6306 and 65-6319, and amendments thereto.

(d) "Psychotherapy" means the use of psychological and social methods within a professional relationship, to assist the person or persons
to achieve a better psychosocial adaptation to acquire greater human
realization of psychosocial potential and adaptation; to modify internal and
external conditions which affect individuals, groups or communities in
respect to behavior, emotions and thinking, in respect to their intra-
personal and inter-personal processes. Forms of psychotherapy include but
are not restricted to individual psychotherapy, conjoint marital therapy,
family therapy and group psychotherapy.

Sec. 7. K.S.A. 65-6303 is hereby amended to read as follows: 65-
6303. (a) No person shall engage in the practice of social work for
compensation or hold forth as performing the services of a social worker
unless such person is licensed in accordance with the provisions of this act,
nor may any person participate in the delivery of social work service
unless under the supervision of a person who is licensed under this act.
Temporary licenses to practice may be issued by the board of social work
examining committee in accordance with K.S.A. 65-6309, and
amendments thereto.

(b) Nothing in this act shall be construed to prevent qualified persons
from doing work within the standards and ethics of their respective
professions and callings provided they do not hold themselves out to the
public by any title or description of services as being engaged in the
practice of social work.

(c) Nothing in this act shall be construed to permit the practice of
psychotherapy by anyone who does not have a baccalaureate degree in
social work or a related field except that those practicing psychotherapy
without a baccalaureate degree in social work or a related field prior to
July 1, 1974, shall not be prohibited from so practicing after the effective
date of this act.

(d) Any violation of this section shall constitute a class B
misdemeanor.

Sec. 8. K.S.A. 65-6306 is hereby amended to read as follows: 65-
6306. (a) The board of social work examining committee shall issue a license
as a baccalaureate social worker to an applicant who:

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

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

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

(b) The board of examining committee shall issue a license as a master
social worker to an applicant who:

(1) Has a master's degree from an accredited college or university,
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including completion of a social work program recognized and approved by the board examining committee, pursuant to rules and regulations adopted by the board examining committee;
(2) has passed an examination approved by the board examining committee for this purpose; and
(3) has satisfied the board examining committee that the applicant is a person who merits the public trust.

(c) The board examining committee shall issue a license in one of the social work specialties to an applicant who:
(1) Has a master's or doctor's degree from an accredited graduate school of social work, including completion of a social work program recognized and approved by the board examining committee, pursuant to rules and regulations adopted by the board examining committee;
(2) has had two years of full-time post-master's or post-doctor's degree experience under the supervision of a licensed social worker in the area of the specialty in which such applicant seeks to be licensed;
(3) has passed an examination approved by the board examining committee for this purpose; and
(4) has satisfied the board examining committee that the applicant is a person who merits the public trust.

(d) (1) The board examining committee shall issue a license as a specialist clinical social worker to an applicant who:
(A) Has met the requirements of subsection (c);
(B) has completed 15 credit hours as part of or in addition to the requirements under subsection (c) supporting diagnosis or treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, through identifiable study of the following content areas: Psychopathology, diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches and professional ethics;
(C) has completed a graduate level supervised clinical practicum of supervised professional experience including psychotherapy and assessment, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, with not less than 350 hours of direct client contact or additional postgraduate supervised experience as determined by the board examining committee;
(D) has completed as part of or in addition to the requirements of subsection (c) not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board examining committee of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with
individuals, couples, families or groups and not less than $150, 100$ hours of clinical supervision, including not less than $75, 50$ hours of person-to-person individual supervision, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual;

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

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

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

(H) has paid the application fee.

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

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

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

(e) The board examining committee shall adopt rules and regulations establishing the criteria which a social work program of a college or university shall satisfy to be recognized and approved by the board examining committee under this section. The board examining committee may send a questionnaire developed by the board examining committee to any college or university conducting a social work program for which the board examining committee does not have sufficient information to determine whether the program should be recognized and approved by the board examining committee and whether the program meets the rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board examining committee in order for the program to be considered for recognition and approval. The board examining committee may contract with investigative agencies, commissions or consultants to assist the board examining committee in obtaining information about a social work program of a college or university. In entering such contracts the authority to recognize and approve a social work program of a college or university shall remain solely with the board examining committee.

Sec. 9. K.S.A. 65-6308 is hereby amended to read as follows: 65-6308. (a) No person may engage in the private, independent clinical practice of social work unless such person:

(1) Is licensed under this act as a specialist clinical social worker or specialist social worker; and

(2) has had two years’ supervised experience approved by the board of social work examining committee, pursuant to rules and regulations adopted by the board of the examining committee, as a licensed social worker in the specialty to be offered in private practice subsequent thereto.

(b) Any violation of this section shall constitute a class B misdemeanor.

Sec. 10. K.S.A. 2016 Supp. 65-6309 is hereby amended to read as follows: 65-6309. (a) Except as provided in subsections (b) and (c), an applicant shall be exempted from the requirement for any examination provided for herein if:

(1) The applicant proves to the board social work examining committee that the applicant is licensed or registered under the laws of a state or territory of the United States that imposes substantially the same requirements as this act as determined by the board examining committee; and

(2) pursuant to the laws of any such state or territory, the applicant has taken and passed an examination similar to that for which exemption is
sought, as determined by the board examining committee.

(b) The board examining committee may issue a license to an individual who is currently licensed to practice social work at the clinical level in another jurisdiction if the board examining committee determines that:

(1) The standards for licensure to practice social work at the clinical level in the other jurisdiction are substantially equivalent to the requirements of this state for licensure at the clinical level; or

(2) the applicant demonstrates on forms provided by the board examining committee compliance with the following standards as adopted by the board:

(A) Licensure to practice social work at the clinical level for at least 60 of the last 66 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board examining committee;

(B) the absence of disciplinary actions of a serious nature brought by a licensing board or agency; and

(C) a master's or doctoral degree in social work from a regionally accredited university or college and from an accredited graduate social work program recognized and approved by the board examining committee pursuant to rules and regulations adopted by the board examining committee.

(c) Applicants for licensure as a clinical specialist social worker shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the following requirements:

(1) Passing a national clinical examination approved by the board examining committee or, in the absence of the national examination, continuous licensure to practice as a clinical social worker during the 10 years immediately preceding the application; and

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders.

(d) An applicant for a license under this section shall pay an application fee established by the board examining committee under K.S.A. 65-6314, and amendments thereto, if required by the board examining committee.

(e) Upon application, the board examining committee shall issue temporary licenses to persons who have submitted documentation and met all qualifications for licensure under provisions of this act, except passage of the required examination, and who have paid the required fee.

(f) Absent extenuating circumstances approved by the board examining committee, a temporary license issued by the board examining committee shall expire upon the date the board examining committee issues or denies a license to practice social work or six months after the date of
issuance of the temporary license. No temporary license will be renewed or issued again on any subsequent applications for the same license level. The preceding provisions in no way limit the number of times an applicant may take the examination.

(g) No person may work under a temporary license except under the supervision of a licensed social worker.

(h) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.

(i) Any individual employed by a hospital and working in the area of hospital social services to patients of such hospital on July 1, 1974, is exempt from the provisions of this act.

Sec. 11. K.S.A. 2016 Supp. 65-6309a is hereby amended to read as follows: 65-6309a. (a) Upon written application and board social work examining committee approval, an individual who is licensed to engage in the independent clinical practice of social work at the clinical level in another jurisdiction and who is in good standing in that other jurisdiction may engage in the independent practice of clinical social work as provided by K.S.A. 65-6308, and amendments thereto, in this state for no more than 15 days per year upon receipt of a temporary permit to practice issued by the board examining committee.

(b) Any clinical social work services rendered within any 24-hour period shall count as one entire day of clinical social work services.

(c) The temporary permit to practice shall be effective on the date of approval by the board examining committee and shall expire December 31 of that year. Upon written application and for good cause shown, the board examining committee may extend the temporary permit to practice no more than 15 additional days.

(d) The board examining committee may charge a fee of a maximum of $200 for a temporary permit to practice and a fee of a maximum of $200 for an extension of a temporary permit to practice as established by rules and regulations of the board examining committee.

(e) A person who holds a temporary permit to practice clinical social work in this state shall be deemed to have submitted to the jurisdiction of the board examining committee and shall be bound by the statutes and regulations that govern the practice of clinical social work in this state.

(f) In accordance with the Kansas administrative procedure act, the board examining committee may issue a cease and desist order or assess a fine of up to $1,000 per day, or both, against a person licensed in another
jurisdiction who engages in the independent practice of clinical social work in this state without complying with the provisions of this section.

(g) This section shall be part of and supplemental to article 63 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 12. K.S.A. 2016 Supp. 65-6311 is hereby amended to read as follows: 65-6311. (a) The board of social work examining committee may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed $1,000 per violation upon a finding that a licensee or an applicant for license:

1. Is incompetent to practice social work, which means:
   1. (A) One or more instances involving failure to adhere to the applicable standard of care to a degree that constitutes gross negligence, as determined by the board of examining committee;
   2. (B) repeated instances involving failure to adhere to the applicable standard of care to a degree that constitutes ordinary negligence, as determined by the board of examining committee; or
   3. (C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice social work;
2. (2) has been convicted of a felony offense and has not demonstrated to the board of examining committee's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;
3. (3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's examining committee's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;
4. (4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's examining committee's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;
5. (5) has violated a provision of the social workers licensure act or one or more rules and regulations of the board of examining committee;
6. (6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;
7. (7) has knowingly made a false statement on a form required by the board of examining committee for a license or license renewal;
8. (8) has failed to obtain continuing education credits as required by rules and regulations adopted by the board of examining committee;
9. (9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board of examining committee; or
10. (10) has had a license, registration or certificate to practice social
work revoked, suspended or limited, or has had other disciplinary action taken, or an application for a license, registration or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia, or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

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

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

Sec. 13. K.S.A. 65-6317 is hereby amended to read as follows: 65-6317. No new social work associate license shall be issued by the board social work examining committee. A person holding a license as a social work associate under K.S.A. 65-6301 to through 65-6316, inclusive, and amendments thereto, on the day immediately preceding the effective date of this act shall continue to be a licensed social work associate for all purposes under this act and K.S.A. 65-6301 to through 65-6316, inclusive, and amendments thereto, and may renew such license as provided by this act and by K.S.A. 65-6301 to through 65-6316, inclusive, and amendments thereto. The board examining committee may refuse to renew, or may suspend or revoke a social work associate license as provided under this act and K.S.A. 65-6301 to through 65-6316, inclusive, and amendments thereto. All proceedings pursuant to this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

Sec. 14. K.S.A. 65-6319 is hereby amended to read as follows: 65-6319. The following licensed social workers may diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board social work examining committee by rules and regulations: (a) A licensed specialist clinical social worker; and (b) a licensed master social worker who engages in the practice of social work only under the direction of a licensed specialist clinical social worker, a licensed psychologist, a person licensed 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 disorders. When a client has symptoms of a mental disorder, a licensed master social worker shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms.
of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed master social worker may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

Sec. 15. K.S.A. 2016 Supp. 65-6616 is hereby amended to read as follows: 65-6616. Nothing in the addiction counselor licensure act shall be construed:

(a) To prevent addiction counseling practice by students or interns or individuals preparing for the practice of addiction counseling to practice under qualified supervision of a professional, recognized and approved by the board, in an educational institution or agency so long as they are designated by titles such as "student," "trainee," "intern" or other titles clearly indicating training status;

(b) to authorize the practice of psychology, medicine and surgery, professional counseling, marriage and family therapy, master's level psychology or social work or other professions licensed by the behavioral sciences regulatory board or to authorize the practice of social work;

(c) to apply to the activities and services of a rabbi, priest, minister, clergy person or organized ministry of any religious denomination or sect, including a Christian-Science practitioner, unless such person or individual who is a part of the organized ministry is a licensed addiction counselor;

(d) to apply to the activities and services of qualified members of other professional groups including, but not limited to, attorneys, physicians, psychologists, master's level psychologists, marriage and family therapists, professional counselors, or other professions licensed by the behavioral sciences regulatory board, registered nurses or social workers performing services consistent with the laws of this state, their training and the code of ethics of their profession, so long as they do not represent themselves as being an addiction counselor; or

(e) to prevent qualified persons from doing work within the standards and ethics of their respective professions and callings provided they do not hold themselves out to the public by any title or description of services as being an addiction counselor.

Sec. 16. K.S.A. 2016 Supp. 74-7501 is hereby amended to read as follows: 74-7501. (a) There is hereby created a behavioral sciences regulatory board consisting of 10 members appointed by the governor. The membership of the board shall be as follows: Two members of the board shall be licensed psychologists; two members of the board shall be licensed to engage in the practice of social work; one member of the board shall be a professional counselor; one member of the board shall be a marriage and family therapist and; one member of the board shall be a licensed masters level psychologist; one member of the board shall be a licensed addiction counselor or a licensed clinical addiction counselor; and
four members of the board shall be from and represent the general public. Each member of the board shall be a citizen of the United States and a resident of this state.

(b) The term of office of each member of the board shall be four years. No member of the board shall be appointed for more than two successive terms. Upon the expiration of a member's term of office, the governor shall appoint a qualified successor. Each member shall serve until a successor is appointed and qualified. Whenever a vacancy occurs in the membership of the board prior to the expiration of a term of office, the governor shall appoint a qualified successor to fill the unexpired term. The governor may remove any member of the board for misconduct, incompetency or neglect of duty.

(c) The board shall organize annually at its first meeting subsequent to June 30 and shall select from its members a chairperson and a vice-chairperson. Other meetings shall be held as the board designates. A majority of members appointed to the board shall constitute a quorum for the transaction of business.

(d) The board may appoint an executive director who shall be in the unclassified service of the Kansas civil service act and shall receive an annual salary fixed by the board, subject to approval by the governor. The board may employ clerical personnel and other assistants, all of whom shall be in the classified service under the Kansas civil service act. The board may make and enter into contracts of employment with such professional personnel as necessary, in the board's judgment, for the performance of its duties and functions and the execution of its powers.

(e) Members of the behavioral sciences regulatory board attending meetings of the board, or attending a subcommittee meeting thereof authorized by the board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.


Sec. 18. This act shall take effect and be in force from and after January 8, 2018 and its publication in the statute book.