

As Amended by House Committee

Session of 2021

HOUSE BILL No. 2208

By Committee on Health and Human Services

2-3

1 AN ACT concerning ~~the behavioral sciences; relating to the behavioral~~
2 ~~sciences regulatory board; health professions and practices;~~ **health professions and practices;**
3 **authorizing the issuance of telemedicine waivers for the practice of**
4 **telemedicine by physicians and other providers; relating to**
5 ~~professions regulated thereby by the behavioral sciences regulatory~~
6 **board;** reducing certain licensing requirements; ~~requiring board~~
7 ~~approval to provide clinical social worker supervision; expanding the~~
8 ~~board's grounds for discipline; expanding temporary permits to practice~~
9 ~~and imposing requirements for extension thereof; amending K.S.A. 65-~~
10 ~~5804a, 65-5807a, 65-5808, 65-5809, 65-6309a, 65-6311, 65-6314, 65-~~
11 ~~6404, 65-6405a, 65-6408, 65-6610, 65-6612, 65-6615, 74-5316a, 74-~~
12 ~~5324, 74-5363, 74-5367a and 74-5369 and K.S.A. 2020 Supp. 65-6306~~
13 ~~and 65-6411 and repealing the existing sections.~~

14
15 *Be it enacted by the Legislature of the State of Kansas:*

16 New Section 1. (a) ~~On and after January 1, 2022, any licensee~~
17 ~~providing postgraduate clinical supervision for any individual working~~
18 ~~toward licensure as a clinical social worker shall be a board-approved~~
19 ~~clinical supervisor.~~

20 (b) ~~An application for a board-approved clinical supervisor shall be~~
21 ~~made to the board on a form and in the manner prescribed by the board~~
22 ~~and shall be accompanied by the fee fixed under K.S.A. 65-5808, and~~
23 ~~amendments thereto.~~

24 (c) ~~Each applicant for board-approved clinical supervisor shall~~
25 ~~furnish evidence satisfactory to the board that the applicant:~~

26 (1) ~~Is currently licensed by the board as a specialist clinical social~~
27 ~~worker and has practiced as a specialist clinical social worker for at least~~
28 ~~two years following licensure;~~

29 (2) ~~is not the subject of any disciplinary action of the board that~~
30 ~~would prohibit providing clinical supervision, as determined by the board;~~
31 ~~and~~

32 (3) (A) ~~Has completed the minimum number of semester hours, or~~
33 ~~the academic equivalent, of coursework related to the enhancement of~~
34 ~~supervision skills approved by the board; or~~

35 (B) ~~has completed the minimum number of continuing education~~
36 ~~hours related to the enhancement of supervision skills approved by the~~

1 board.

2 ~~(e) Each board-approved clinical supervisor shall complete, as a part~~
3 ~~of the continuing education required under K.S.A. 65-6313, and~~
4 ~~amendments thereto, at least three hours of continuing education related to~~
5 ~~the enhancement of supervision skills, including at least one hour related~~
6 ~~to ethics in supervision.~~

7 ~~(d) This section shall be a part of and supplemental to the social~~
8 ~~workers licensure act.~~

9 **New Section 1. (a) Notwithstanding any other provision of law,**
10 **a physician holding a license issued by the applicable licensing agency**
11 **of another state or who otherwise meets the requirements of this**
12 **section may practice telemedicine to treat patients located in the state**
13 **of Kansas, if such physician receives a telemedicine waiver issued by**
14 **the state board of healing arts. The state board of healing arts shall**
15 **issue such a waiver within 15 days from receipt of a complete**
16 **application, if the physician:**

17 **(1) Submits a complete application that may include evidence in**
18 **the form of an affidavit from an authorized third party that the**
19 **applicant meets the requirements of this section in a manner**
20 **determined by the state board of healing arts and pays a fee not to**
21 **exceed \$100; and**

22 **(2) holds an unrestricted license to practice medicine and surgery**
23 **in another state or meets the qualifications required under Kansas law**
24 **for a license to practice medicine and surgery and is not the subject of**
25 **any investigation or disciplinary action by the applicable licensing**
26 **agency.**

27 **(b) A physician practicing telemedicine in accordance with this**
28 **subsection shall conduct an appropriate assessment and evaluation of**
29 **the patient's current condition and document the appropriate medical**
30 **indication for any prescription issued.**

31 **(c) Nothing in this section shall supersede or otherwise affect the**
32 **provisions of K.S.A. 65-4a10, and amendments thereto, or K.S.A. 2020**
33 **Supp. 40-2,210 et seq., and amendments thereto.**

34 **(d) Any person who receives a telemedicine waiver under the**
35 **provisions of this section shall be subject to all rules and regulations**
36 **pertaining to the practice of the licensed profession in this state and**
37 **shall be considered a licensee for the purposes of the professional**
38 **practice acts administered by the state board of healing arts.**

39 **(e) A waiver issued under this section shall expire on the date of**
40 **expiration established by the state board of healing arts unless**
41 **renewed in the manner established by the state board of healing arts,**
42 **including payment of an annual renewal fee not to exceed \$100 and**
43 **evidence that the applicant continues to meet the qualifications**

1 described in this section.

2 (f) Notwithstanding any other provision of law to the contrary, a
3 physician holding a license issued by the applicable licensing agency of
4 another state may provide, without limitation, consultation through
5 remote technology to a physician licensed in the state of Kansas.

6 (g) An applicable healthcare licensing agency of this state may
7 adopt procedures consistent with this section to allow other healthcare
8 professionals licensed and regulated by such licensing agency to
9 practice telemedicine within the scope of practice defined by Kansas
10 law for such healthcare profession as deemed by such licensing agency
11 to be consistent with ensuring patient safety.

12 (h) Nothing in this section shall be construed to prohibit a
13 licensing agency from denying an application for a waiver under this
14 section if the licensing body determines that granting the application
15 may endanger the health and safety of the public.

16 (i) As used in this subsection, "telemedicine" means the delivery
17 of healthcare services by a healthcare provider while the patient is at a
18 different physical location.

19 Sec. 2. K.S.A. 65-5804a is hereby amended to read as follows: 65-
20 5804a. (a) Applications for licensure as a professional counselor shall be
21 made to the board on a form and in the manner prescribed by the board.
22 Each application shall be accompanied by the fee fixed under K.S.A. 65-
23 5808, and amendments thereto.

24 (b) Each applicant for licensure as a professional counselor shall
25 furnish evidence satisfactory to the board that the applicant:

26 (1) Is at least 21 years of age;

27 (2) has completed 60 graduate semester hours including a graduate
28 degree in counseling or a related field from a college or university
29 approved by the board and that includes 45 graduate semester hours of
30 counseling coursework distributed among each of the following areas:

31 (A) Counseling theory and practice;

32 (B) the helping relationship;

33 (C) group dynamics, processing and counseling;

34 (D) human growth and development;

35 (E) ~~life-style~~ *lifestyle* and career development;

36 (F) appraisal of individuals;

37 (G) social and cultural foundations;

38 (H) research and evaluation;

39 (I) professional orientation; and

40 (J) supervised practicum and internship;

41 (3) has passed an examination required by the board; and

42 (4) has satisfied the board that the applicant is a person who merits
43 the public trust.

1 (c) (1) Applications for licensure as a clinical professional counselor
2 shall be made to the board on a form and in the manner prescribed by the
3 board. Each applicant shall furnish evidence satisfactory to the board that
4 the applicant:

5 (A) Is licensed by the board as a licensed professional counselor or
6 meets all requirements for licensure as a licensed professional counselor;

7 (B) has completed 15 credit hours, as part of or in addition to the
8 requirements under subsection (b), supporting diagnosis or treatment of
9 mental disorders with use of the American psychiatric association's
10 diagnostic and statistical manual through identifiable study of the
11 following content areas: Psychopathology, diagnostic assessment,
12 interdisciplinary referral and collaboration, treatment approaches and
13 professional ethics;

14 (C) has completed a graduate level supervised clinical practicum of
15 supervised professional experience including psychotherapy and
16 assessment with individuals, couples, families or groups, integrating
17 diagnosis and treatment of mental disorders with use of the American
18 psychiatric association's diagnostic and statistical manual, with not less
19 than ~~350~~ 280 hours of direct client contact or additional postgraduate
20 supervised experience as determined by the board;

21 (D) has completed not less than two years of postgraduate supervised
22 professional experience in accordance with a clinical supervision plan
23 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
24 professional experience, including at least 1,500 hours of direct client
25 contact conducting psychotherapy and assessments with individuals,
26 couples, families or groups and not less than ~~150~~ 100 hours of *face-to-face*
27 clinical supervision, ~~including not less than 50 hours of person-to-person~~
28 ~~individual supervision, as defined by the board in rules and regulations,~~
29 *including not less than 50 hours of individual supervision, except that the*
30 *board may waive the requirement that such supervision be face-to-face*
31 *upon a finding of extenuating circumstances,* integrating diagnosis and
32 treatment of mental disorders with use of the American psychiatric
33 association's diagnostic and statistical manual, except that ~~one-half the~~
34 *board may waive 1/2 of the requirement of hours required by this*
35 *subparagraph may be waived for persons with an individual who has a*
36 *doctor's doctoral degree in professional counseling or a related field*
37 *acceptable to approved by the board and who completes the required 1/2 of*
38 *the hours in not less than one year of supervised professional experience;*

39 (E) for persons ~~earning~~ *who earned* a degree under subsection (b)
40 prior to July 1, 2003, in lieu of the education requirements under
41 subparagraphs (B) and (C), has completed the education requirements for
42 licensure as a professional counselor in effect on the day immediately
43 preceding the effective date of this act;

1 (F) for persons who apply for and are eligible for a temporary permit
2 to practice as a licensed professional counselor on the day immediately
3 preceding the effective date of this act, in lieu of the education and training
4 requirements under subparagraphs (B), (C) and (D), has completed the
5 education and training requirements for licensure as a professional
6 counselor in effect on the day immediately preceding the effective date of
7 this act;

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

9 (H) has paid the application fee fixed under K.S.A. 65-5808, and
10 amendments thereto.

11 (2) A person who was licensed or registered as a professional
12 counselor in Kansas at any time prior to the effective date of this act, who
13 has been actively engaged in the practice of professional counseling as a
14 registered or licensed professional counselor within five years prior to the
15 effective date of this act and whose last license or registration in Kansas
16 prior to the effective date of this act was not suspended or revoked, upon
17 application to the board, payment of fees *pursuant to K.S.A. 65-5808, and*
18 *amendments thereto*, and completion of applicable continuing education
19 requirements, shall be licensed as a licensed clinical professional
20 counselor by providing demonstration of competence to diagnose and treat
21 mental disorders through at least two of the following areas acceptable to
22 the board:

23 (A) Either: (i) Graduate coursework; or (ii) passing a national,
24 clinical examination;

25 (B) either: (i) Three years of clinical practice in a community mental
26 health center, its contracted affiliate or a state mental hospital; or (ii) three
27 years of clinical practice in other settings with demonstrated experience in
28 diagnosing or treating mental disorders; or

29 (C) attestation from one professional licensed to diagnose and treat
30 mental disorders in independent practice or licensed to practice medicine
31 and surgery that the applicant is competent to diagnose and treat mental
32 disorders.

33 (3) A licensed clinical professional counselor may engage in the
34 independent practice of professional counseling and is authorized to
35 diagnose and treat mental disorders specified in the edition of the
36 diagnostic and statistical manual of mental disorders of the American
37 psychiatric association designated by the board by rules and regulations.
38 When a client has symptoms of a mental disorder, a licensed clinical
39 professional counselor shall consult with the client's primary care
40 physician or psychiatrist to determine if there may be a medical condition
41 or medication that may be causing or contributing to the client's symptoms
42 of a mental disorder. A client may request in writing that such consultation
43 be waived and such request shall be made a part of the client's record. A

1 licensed clinical professional counselor may continue to evaluate and treat
2 the client until such time that the medical consultation is obtained or
3 waived.

4 (4) A licensed professional counselor may diagnose and treat mental
5 disorders specified in the edition of the diagnostic and statistical manual of
6 mental disorders of the American psychiatric association designated by the
7 board by rules and regulations only under the direction of a licensed
8 clinical professional counselor, licensed psychologist, person licensed to
9 practice medicine and surgery or person licensed to provide mental health
10 services as an independent practitioner and whose licensure allows for the
11 diagnosis and treatment of mental disorders. When a client has symptoms
12 of a mental disorder, a licensed professional counselor shall consult with
13 the client's primary care physician or psychiatrist to determine if there may
14 be a medical condition or medication that may be causing or contributing
15 to the client's symptoms of a mental disorder. A client may request in
16 writing that such consultation be waived and such request shall be made a
17 part of the client's record. A licensed professional counselor may continue
18 to evaluate and treat the client until such time that the medical consultation
19 is obtained or waived.

20 (d) The board shall adopt rules and regulations establishing the
21 criteria that a college or university shall satisfy in order to be approved by
22 the board. The board may send a questionnaire developed by the board to
23 any college or university for which the board does not have sufficient
24 information to determine whether the school meets the requirements for
25 approval and rules and regulations adopted under this section. The
26 questionnaire providing the necessary information shall be completed and
27 returned to the board in order for the college or university to be considered
28 for approval. The board may contract with investigative agencies,
29 commissions or consultants to assist the board in obtaining information
30 about colleges and universities. In entering such contracts, the authority to
31 approve college and universities shall remain solely with the board.

32 (e) A person who is waiting to take the examination required by the
33 board may apply to the board for a temporary license to practice as a
34 licensed professional counselor by:

35 (1) Paying an application fee of ~~no~~ not more than \$150; and

36 (2) meeting the application requirements as stated in K.S.A. 65-
37 5804a(b)(1), (2) and (4), and amendments thereto.

38 (f) (1) A temporary license may be issued by the board after the
39 application has been reviewed and approved by the board and the applicant
40 has paid the appropriate fee set by the board for issuance of ~~new licenses a~~
41 *temporary license*.

42 (2) Absent extenuating circumstances approved by the board, a
43 temporary license issued by the board shall expire upon the date the board

1 issues or denies a license to practice professional counseling or ~~six~~ 12
2 months after the date of issuance of the temporary license. No temporary
3 license will be renewed or issued again on any subsequent application for
4 the same license level. The preceding provisions in no way limit the
5 number of times an applicant may take the examination.

6 (g) A person practicing professional counseling with a temporary
7 license may not use the title "licensed professional counselor" or the
8 initials "LPC" independently. The word "licensed" may be used only when
9 followed by the words "by temporary license," such as licensed
10 professional counselor by temporary license, or professional counselor
11 licensed by temporary license.

12 (h) No person may practice professional counseling under a
13 temporary license except under the supervision of a person licensed by the
14 behavioral sciences regulatory board at the independent level.

15 (i) Nothing in this section shall affect any temporary license to
16 practice issued under this section prior to the effective date of this act and
17 in effect on the effective date of this act. Such temporary license shall be
18 subject to the provisions of this section in effect at the time of its issuance
19 and shall continue to be effective until the date of expiration of the
20 temporary license provided under this section at the time of issuance of
21 such temporary license.

22 Sec. 3. K.S.A. 65-5807a is hereby amended to read as follows: 65-
23 5807a. (a) Upon written application and board approval, an individual who
24 is licensed to engage in the independent clinical practice of professional
25 counseling at the clinical level in another jurisdiction ~~and~~, who is in good
26 standing in that other jurisdiction *and who has engaged in the clinical*
27 *practice of professional counseling in that jurisdiction for at least two*
28 *years immediately preceding application* may engage in the independent
29 practice of clinical professional counseling as provided by K.S.A. 65-5801
30 et seq., and amendments thereto, in this state for ~~no~~ *not* more than ~~15~~ 30
31 days per year upon receipt of a temporary permit to practice issued by the
32 board. *Such individual engaging in such practice in this state shall provide*
33 *quarterly reports to the board on a form approved by the board detailing*
34 *the total days of practice in this state.*

35 (b) Any clinical professional counseling services rendered within any
36 24-hour period shall count as one entire day of clinical professional
37 counseling services.

38 (c) The temporary permit to practice shall be effective on the date of
39 approval by the board and shall expire ~~December 31 of that year~~ *one year*
40 *after issuance*. Upon written application ~~and for good cause shown, the~~
41 ~~board may extend the temporary permit to practice no more than 15~~
42 ~~additional days not later than 30 days before the expiration of a temporary~~
43 ~~permit and under emergency circumstances, as defined by the board, the~~

1 *board may extend the temporary permit for not more than one additional*
2 *year. Such extended temporary permit shall authorize the individual to*
3 *practice in this state for an additional 30 days during the additional year.*
4 *Such individual engaging in such practice shall provide quarterly reports*
5 *to the board on a form approved by the board detailing the total days of*
6 *practice in this state.*

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

11 (e) A person who holds a temporary permit to practice clinical
12 professional counseling in this state shall be deemed to have submitted to
13 the jurisdiction of the board and shall be bound by the statutes and
14 regulations that govern the practice of clinical professional counseling in
15 this state.

16 (f) In accordance with the Kansas administrative ~~procedures~~
17 *procedure* act, the board may issue a cease and desist order or assess a fine
18 of up to \$1,000 per day, or both, against a person licensed in another
19 jurisdiction who engages in the independent practice of clinical
20 professional counseling in this state without complying with the provisions
21 of this section.

22 (g) This section shall be *a* part of and supplemental to the
23 professional counselors licensure act.

24 Sec. 4. K.S.A. 65-5808 is hereby amended to read as follows: 65-
25 5808. (a) The board may fix the following fees, and any such fees shall be
26 established by rules and regulations adopted by the board:

27 (1) For application for licensure as a professional counselor, not more
28 than \$100;

29 (2) for an original license as a professional counselor, not more than
30 \$175;

31 (3) for a temporary license as a professional counselor, not more than
32 \$175;

33 (4) for renewal for licensure as a professional counselor, not more
34 than \$150;

35 (5) for application for licensure as a clinical professional counselor,
36 not more than \$175;

37 (6) for licensure as a clinical professional counselor, not more than
38 \$175;

39 (7) for renewal for licensure as a clinical professional counselor, not
40 more than \$175;

41 (8) for late renewal penalty, an amount equal to the fee for renewal of
42 a license;

43 (9) for reinstatement of a license, not more than \$175;

- 1 (10) for replacement of a license, not more than \$20; ~~and~~
2 (11) for a wallet card license, not more than \$5; *and*
3 (12) *for application as a board-approved clinical supervisor; not*
4 *more than \$50.*

5 (b) Fees paid to the board are not refundable.

6 Sec. 5. K.S.A. 65-5809 is hereby amended to read as follows: 65-
7 5809. (a) The board may refuse to issue, renew or reinstate a license, may
8 condition, limit, revoke or suspend a license, may publicly or privately
9 censure a licensee or may impose a fine not to exceed \$1,000 per violation
10 upon a finding that a licensee or an applicant for licensure:

11 (1) Is incompetent to practice professional counseling, ~~which~~.
12 "*Incompetent to practice professional counseling*" means:

13 (A) One or more instances involving failure to adhere to the
14 applicable standard of care to a degree that constitutes gross negligence, as
15 determined by the board;

16 (B) repeated instances involving failure to adhere to the applicable
17 standard of care to a degree that constitutes ordinary negligence, as
18 determined by the board; or

19 (C) a pattern of practice or other behavior that demonstrates a
20 manifest incapacity or incompetence to practice professional counseling;

21 (2) has been convicted of a felony offense and has not demonstrated
22 to the board's satisfaction that such person has been sufficiently
23 rehabilitated to merit the public trust;

24 (3) has been convicted of a misdemeanor against persons and has not
25 demonstrated to the board's satisfaction that such person has been
26 sufficiently rehabilitated to merit the public trust;

27 (4) is currently listed on a child abuse registry or an adult protective
28 services registry as the result of a substantiated finding of abuse or neglect
29 by any state agency, agency of another state, *the District of Columbia* or
30 the United States, territory of the United States or another country and the
31 applicant or licensee has not demonstrated to the board's satisfaction that
32 such person has been sufficiently rehabilitated to merit the public trust;

33 (5) has violated a provision of the professional counselors licensure
34 act or one or more rules and regulations of the board;

35 (6) has obtained or attempted to obtain a license or license renewal by
36 bribery or fraudulent representation;

37 (7) has knowingly made a false statement on a form required by the
38 board for a license or license renewal;

39 (8) has failed to obtain continuing education credits as required by
40 rules and regulations adopted by the board;

41 (9) has been found to have engaged in unprofessional conduct as
42 defined by applicable rules and regulations adopted by the board; ~~or~~

43 (10) has had a *professional* registration, license or certificate ~~as a~~

1 ~~professional counselor~~ revoked, suspended or limited, or has had other
2 disciplinary action taken, or an application for a registration, license or
3 certificate denied, by the proper regulatory authority of another state,
4 territory, District of Columbia, or other country, a certified copy of the
5 record of the action of the other jurisdiction being conclusive evidence
6 thereof; *or*

7 (11) *has violated any lawful order or directive of the board previously*
8 *entered by the board.*

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

13 (c) Administrative proceedings and disciplinary actions regarding
14 licensure under the professional counselors licensure act shall be
15 conducted in accordance with the Kansas administrative procedure act.
16 Judicial review and civil enforcement of agency actions under the
17 professional counselors licensure act shall be in accordance with the
18 Kansas judicial review act.

19 Sec. 6. K.S.A. 2020 Supp. 65-6306 is hereby amended to read as
20 follows: 65-6306. (a) The board shall issue a license as a baccalaureate
21 social worker to an applicant who *has*:

22 (1) ~~Has~~—A baccalaureate degree from an accredited college or
23 university, including completion of a social work program recognized and
24 approved by the board, pursuant to rules and regulations adopted by the
25 board;

26 (2) ~~has~~—passed an examination approved by the board for this
27 purpose; and

28 (3) ~~has~~—satisfied the board that the applicant is a person who merits
29 the public trust.

30 (b) The board shall issue a license as a master social worker to an
31 applicant who *has*:

32 (1) ~~Has~~—A master's degree from an accredited college or university,
33 including completion of a social work program recognized and approved
34 by the board, pursuant to rules and regulations adopted by the board;

35 (2) ~~has~~—passed an examination approved by the board for this
36 purpose; and

37 (3) ~~has~~—satisfied the board that the applicant is a person who merits
38 the public trust.

39 (c) The board shall issue a license in one of the social work
40 specialties to an applicant who *has*:

41 (1) ~~Has~~—A master's or doctor's degree from an accredited graduate
42 school of social work, including completion of a social work program
43 recognized and approved by the board, pursuant to rules and regulations

1 adopted by the board;

2 (2) ~~has~~ had two years of full-time post-master's or post-doctor's
3 degree experience under the supervision of a licensed social worker in the
4 area of the specialty in which such applicant seeks to be licensed;

5 (3) ~~has~~ passed an examination approved by the board for this
6 purpose; and

7 (4) ~~has~~ satisfied the board that the applicant is a person who merits
8 the public trust.

9 (d) (1) The board shall issue a license as a specialist clinical social
10 worker to an applicant who:

11 (A) Has met the requirements of subsection (c);

12 (B) has completed 15 credit hours as part of or in addition to the
13 requirements under subsection (c) supporting diagnosis or treatment of
14 mental disorders with use of the American psychiatric association's
15 diagnostic and statistical manual, through identifiable study of the
16 following content areas: Psychopathology, diagnostic assessment,
17 interdisciplinary referral and collaboration, treatment approaches and
18 professional ethics;

19 (C) has completed a graduate level supervised clinical practicum of
20 supervised professional experience including psychotherapy and
21 assessment, integrating diagnosis and treatment of mental disorders with
22 use of the American psychiatric association's diagnostic and statistical
23 manual, ~~with not less than 350 200 hours of direct client contact or~~
24 ~~additional postgraduate supervised experience as determined by the board;~~

25 (D) has completed as part of or in addition to the requirements of
26 subsection (c) not less than two years of postgraduate supervised
27 professional experience in accordance with a clinical supervision plan
28 approved by the board of not less than 3,000 hours of supervised
29 professional experience including at least 1,500 hours of direct client
30 contact conducting psychotherapy and assessments with individuals,
31 couples, families or groups and not less than 100 hours of *face-to-face*
32 clinical supervision, *as defined by the board in rules and regulations*,
33 including not less than ~~75~~ 50 hours of ~~person-to-person~~ individual
34 supervision, *except that the board may waive the requirement that such*
35 *supervision be face-to-face upon a finding of extenuating circumstances*,
36 integrating diagnosis and treatment of mental disorders with use of the
37 American psychiatric association's diagnostic and statistical manual;

38 (E) for persons earning a degree under subsection (c) prior to July 1,
39 2003, in lieu of the education and training requirements under ~~parts~~
40 ~~subparagraphs~~ (B) and (C) ~~of this subsection~~, has completed the education
41 requirements for licensure as a specialist clinical social worker in effect on
42 the day immediately preceding the effective date of this act;

43 (F) for persons who apply for and are eligible for a temporary license

1 to practice as a specialist clinical social worker on the day immediately
2 preceding the effective date of this act, in lieu of the education and training
3 requirements under ~~parts subparagraphs (B), (C) and (D) of this~~
4 ~~subsection~~, has completed the education and training requirements for
5 licensure as a specialist clinical social worker in effect on the day
6 immediately preceding the effective date of this act;

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

8 (H) has paid the application fee.

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

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

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

34 (e) The board shall adopt rules and regulations establishing the
35 criteria which a social work program of a college or university shall satisfy
36 to be recognized and approved by the board under this section. The board
37 may send a questionnaire developed by the board to any college or
38 university conducting a social work program for which the board does not
39 have sufficient information to determine whether the program should be
40 recognized and approved by the board and whether the program meets the
41 rules and regulations adopted under this section. The questionnaire
42 providing the necessary information shall be completed and returned to the
43 board in order for the program to be considered for recognition and

1 approval. The board may contract with investigative agencies,
2 commissions or consultants to assist the board in obtaining information
3 about a social work program of a college or university. In entering such
4 contracts the authority to recognize and approve a social work program of
5 a college or university shall remain solely with the board.

6 Sec. 7. K.S.A. 65-6309a is hereby amended to read as follows: 65-
7 6309a. (a) Upon written application and board approval, an individual who
8 is licensed to engage in the independent clinical practice of social work at
9 the clinical level in another jurisdiction ~~and~~, who is in good standing in
10 that other jurisdiction *and who has engaged in the clinical practice of*
11 *social work in that jurisdiction* may engage in the independent practice of
12 clinical social work as provided by K.S.A. 65-6308, and amendments
13 thereto, in this state for ~~no~~ *not* more than ~~15~~ *30* days per year upon receipt
14 of a temporary permit to practice issued by the board. *Such individual*
15 *engaging in such practice in this state shall provide quarterly reports to*
16 *the board on a form approved by the board detailing the total days of*
17 *practice in this state.*

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

20 (c) The temporary permit to practice shall be effective on the date of
21 approval by the board and shall expire ~~December 31 of that year~~ *one year*
22 *after issuance.* Upon written application ~~and for good cause shown, the~~
23 ~~board may extend the temporary permit to practice no more than 15~~
24 ~~additional days not later than 30 days before the expiration of a temporary~~
25 ~~permit and under emergency circumstances, as defined by the board, the~~
26 ~~board may extend the temporary permit for not more than one additional~~
27 ~~year. Such extended temporary permit shall authorize the individual to~~
28 ~~practice in this state for an additional 30 days during the additional year.~~
29 *Such individual engaging in such practice shall provide quarterly reports*
30 *to the board on a form approved by the board detailing the total days of*
31 *practice in this state.*

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

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

40 (f) In accordance with the Kansas administrative procedure act, the
41 board may issue a cease and desist order or assess a fine of up to \$1,000
42 per day, or both, against a person licensed in another jurisdiction who
43 engages in the independent practice of clinical social work in this state

1 without complying with the provisions of this section.

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

4 Sec. 8. K.S.A. 65-6311 is hereby amended to read as follows: 65-
5 6311. (a) The board may refuse to issue, renew or reinstate a license, may
6 condition, limit, revoke or suspend a license, may publicly or privately
7 censure a licensee or may impose a fine not to exceed \$1,000 per violation
8 upon a finding that a licensee or an applicant for license:

9 (1) Is incompetent to practice social work; ~~which.~~ "*Incompetent to*
10 *practice social work*" means:

11 (A) One or more instances involving failure to adhere to the
12 applicable standard of care to a degree that constitutes gross negligence, as
13 determined by the board;

14 (B) repeated instances involving failure to adhere to the applicable
15 standard of care to a degree that constitutes ordinary negligence, as
16 determined by the board; or

17 (C) a pattern of practice or other behavior that demonstrates a
18 manifest incapacity or incompetence to practice social work;

19 (2) has been convicted of a felony offense and has not demonstrated
20 to the board's satisfaction that such person has been sufficiently
21 rehabilitated to merit the public trust;

22 (3) has been convicted of a misdemeanor against persons and has not
23 demonstrated to the board's satisfaction that such person has been
24 sufficiently rehabilitated to merit the public trust;

25 (4) is currently listed on a child abuse registry or an adult protective
26 services registry as the result of a substantiated finding of abuse or neglect
27 by any state agency, agency of another state, *the District of Columbia* or
28 the United States, territory of the United States or another country and the
29 applicant or licensee has not demonstrated to the board's satisfaction that
30 such person has been sufficiently rehabilitated to merit the public trust;

31 (5) has violated a provision of the social workers licensure act or one
32 or more rules and regulations of the board;

33 (6) has obtained or attempted to obtain a license or license renewal by
34 bribery or fraudulent representation;

35 (7) has knowingly made a false statement on a form required by the
36 board for a license or license renewal;

37 (8) has failed to obtain continuing education credits as required by
38 rules and regulations adopted by the board;

39 (9) has been found to have engaged in unprofessional conduct as
40 defined by applicable rules and regulations adopted by the board; ~~or~~

41 (10) has had a *professional* license, registration or certificate ~~to~~
42 ~~practice social work~~ revoked, suspended or limited, or has had other
43 disciplinary action taken, or an application for a license, registration or

1 certificate denied, by the proper regulatory authority of another state,
2 territory, District of Columbia, or other country, a certified copy of the
3 record of the action of the other jurisdiction being conclusive evidence
4 thereof; *or*

5 *(11) has violated any lawful order or directive of the board previously*
6 *entered by the board.*

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

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

16 ~~Sec. 9.—K.S.A. 65-6314 is hereby amended to read as follows: 65-~~
17 ~~6314. (a) The following fees may be established by the board in~~
18 ~~accordance with the following limitations, and any such fees shall be~~
19 ~~established by rules and regulations adopted by the board:~~

20 ~~(1) Renewal or reinstatement fee for a license as a social work~~
21 ~~associate shall be not more than \$150.~~

22 ~~(2) Application, new license, reinstatement or renewal fee for a~~
23 ~~license as a baccalaureate social worker shall be not more than \$150.~~

24 ~~(3) Application, new license, reinstatement or renewal fee for a~~
25 ~~license as master social worker shall be not more than \$150.~~

26 ~~(4) Application, new license, reinstatement or renewal fee for a~~
27 ~~license in a social work specialty shall be not more than \$150.~~

28 ~~(5) Replacement fee for reissuance of a license certificate due to loss~~
29 ~~or name change shall be not more than \$20.~~

30 ~~(6) Replacement fee for reissuance of a wallet card shall be not more~~
31 ~~than \$5.~~

32 ~~(7) Temporary license fee for a baccalaureate social worker, master~~
33 ~~social worker or a social work specialty shall be not more than \$50.~~

34 ~~(8) Application fee for approval as board-approved continuing~~
35 ~~education sponsors shall be as follows:~~

36 ~~(A) Initial application fee for one year provisionally approved~~
37 ~~providers shall be not more than \$125;~~

38 ~~(B) three-year renewal fees for approved providers shall be not more~~
39 ~~than \$350; and~~

40 ~~(C) application fees for single program providers shall be not more~~
41 ~~than \$50 for each separately offered continuing education activity for~~
42 ~~which prior approval is sought.~~

43 ~~(9) Application fee for approval as a board-approved clinical-~~

1 ~~supervisor shall be not more than \$50.~~

2 ~~(b) Fees paid to the board are not refundable.~~

3 Sec. ~~10.~~ **9.** K.S.A. 65-6404 is hereby amended to read as follows: 65-
4 6404. (a) An applicant for licensure as a marriage and family therapist
5 shall furnish evidence that the applicant *has*:

6 (1) ~~Has Attained the age of 21 years of age;~~

7 (2) (A) ~~has~~ completed a master's or doctoral degree from a marriage
8 and family therapy program, in an educational institution with standards
9 approved by the board; ~~or~~ (B) has completed a master's or doctoral degree
10 from an educational institution in a related field for which the course work
11 is considered by the board to be equivalent to that provided in ~~clause (2)~~
12 ~~subparagraph (A) of this paragraph~~ and consists of a minimum of nine
13 semester hours in human development, nine semester hours in theories of
14 marriage and family functioning, nine semester hours of marital and
15 family assessment and therapy, three semester hours in professional
16 studies and three semester hours in research; or (C) completed a master's
17 or doctoral degree from an educational institution in a related field with
18 additional work from an educational program in marriage and family
19 therapy approved by the board and such degree program and additional
20 work includes the course work requirements provided in ~~clause (2)~~
21 ~~subgraph (B) of this paragraph~~;

22 (3) ~~has~~ passed an examination approved by the board;

23 (4) ~~has~~ satisfied the board that the applicant is a person who merits
24 the public trust; and

25 (5) ~~each applicant~~ has paid the application fee established by the
26 board under K.S.A. 65-6411, and amendments thereto.

27 (b) (1) Applications for licensure as a clinical marriage and family
28 therapist shall be made to the board on a form and in the manner
29 prescribed by the board. Each applicant shall furnish evidence satisfactory
30 to the board that the applicant:

31 (A) Is licensed by the board as a licensed marriage and family
32 therapist or meets all requirements for licensure as a marriage and family
33 therapist;

34 (B) has completed 15 credit hours as part of or in addition to the
35 requirements under subsection (a) supporting diagnosis or treatment of
36 mental disorders with use of the American psychiatric association's
37 diagnostic and statistical manual, through identifiable study of the
38 following content areas: Psychopathology, diagnostic assessment,
39 interdisciplinary referral and collaboration, treatment approaches and
40 professional ethics;

41 (C) has completed a graduate level supervised clinical practicum of
42 supervised professional experience including psychotherapy and
43 assessment with individuals, couples, families or groups, integrating

1 diagnosis and treatment of mental disorders with use of the American
2 psychiatric association's diagnostic and statistical manual, with not less
3 than 350 hours of direct client contact or additional postgraduate
4 supervised experience as determined by the board;

5 (D) has completed not less than two years of postgraduate supervised
6 professional experience in accordance with a clinical supervision plan
7 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
8 professional experience including at least 1,500 hours of direct client
9 contact conducting psychotherapy and assessments with individuals,
10 couples, families or groups and not less than ~~150~~ 100 hours of *face-to-face*
11 clinical supervision, *as defined by the board in rules and regulations*,
12 including not less than 50 hours of ~~person-to-person~~ individual
13 supervision, *except that the board may waive the requirement that such*
14 *supervision be face-to-face upon a finding of extenuating circumstances*,
15 integrating diagnosis and treatment of mental disorders with use of the
16 American psychiatric association's diagnostic and statistical manual,
17 except that ~~one-half the board may waive 1/2 of the requirement of hours~~
18 *required by this part (D) may be waived subparagraph for persons with an*
19 *individual who has a doctor's degree in marriage and family therapy or a*
20 *related field acceptable to the board and who completes the required 1/2 of*
21 *the hours in not less than one year of supervised professional experience;*

22 (E) for persons ~~earning~~ *who earned* a degree under subsection (a)
23 prior to July 1, 2003, in lieu of the education and training requirements
24 under ~~parts subparagraphs (B) and (C) of this subsection~~, has completed
25 the education requirements for licensure as a marriage and family therapist
26 in effect on the day immediately preceding the effective date of this act;

27 (F) for persons who apply for and are eligible for a temporary permit
28 to practice as a licensed marriage and family therapist on the day
29 immediately preceding the effective date of this act, in lieu of the
30 education and training requirements under ~~parts subparagraphs (B), (C)~~
31 ~~and (D) of this subsection~~, has completed the education and training
32 requirements for licensure as a marriage and family therapist in effect on
33 the day immediately preceding the effective date of this act;

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

35 (H) has paid the application fee fixed under K.S.A. 65-6411, and
36 amendments thereto.

37 (2) A person who was licensed or registered as a marriage and family
38 therapist in Kansas at any time prior to the effective date of this act, who
39 has been actively engaged in the practice of marriage and family therapy
40 as a registered or licensed marriage and family therapist within five years
41 prior to the effective date of this act and whose last license or registration
42 in Kansas prior to the effective date of this act was not suspended or
43 revoked, upon application to the board, payment of fees and completion of

1 applicable continuing education requirements, shall be licensed as a
2 licensed clinical marriage and family therapist by providing demonstration
3 of competence to diagnose and treat mental disorders through at least two
4 of the following areas acceptable to the board:

5 (A) Either: (i) Graduate coursework; or (ii) passing a national,
6 clinical examination;

7 (B) either: (i) Three years of clinical practice in a community mental
8 health center, its contracted affiliate or a state mental hospital; or (ii) three
9 years of clinical practice in other settings with demonstrated experience in
10 diagnosing or treating mental disorders; or

11 (C) attestation from one professional licensed to diagnose and treat
12 mental disorders in independent practice or licensed to practice medicine
13 and surgery that the applicant is competent to diagnose and treat mental
14 disorders.

15 (3) A licensed clinical marriage and family therapist may engage in
16 the independent practice of marriage and family therapy and is authorized
17 to diagnose and treat mental disorders specified in the edition of the
18 diagnostic and statistical manual of mental disorders of the American
19 psychiatric association designated by the board by rules and regulations.
20 When a client has symptoms of a mental disorder, a licensed clinical
21 marriage and family therapist shall consult with the client's primary care
22 physician or psychiatrist to determine if there may be a medical condition
23 or medication that may be causing or contributing to the client's symptoms
24 of a mental disorder. A client may request in writing that such consultation
25 be waived and such request shall be made a part of the client's record. A
26 licensed clinical marriage and family therapist may continue to evaluate
27 and treat the client until such time that the medical consultation is obtained
28 or waived.

29 (4) On and after January 1, 2002, a licensed marriage and family
30 therapist may diagnose and treat mental disorders ~~specified in the edition~~
31 ~~of the diagnostic and statistical manual of mental disorders~~ specified in the
32 edition of the diagnostic and statistical manual of mental disorders of the
33 American psychiatric association designated by the board by rules and
34 regulations only under the direction of a licensed clinical marriage and
35 family therapist, licensed psychologist, person licensed to practice
36 medicine and surgery or person licensed to provide mental health services
37 as an independent practitioner and whose licensure allows for the
38 diagnosis and treatment of mental disorders. When a client has symptoms
39 of a mental disorder, a licensed marriage and family therapist shall consult
40 with the client's primary care physician or psychiatrist to determine if there
41 may be a medical condition or medication that may be causing or
42 contributing to the client's symptoms of a mental disorder. A client may
43 request in writing that such consultation be waived and such request shall

1 be made a part of the client's record. A licensed marriage and family
2 therapist may continue to evaluate and treat the client until such time that
3 the medical consultation is obtained or waived.

4 ~~Sec. 10.~~ **10.** K.S.A. 65-6405a is hereby amended to read as follows:
5 65-6405a. (a) Upon written application and board approval, an individual
6 who is licensed to engage in the independent clinical practice of marriage
7 and family therapy at the clinical level in another jurisdiction ~~and~~, who is
8 in good standing in that other jurisdiction *and who has engaged in the*
9 *clinical practice of marriage and family therapy in that jurisdiction for at*
10 *least two years immediately preceding application* may engage in the
11 independent practice of clinical marriage and family therapy as provided
12 by K.S.A. 65-6401 et seq., and amendments thereto, in this state for ~~no~~ *not*
13 more than ~~15~~ 30 days per year upon receipt of a temporary permit to
14 practice issued by the board. *Such individual engaging in such practice in*
15 *this state shall provide quarterly reports to the board on a form approved*
16 *by the board detailing the total days of practice in this state.*

17 (b) Any clinical marriage and family therapy services rendered within
18 any 24-hour period shall count as one entire day of clinical marriage and
19 family therapy services.

20 (c) The temporary permit to practice shall be effective on the date of
21 approval by the board and shall expire ~~December 31 of that year~~ *one year*
22 *after issuance.* Upon written application ~~and for good cause shown, the~~
23 ~~board may extend the temporary permit to practice no more than 15~~
24 ~~additional days not later than 30 days before the expiration of a temporary~~
25 ~~permit and under emergency circumstances, as defined by the board, the~~
26 ~~board may extend the temporary permit for not more than one additional~~
27 ~~year. Such extended temporary permit shall authorize the individual to~~
28 ~~practice in this state for an additional 30 days during the additional year.~~
29 *Such individual engaging in such practice shall provide quarterly reports*
30 *to the board on a form approved by the board detailing the total days of*
31 *practice in this state.*

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

36 (e) A person who holds a temporary permit to practice clinical
37 marriage and family therapy in this state shall be deemed to have
38 submitted to the jurisdiction of the board and shall be bound by the statutes
39 and regulations that govern the practice of clinical marriage and family
40 therapy in this state.

41 (f) In accordance with the Kansas administrative procedures act, the
42 board may issue a cease and desist order or assess a fine of up to \$1,000
43 per day, or both, against a person licensed in another jurisdiction who

1 engages in the independent practice of clinical marriage and family
2 therapy in this state without complying with the provisions of this section.

3 (g) This section shall be *a* part of and supplemental to the marriage
4 and family therapists licensure act.

5 Sec. ~~12~~ 11. K.S.A. 65-6408 is hereby amended to read as follows:
6 65-6408. (a) The board may refuse to issue, renew or reinstate a license,
7 may condition, limit, revoke or suspend a license, may publicly or
8 privately censure a licensee or may impose a fine not to exceed \$1,000 per
9 violation upon a finding that a licensee or an applicant for license:

10 (1) Is incompetent to practice marriage and family therapy, ~~which~~
11 "*Incompetent to practice marriage and family therapy*" means:

12 (A) One or more instances involving failure to adhere to the
13 applicable standard of care to a degree that constitutes gross negligence, as
14 determined by the board;

15 (B) repeated instances involving failure to adhere to the applicable
16 standard of care to a degree that constitutes ordinary negligence, as
17 determined by the board; or

18 (C) a pattern of practice or other behavior that demonstrates a
19 manifest incapacity or incompetence to practice marriage and family
20 therapy;

21 (2) has been convicted of a felony offense and has not demonstrated
22 to the board's satisfaction that such person has been sufficiently
23 rehabilitated to merit the public trust;

24 (3) has been convicted of a misdemeanor against persons and has not
25 demonstrated to the board's satisfaction that such person has been
26 sufficiently rehabilitated to merit the public trust;

27 (4) is currently listed on a child abuse registry or an adult protective
28 services registry as the result of a substantiated finding of abuse or neglect
29 by any state agency, agency of another state, *the District of Columbia* or
30 the United States, territory of the United States or another country and the
31 applicant or licensee has not demonstrated to the board's satisfaction that
32 such person has been sufficiently rehabilitated to merit the public trust;

33 (5) has violated a provision of the marriage and family therapists
34 licensure act or one or more of the rules and regulations of the board;

35 (6) has obtained or attempted to obtain a license or license renewal by
36 bribery or fraudulent representation;

37 (7) has knowingly made a false statement on a form required by the
38 board for license or license renewal;

39 (8) has failed to obtain continuing education credits required by rules
40 and regulations of the board;

41 (9) has been found to have engaged in unprofessional conduct as
42 defined by applicable rules and regulations adopted by the board; ~~or~~

43 (10) has had a *professional* registration, license or certificate ~~as a~~

1 ~~marriage and family therapist~~ revoked, suspended or limited, or has had
2 other disciplinary action taken, or an application for registration, license or
3 certificate denied, by the proper regulatory authority of another state,
4 territory, District of Columbia or another country, a certified copy of the
5 record of the action of the other jurisdiction being conclusive evidence
6 thereof; *or*

7 (11) *has violated any lawful order or directive of the board previously*
8 *entered by the board.*

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

13 (c) Administrative proceedings and disciplinary actions regarding
14 licensure under the marriage and family therapists licensure act shall be
15 conducted in accordance with the Kansas administrative procedure act.
16 Judicial review and civil enforcement of agency actions under the
17 marriage and family therapists licensure act shall be in accordance with the
18 Kansas judicial review act.

19 ~~Sec. 13:~~ **12.** K.S.A. 2020 Supp. 65-6411 is hereby amended to read as
20 follows: 65-6411. (a) The board may fix the following fees, and any such
21 fees shall be established by rules and regulations adopted by the board:

22 (1) For application for licensure as a marriage and family therapist,
23 not to exceed \$150;

24 (2) for temporary licensure as a marriage and family therapist, not to
25 exceed \$175;

26 (3) for original licensure as a marriage and family therapist, not to
27 exceed \$175;

28 (4) for renewal for licensure as a marriage and family therapist, not to
29 exceed \$175;

30 (5) for application for licensure as a clinical marriage and family
31 therapist, not to exceed \$175;

32 (6) for original licensure as a clinical marriage and family therapist,
33 not to exceed \$175;

34 (7) for renewal for licensure as a clinical marriage and family
35 therapist, not to exceed \$175;

36 (8) for reinstatement of a license, not to exceed \$175;

37 (9) for replacement of a license, not to exceed \$20;

38 (10) for renewal penalty, an amount equal to the renewal of license;
39 ~~and~~

40 (11) for a wallet card license, not to exceed \$5; *and*

41 (12) *for application for approval as a board-approved clinical*
42 *supervisor; not to exceed \$50.*

43 (b) Fees paid to the board are not refundable.

1 ~~Sec. 14.~~ **13.** K.S.A. 65-6610 is hereby amended to read as follows:
2 65-6610. (a) An applicant for licensure as an addiction counselor shall
3 furnish evidence that the applicant:

4 (1) Has attained ~~the age of~~ 21 *years of age*;

5 (2) (A) has completed at least a baccalaureate degree from an
6 addiction counseling program that is part of a college or university
7 approved by the board; or

8 (B) has completed at least a baccalaureate degree from a college or
9 university approved by the board. As part of, or in addition to, the
10 baccalaureate degree coursework, such applicant shall also complete a
11 minimum number of semester hours of coursework on substance use
12 disorders as approved by the board; or

13 (C) is currently licensed in Kansas as a licensed baccalaureate social
14 worker and has completed a minimum number of semester hours of
15 coursework on substance use disorders as approved by the board; and

16 (3) has passed an examination approved by the board;

17 (4) has satisfied the board that the applicant is a person who merits
18 the public trust; and

19 (5) has paid the application fee established by the board under K.S.A.
20 65-6618, and amendments thereto.

21 (b) Applications for licensure as a master's addiction counselor shall
22 be made to the board on a form and in the manner prescribed by the board.
23 Each applicant shall furnish evidence satisfactory to the board that the
24 applicant:

25 (1) (A) Has attained ~~the age of~~ 21 *years of age*;

26 (B) (i) has completed at least a master's degree from an addiction
27 counseling program that is part of a college or university approved by the
28 board;

29 (ii) has completed at least a master's degree from a college or
30 university approved by the board. As part of or in addition to the master's
31 degree coursework, such applicant shall also complete a minimum number
32 of semester hours of coursework supporting the diagnosis and treatment of
33 substance use disorders as approved by the board; or

34 (iii) is currently licensed in Kansas as a licensed master social
35 worker, licensed professional counselor, licensed marriage and family
36 therapist or licensed master's level psychologist; ~~and~~

37 (C) has passed an examination approved by the board;

38 (D) has satisfied the board that the applicant is a person who merits
39 the public trust; and

40 (E) has paid the application fee fixed under K.S.A. 65-6618, and
41 amendments thereto; or

42 (2) (A) has met the following requirements on or before July 1, 2016:

43 (i) Holds an active license by the board as an addiction counselor; and

1 (ii) has completed at least a master's degree in a related field from a
2 college or university approved by the board; and

3 (B) has completed six hours of continuing education in the diagnosis
4 and treatment of substance use disorders during the three years
5 immediately preceding the application date.

6 (c) Applications for licensure as a clinical addiction counselor shall
7 be made to the board on a form and in the manner prescribed by the board.
8 Each applicant shall furnish evidence satisfactory to the board that the
9 applicant:

10 (1) Has attained ~~the age of 21 years of age; and~~

11 (2) (A) (i) has completed at least a master's degree from an addiction
12 counseling program that is part of a college or university approved by the
13 board; and

14 (ii) has completed not less than two years of postgraduate supervised
15 professional experience in accordance with a clinical supervision plan
16 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
17 professional experience including at least 1,500 hours of direct client
18 contact conducting substance abuse assessments and treatment with
19 individuals, couples, families or groups and not less than ~~150~~ 100 hours of
20 *face-to-face* clinical supervision, *as defined by the board in rules and*
21 *regulations*, including not less than 50 hours of ~~person-to-person~~
22 individual supervision, *except that the board may waive the requirement*
23 *that such supervision be face-to-face upon a finding of extenuating*
24 *circumstances*, integrating diagnosis and treatment of substance use
25 disorders with use of the diagnostic and statistical manual of mental
26 disorders of the American psychiatric association; ~~or has completed not~~
27 ~~less than one year of postgraduate supervised professional experience in~~
28 ~~accordance with a clinical supervision plan approved by the board of not~~
29 ~~less than 2,000 hours of supervised professional experience including at~~
30 ~~least 750 hours of direct client contact conducting substance abuse~~
31 ~~assessments and treatment with individuals, couples, families or groups~~
32 ~~and not less than 75 hours of clinical supervision, including not less than~~
33 ~~25 hours of person-to-person individual supervision, integrating diagnosis~~
34 ~~and treatment of substance use disorders with use of the diagnostic and~~
35 ~~statistical manual of mental disorders of the American psychiatric~~
36 ~~association, and such person has a doctoral degree in addiction counseling~~
37 ~~or a related field as approved by the board, except that the board may~~
38 ~~wave 1/2 of the hours required by this clause for an individual who has a~~
39 ~~doctoral degree in addiction counseling or a related field approved by the~~
40 ~~board and who completes the required 1/2 of the hours in not less than one~~
41 ~~year of supervised professional experience; or~~

42 (B) (i) has completed at least a master's degree from a college or
43 university approved by the board. As part of or in addition to the master's

1 degree coursework, such applicant shall also complete a minimum number
2 of semester hours of coursework supporting the diagnosis and treatment of
3 substance use disorders as approved by the board; and

4 (ii) has completed not less than two years of postgraduate supervised
5 professional experience in accordance with a clinical supervision plan
6 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
7 professional experience including at least 1,500 hours of direct client
8 contact conducting substance abuse assessments and treatment with
9 individuals, couples, families or groups and not less than ~~150~~ 100 hours of
10 *face-to-face* clinical supervision, *as defined by the board in rules and*
11 *regulations*, including not less than 50 hours of ~~person-to-person~~
12 individual supervision, *except that the board may waive the requirement*
13 *that such supervision be face-to-face upon a finding of extenuating*
14 *circumstances*, integrating diagnosis and treatment of substance use
15 disorders with use of the diagnostic and statistical manual of mental
16 disorders of the American psychiatric association; ~~or has completed not~~
17 ~~less than one year of postgraduate supervised professional experience in~~
18 ~~accordance with a clinical supervision plan approved by the board of not~~
19 ~~less than 2,000 hours of supervised professional experience including at~~
20 ~~least 750 hours of direct client contact conducting substance abuse~~
21 ~~assessments and treatment with individuals, couples, families or groups~~
22 ~~and not less than 75 hours of clinical supervision, including not less than~~
23 ~~25 hours of person-to-person individual supervision, integrating diagnosis~~
24 ~~and treatment of substance use disorders with use of the diagnostic and~~
25 ~~statistical manual of mental disorders of the American psychiatric~~
26 ~~association, and such person has a doctoral degree in addiction counseling~~
27 ~~or a related field as approved by the board, except that the board may~~
28 ~~wave 1/2 of the hours required by this clause for an individual who has a~~
29 ~~doctoral degree in addiction counseling or a related field approved by the~~
30 ~~board and who completes the required 1/2 of the hours in not less than one~~
31 ~~year of supervised professional experience; or~~

32 (C) (i) has completed a master's degree from a college or university
33 approved by the board and is licensed by the board as a licensed master's
34 addiction counselor; and

35 (ii) has completed not less than two years of postgraduate supervised
36 professional experience in accordance with a clinical supervision plan
37 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
38 professional experience including at least 1,500 hours of direct client
39 contact conducting substance abuse assessments and treatment with
40 individuals, couples, families or groups and not less than ~~150~~ 100 hours of
41 *face-to-face* clinical supervision, *as defined by the board in rules and*
42 *regulations*, including not less than 50 hours of ~~person-to-person~~
43 individual supervision, *except that the board may waive the requirement*

1 *that such supervision be face-to-face upon a finding of extenuating*
2 *circumstances, integrating diagnosis and treatment of substance use*
3 *disorders with use of the diagnostic and statistical manual of mental*
4 *disorders of the American psychiatric association; ~~or has completed not~~*
5 *~~less than one year of postgraduate supervised professional experience in~~*
6 *~~accordance with a clinical supervision plan approved by the board of not~~*
7 *~~less than 2,000 hours of supervised professional experience including at~~*
8 *~~least 750 hours of direct client contact conducting substance abuse~~*
9 *~~assessments and treatment with individuals, couples, families or groups~~*
10 *~~and not less than 75 hours of clinical supervision, including not less than~~*
11 *~~25 hours of person-to-person individual supervision, integrating diagnosis~~*
12 *~~and treatment of substance use disorders with use of the diagnostic and~~*
13 *~~statistical manual of mental disorders of the American psychiatric~~*
14 *~~association, and such person has a doctoral degree in addiction counseling~~*
15 *~~or a related field as approved by the board, except that the board may~~*
16 *~~waive 1/2 of the hours required by this clause for an individual who has a~~*
17 *~~doctoral degree in addiction counseling or a related field approved by the~~*
18 *~~board and who completes the required 1/2 of the hours in not less than one~~*
19 *~~year of supervised professional experience; or~~*

20 (D) is currently licensed in Kansas as a licensed psychologist,
21 licensed specialist clinical social worker, licensed clinical professional
22 counselor, licensed clinical psychotherapist or licensed clinical marriage
23 and family therapist and provides to the board an attestation from a
24 professional licensed to diagnose and treat mental disorders, or substance
25 use disorders, or both, in independent practice or licensed to practice
26 medicine and surgery stating that the applicant is competent to diagnose
27 and treat substance use disorders; ~~and~~

28 (3) has passed an examination approved by the board; ~~and~~

29 (4) has satisfied the board that the applicant is a person who merits
30 the public trust; and

31 (5) has paid the application fee fixed under K.S.A. 65-6618, and
32 amendments thereto.

33 ~~Sec. 14.~~ K.S.A. 65-6612 is hereby amended to read as follows:
34 65-6612. (a) Upon written application and board approval, an individual
35 who is licensed to engage in the independent clinical practice of addiction
36 counseling at the clinical level in another jurisdiction ~~and~~, who is in good
37 standing in that other jurisdiction *and who has engaged in the clinical*
38 *practice of addiction counseling in that jurisdiction for at least two years*
39 *immediately preceding application* may engage in the independent practice
40 of clinical addiction counseling as provided by the addiction counselor
41 licensure act; in this state for not more than ~~15~~ 30 days per year upon
42 receipt of a temporary permit to practice issued by the board. *Such*
43 *individual engaging in such practice shall provide quarterly reports to the*

1 *board on a form approved by the board detailing the total days of practice*
2 *in this state.*

3 (b) Any clinical addiction counseling services rendered within any
4 24-hour period shall count as one entire day of clinical addiction
5 counseling services.

6 (c) The temporary permit to practice shall be effective on the date of
7 approval by the board and shall expire ~~December 31 of that year~~ *one year*
8 *after issuance.* Upon written application ~~and for good cause shown, the~~
9 ~~board may extend the temporary permit to practice no more than 15~~
10 ~~additional days not later than 30 days before the expiration of a temporary~~
11 ~~permit and under emergency circumstances, as defined by the board, the~~
12 ~~board may extend the temporary permit for not more than one additional~~
13 ~~year. Such extended temporary permit shall authorize the individual to~~
14 ~~practice in this state for an additional 30 days during the additional year.~~
15 *Such individual engaging in such practice shall provide quarterly reports*
16 *to the board on a form approved by the board detailing the total days of*
17 *practice in this state.*

18 (d) The board shall charge a fee for a temporary permit to practice
19 and a fee for an extension of a temporary permit to practice as fixed under
20 K.S.A. 65-6618, and amendments thereto.

21 (e) A person who holds a temporary permit to practice clinical
22 addiction counseling in this state shall be deemed to have submitted to the
23 jurisdiction of the board and shall be bound by the statutes and regulations
24 that govern the practice of clinical addiction counseling in this state.

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

30 ~~Sec. 16.~~ **15.** K.S.A. 65-6615 is hereby amended to read as follows:
31 65-6615. (a) The board may refuse to issue, renew or reinstate a license,
32 may condition, limit, revoke or suspend a license, may publicly or
33 privately censure a licensee or may impose a fine not to exceed \$1,000 per
34 violation upon a finding that a licensee or an applicant for license:

35 (1) Is incompetent to practice addiction counseling; ~~which.~~
36 *"Incompetent to practice addiction counseling" means:*

37 (A) One or more instances involving failure to adhere to the
38 applicable standard of care to a degree that constitutes gross negligence, as
39 determined by the board;

40 (B) repeated instances involving failure to adhere to the applicable
41 standard of care to a degree that constitutes ordinary negligence, as
42 determined by the board; or

43 (C) a pattern of practice or other behavior that demonstrates a

1 manifest incapacity or incompetence to practice addiction counseling;

2 (2) has been convicted of a felony offense and has not demonstrated
3 to the board's satisfaction that such person has been sufficiently
4 rehabilitated to merit the public trust;

5 (3) has been convicted of a misdemeanor against persons and has not
6 demonstrated to the board's satisfaction that such person has been
7 sufficiently rehabilitated to merit the public trust;

8 (4) is currently listed on a child abuse registry or an adult protective
9 services registry as the result of a substantiated finding of abuse or neglect
10 by any state agency, agency of another state, *the District of Columbia* or
11 the United States, territory of the United States or another country and the
12 applicant or licensee has not demonstrated to the board's satisfaction that
13 such person has been sufficiently rehabilitated to merit the public trust;

14 (5) has violated a provision of the addiction counselor licensure act or
15 one or more of the rules and regulations of the board;

16 (6) has obtained or attempted to obtain a license or license renewal by
17 bribery or fraudulent representation;

18 (7) has knowingly made a false statement on a form required by the
19 board for license or license renewal;

20 (8) has failed to obtain continuing education credits required by rules
21 and regulations of the board;

22 (9) has been found to have engaged in unprofessional conduct as
23 defined by applicable rules and regulations adopted by the board; ~~or~~

24 (10) has had a *professional* registration, license or certificate ~~as an~~
25 ~~addiction counselor~~ revoked, suspended or limited, or has had other
26 disciplinary action taken, or an application for registration, license or
27 certificate denied, by the proper regulatory authority of another state,
28 territory, District of Columbia or another country, a certified copy of the
29 record of the action of the other jurisdiction being conclusive evidence
30 thereof; *or*

31 (11) *has violated any lawful order or directive of the board previously*
32 *entered by the board.*

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

37 (c) Administrative proceedings and disciplinary actions regarding
38 licensure under the addiction counselor licensure act shall be conducted in
39 accordance with the Kansas administrative procedure act. Judicial review
40 and civil enforcement of agency actions under the addiction counselor
41 licensure act shall be in accordance with the Kansas judicial review act.

42 Sec. ~~17.~~ **16.** K.S.A. 74-5316a is hereby amended to read as follows:
43 74-5316a. (a) Upon written application and board approval, an individual

1 who is licensed to engage in the independent practice of psychology in
2 another jurisdiction ~~and~~, who is in good standing in that other jurisdiction
3 *and who has engaged in the practice of psychology in that jurisdiction for*
4 *at least two years immediately preceding application* may engage in the
5 independent practice of psychology as provided by K.S.A. 74-5301 et seq.,
6 and amendments thereto, in this state for ~~no~~ *not* more than ~~15~~ 30 days per
7 year upon receipt of a temporary permit to practice issued by the board.
8 *Such individual engaging in such practice in this state shall provide*
9 *quarterly reports to the board on a form approved by the board detailing*
10 *the total days of practice in this state.*

11 (b) Any psychology services rendered within any 24-hour period
12 shall count as one entire day of psychology services.

13 (c) The temporary permit to practice shall be effective on the date of
14 approval by the board and shall expire ~~December 31 of that year~~ *one year*
15 *after issuance*. Upon written application ~~and for good cause shown, the~~
16 ~~board may extend the temporary permit to practice no more than 15~~
17 ~~additional days~~ *not later than 30 days before the expiration of a temporary*
18 *permit and under emergency circumstances, as defined by the board, the*
19 *board may extend the temporary permit for not more than one additional*
20 *year. Such extended temporary permit shall authorize the individual to*
21 *practice in this state for an additional 30 days during the additional year.*
22 *Such individual engaging in such practice shall provide quarterly reports*
23 *to the board on a form approved by the board detailing the total days of*
24 *practice in this state.*

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

29 (e) A person who holds a temporary permit to practice psychology in
30 this state shall be deemed to have submitted to the jurisdiction of the board
31 and shall be bound by the statutes and regulations that govern the practice
32 of psychology in this state.

33 (f) In accordance with the Kansas administrative ~~procedures~~
34 *procedure* act, the board may issue a cease and desist order or assess a fine
35 of up to \$1,000 per day, or both, against a person licensed in another
36 jurisdiction who engages in the independent practice of psychology in this
37 state without complying with the provisions of this section.

38 (g) This section shall be *a* part of and supplemental to the licensure of
39 psychologists act.

40 Sec. ~~18.~~ 17. K.S.A. 74-5324 is hereby amended to read as follows:
41 74-5324. (a) The board may refuse to issue, renew or reinstate a license,
42 may condition, limit, revoke or suspend a license, may publicly or
43 privately censure a licensee or may impose a fine not to exceed \$1,000 per

1 violation upon a finding that a licensee or an applicant for a license:

2 (1) Is incompetent to practice psychology; ~~which.~~ *"Incompetent to*
3 *practice psychology"* means:

4 (A) One or more instances involving failure to adhere to the
5 applicable standard of care to a degree that constitutes gross negligence, as
6 determined by the board;

7 (B) repeated instances involving failure to adhere to the applicable
8 standard of care to a degree that constitutes ordinary negligence, as
9 determined by the board; or

10 (C) a pattern of practice or other behavior that demonstrates a
11 manifest incapacity or incompetence to practice psychology;

12 (2) has been convicted of a felony offense and has not demonstrated
13 to the board's satisfaction that such person has been sufficiently
14 rehabilitated to merit the public trust;

15 (3) has been convicted of a misdemeanor against persons and has not
16 demonstrated to the board's satisfaction that such person has been
17 sufficiently rehabilitated to merit the public trust;

18 (4) is currently listed on a child abuse registry or an adult protective
19 services registry as the result of a substantiated finding of abuse or neglect
20 by any state agency, agency of another state or the United States, territory
21 of the United States or another country and the applicant or licensee has
22 not demonstrated to the board's satisfaction that such person has been
23 sufficiently rehabilitated to merit the public trust;

24 (5) has violated a provision of the licensure of psychologists act of
25 the state of Kansas or one or more rules and regulations of the board;

26 (6) has obtained or attempted to obtain a license or license renewal by
27 bribery or fraudulent representation;

28 (7) has knowingly made a false statement on a form required by the
29 board for a license or license renewal;

30 (8) has failed to obtain continuing education credits as required by
31 rules and regulations of the board;

32 (9) has been found to have engaged in unprofessional conduct as
33 defined by applicable rules and regulations adopted by the board; ~~or~~

34 (10) has had a *professional* registration, license or certificate ~~as a~~
35 ~~psychologist~~ revoked, suspended or limited, or has had other disciplinary
36 action taken, or an application for registration, license or certificate denied,
37 by the proper regulatory authority of another state, territory, District of
38 Columbia or another country, a certified copy of the record of the action of
39 the other jurisdiction being conclusive evidence thereof; *or*

40 (11) *has violated any lawful order or directive of the board previously*
41 *entered by the board.*

42 (b) For issuance of a new license or reinstatement of a revoked or
43 suspended license for a licensee or applicant for licensure with a felony

1 conviction, the board may only issue or reinstate such license by a ²/₃
2 majority vote.

3 (c) Administrative proceedings and disciplinary actions regarding
4 licensure under the licensure of psychologists act of the state of Kansas
5 shall be conducted in accordance with the Kansas administrative procedure
6 act. Judicial review and civil enforcement of agency actions under the
7 licensure of psychologists of the state of Kansas act shall be in accordance
8 with the Kansas judicial review act.

9 ~~Sec. 19.~~ **18.** K.S.A. 74-5363 is hereby amended to read as follows:
10 74-5363. (a) Any person who desires to be licensed under this act shall
11 apply to the board in writing, on forms prepared and furnished by the
12 board. Each application shall contain appropriate documentation of the
13 particular qualifications required by the board and shall be accompanied
14 by the required fee.

15 (b) The board shall license as a licensed master's level psychologist
16 any applicant for licensure who pays the fee prescribed by the board under
17 K.S.A. 74-5365, and amendments thereto, which shall not be refunded,
18 who has satisfied the board as to such applicant's training and who
19 complies with the provisions of this subsection. An applicant for licensure
20 also shall submit evidence satisfactory to the board that such applicant:

21 (1) Is at least 21 years of age;

22 (2) has satisfied the board that the applicant is a person who merits
23 public trust;

24 (3) has received at least 60 graduate hours including a master's degree
25 in psychology based on a program of studies in psychology from an
26 educational institution having a graduate program in psychology consistent
27 with state universities of Kansas; or until July 1, 2003, has received at least
28 a master's degree in psychology and during such master's or post-master's
29 coursework completed a minimum of 12 semester hours or its equivalent
30 in psychological foundation courses such as, but not limited to, philosophy
31 of psychology, psychology of perception, learning theory, history of
32 psychology, motivation, and statistics and 24 semester hours or its
33 equivalent in professional core courses such as, but not limited to, two
34 courses in psychological testing, psychopathology, two courses in
35 psychotherapy, personality theories, developmental psychology, research
36 methods, social psychology; or has passed comprehensive examinations or
37 equivalent final examinations in a doctoral program in psychology and
38 during such graduate program completed a minimum of 12 semester hours
39 or its equivalent in psychological foundation courses such as, but not
40 limited to, philosophy of psychology, psychology of perception, learning
41 theory, history of psychology, motivation, and statistics and 24 semester
42 hours or its equivalent in professional core courses such as, but not limited
43 to, two courses in psychological testing, psychopathology, two courses in

1 psychotherapy, personality theories, developmental psychology, research
2 methods, social psychology;

3 (4) has completed 750 clock hours of academically supervised
4 practicum in the master's degree program or 1,500 clock hours of
5 postgraduate supervised work experience; *and*

6 (5) has passed an examination approved by the board with a
7 minimum score set by the board by rules and regulations.

8 (c) (1) Applications for licensure as a clinical psychotherapist shall be
9 made to the board on a form and in the manner prescribed by the board.
10 Each applicant shall furnish evidence satisfactory to the board that the
11 applicant:

12 (A) Is licensed by the board as a licensed master's level psychologist
13 or meets all requirements for licensure as a master's level psychologist;

14 (B) has completed 15 credit hours as part of or in addition to the
15 requirements under subsection (b) supporting diagnosis or treatment of
16 mental disorders with use of the American psychiatric association's
17 diagnostic and statistical manual, through identifiable study of:
18 Psychopathology, diagnostic assessment, interdisciplinary referral and
19 collaboration, treatment approaches and professional ethics;

20 (C) has completed a graduate level supervised clinical practicum of
21 supervised professional experience including psychotherapy and
22 assessment with individuals, couples, families or groups, integrating
23 diagnosis and treatment of mental disorders with use of the American
24 psychiatric association's diagnostic and statistical manual, with not less
25 than 350 hours of direct client contact or additional postgraduate
26 supervised experience as determined by the board;

27 (D) has completed not less than two years of postgraduate supervised
28 professional experience in accordance with a clinical supervision plan
29 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
30 professional experience including at least 1,500 hours of direct client
31 contact conducting psychotherapy and assessments with individuals,
32 couples, families or groups and not less than ~~150~~ 100 hours of *face-to-face*
33 clinical supervision, *as defined by the board in rules and regulations*,
34 including not less than 50 hours of ~~person-to-person~~ individual
35 supervision, *except that the board may waive the requirement that such*
36 *supervision be face-to-face upon a finding of extenuating circumstances*,
37 integrating diagnosis and treatment of mental disorders with use of the
38 American psychiatric association's diagnostic and statistical manual;

39 (E) for persons earning a degree under subsection (b) prior to July 1,
40 2003, in lieu of the education requirements under subparagraphs (B) and
41 (C), has completed the education requirements for licensure as a licensed
42 master's level psychologist in effect on the day immediately preceding the
43 effective date of this act;

1 (F) for persons who apply for and are eligible for a temporary license
2 to practice as a licensed master's level psychologist on the day
3 immediately preceding the effective date of this act, in lieu of the
4 education and training requirements under subparagraphs (B), (C) and (D),
5 has completed the education and training requirements for licensure as a
6 master's level psychologist in effect on the day immediately preceding the
7 effective date of this act;

8 (G) has passed an examination approved by the board with the same
9 minimum passing score as that set by the board for licensed psychologists;
10 and

11 (H) has paid the application fee, if required by the board.

12 (2) A person who was licensed or registered as a master's level
13 psychologist in Kansas at any time prior to the effective date of this act,
14 who has been actively engaged in the practice of master's level psychology
15 as a registered or licensed master's level psychologist within five years
16 prior to the effective date of this act and whose last license or registration
17 in Kansas prior to the effective date of this act was not suspended or
18 revoked, upon application to the board, payment of fees and completion of
19 applicable continuing education requirements, shall be licensed as a
20 licensed clinical psychotherapist by providing demonstration of
21 competence to diagnose and treat mental disorders through at least two of
22 the following areas acceptable to the board:

23 (A) Either: (i) Graduate coursework; or (ii) passing a national,
24 clinical examination;

25 (B) either: (i) Three years of clinical practice in a community mental
26 health center, its contracted affiliate or a state mental hospital; or (ii) three
27 years of clinical practice in other settings with demonstrated experience in
28 diagnosing or treating mental disorders; or

29 (C) attestation from one professional licensed to diagnose and treat
30 mental disorders in independent practice or licensed to practice medicine
31 and surgery that the applicant is competent to diagnose and treat mental
32 disorders.

33 (3) A licensed clinical psychotherapist may engage in the independent
34 practice of master's level psychology and is authorized to diagnose and
35 treat mental disorders specified in the edition of the diagnostic and
36 statistical manual of mental disorders of the American psychiatric
37 association designated by the board by rules and regulations. When a client
38 has symptoms of a mental disorder, a licensed clinical psychotherapist
39 shall consult with the client's primary care physician or psychiatrist to
40 determine if there may be a medical condition or medication that may be
41 causing or contributing to the client's symptoms of a mental disorder. A
42 client may request in writing that such consultation be waived and such
43 request shall be made a part of the client's record. A licensed clinical

1 psychotherapist may continue to evaluate and treat the client until such
2 time that the medical consultation is obtained or waived.

3 (d) The board shall adopt rules and regulations establishing the
4 criteria ~~which~~ *that* an educational institution shall satisfy in meeting the
5 requirements established under subsection (b)(3). The board may send a
6 questionnaire developed by the board to any educational institution for
7 which the board does not have sufficient information to determine whether
8 the educational institution meets the requirements of subsection (b)(3) and
9 rules and regulations adopted under this section. The questionnaire
10 providing the necessary information shall be completed and returned to the
11 board in order for the educational institution to be considered for approval.
12 The board may contract with investigative agencies, commissions or
13 consultants to assist the board in obtaining information about educational
14 institutions. In entering such contracts the authority to approve educational
15 institutions shall remain solely with the board.

16 ~~Sec. 20.~~ **19.** K.S.A. 74-5367a is hereby amended to read as follows:
17 74-5367a. (a) Upon written application and board approval, an individual
18 who is licensed to engage in the independent clinical practice of masters
19 level psychology at the clinical level in another jurisdiction ~~and~~, who is in
20 good standing in that other jurisdiction *and who has engaged in the*
21 *clinical practice of masters level psychology in that jurisdiction for at*
22 *least two years immediately preceding application* may engage in the
23 independent practice of clinical masters level psychology as provided by
24 K.S.A. 74-5361 et seq., and amendments thereto, in this state for ~~no~~ *not*
25 ~~more than 15~~ 30 days per year upon receipt of a temporary permit to
26 practice issued by the board. *Such individual engaging in such practice in*
27 *this state shall provide quarterly reports to the board on a form approved*
28 *by the board detailing the total days of practice in this state.*

29 (b) Any clinical masters level psychology services rendered within
30 any 24-hour period shall count as one entire day of clinical masters level
31 psychology services.

32 (c) The temporary permit to practice shall be effective on the date of
33 approval by the board and shall expire ~~December 31 of that year~~ *one year*
34 *after issuance.* Upon written application ~~and for good cause shown, the~~
35 ~~board may extend the temporary permit to practice no more than 15~~
36 ~~additional days not later than 30 days before the expiration of a temporary~~
37 ~~permit and under emergency circumstances, as defined by the board, the~~
38 ~~board may extend the temporary permit for not more than one additional~~
39 ~~year. Such extended temporary permit shall authorize the individual to~~
40 ~~practice in this state for an additional 30 days during the additional year.~~
41 *Such individual engaging in such practice shall provide quarterly reports*
42 *to the board on a form approved by the board detailing the total days of*
43 *practice in this state.*

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

5 (e) A person who holds a temporary permit to practice clinical
6 masters level psychology in this state shall be deemed to have submitted to
7 the jurisdiction of the board and shall be bound by the statutes and
8 regulations that govern the practice of clinical masters level psychology in
9 this state.

10 (f) In accordance with the Kansas administrative ~~procedures~~
11 *procedure* act, the board may issue a cease and desist order or assess a fine
12 of up to \$1,000 per day, or both, against a person licensed in another
13 jurisdiction who engages in the independent practice of clinical masters
14 level psychology in this state without complying with the provisions of
15 this section.

16 (g) This act shall be a part of and supplemental to the licensure of
17 masters level psychologists act.

18 Sec. ~~21~~ **20**. K.S.A. 74-5369 is hereby amended to read as follows:
19 74-5369. (a) The board may refuse to issue, renew or reinstate a license,
20 may condition, limit, revoke or suspend a license, may publicly or
21 privately censure a licensee or may impose a fine not to exceed \$1,000 per
22 violation upon a finding that a licensee or an applicant for licensure:

23 (1) Is incompetent to practice psychology, ~~which~~. "*Incompetent to*
24 *practice psychology*" means:

25 (A) One or more instances involving failure to adhere to the
26 applicable standard of care to a degree that constitutes gross negligence, as
27 determined by the board;

28 (B) repeated instances involving failure to adhere to the applicable
29 standard of care to a degree that constitutes ordinary negligence, as
30 determined by the board; or

31 (C) a pattern of practice or other behavior that demonstrates a
32 manifest incapacity or incompetence to practice master's level psychology;

33 (2) has been convicted of a felony offense and has not demonstrated
34 to the board's satisfaction that such person has been sufficiently
35 rehabilitated to merit the public trust;

36 (3) has been convicted of a misdemeanor against persons and has not
37 demonstrated to the board's satisfaction that such person has been
38 sufficiently rehabilitated to merit the public trust;

39 (4) is currently listed on a child abuse registry or an adult protective
40 services registry as the result of a substantiated finding of abuse or neglect
41 by any state agency, agency of another state, *the District of Columbia* or
42 the United States, territory of the United States or another country and the
43 applicant or licensee has not demonstrated to the board's satisfaction that

1 such person has been sufficiently rehabilitated to merit the public trust;

2 (5) has violated a provision of the licensure of master's level
3 psychologists act or one or more rules and regulations of the board;

4 (6) has obtained or attempted to obtain a license or license renewal by
5 bribery or fraudulent representation;

6 (7) has knowingly made a false statement on a form required by the
7 board for a license or license renewal;

8 (8) has failed to obtain continuing education credits as required by
9 rules and regulations adopted by the board;

10 (9) has been found to have engaged in unprofessional conduct as
11 defined by applicable rules and regulations of the board; ~~or~~

12 (10) has had a *professional* registration, license or certificate ~~as a~~
13 ~~master's level psychologist~~ revoked, suspended or limited, or has had other
14 disciplinary action taken, or an application for a registration, license or
15 certificate denied, by the proper regulatory authority of another state,
16 territory, District of Columbia or another country, a certified copy of the
17 record of the action of the other jurisdiction being conclusive evidence
18 thereof; *or*

19 (11) *has violated any lawful order or directive of the board previously*
20 *entered by the board.*

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

25 (c) Administrative proceedings and disciplinary actions regarding
26 licensure under the licensure of master's level psychologists act shall be
27 conducted in accordance with the Kansas administrative procedure act.
28 Judicial review and civil enforcement of agency actions under the
29 licensure of master's level psychologists act shall be in accordance with the
30 Kansas judicial review act.

31 ~~Sec. 22.~~ **21.** K.S.A. 65-5804a, 65-5807a, 65-5808, 65-5809, 65-
32 6309a, 65-6311, ~~65-6314~~, 65-6404, 65-6405a, 65-6408, 65-6610, 65-6612,
33 65-6615, 74-5316a, 74-5324, 74-5363, 74-5367a and 74-5369 and K.S.A.
34 2020 Supp. 65-6306 and 65-6411 are hereby repealed.

35 ~~Sec. 23.~~ **22.** This act shall take effect and be in force from and after
36 its publication in the statute book.