

As Amended by House Committee

{As Amended by Senate Committee of the Whole}

Session of 2021

Substitute for SENATE BILL No. 238

By Committee on Public Health and Welfare

3-1

1 AN ACT concerning health and healthcare; relating to credentialing of
2 health professions and facilities; certification and funding of certified
3 community behavioral health clinics; prescribing powers, duties and
4 functions of the Kansas department for aging and disability services
5 and the department of health and environment related thereto;
6 authorizing the issuance of telemedicine waivers for out-of-state
7 healthcare providers; relating to professions regulated by the behavioral
8 sciences regulatory board; reducing certain licensing requirements;
9 expanding temporary practice permits and the board's grounds for
10 discipline; amending K.S.A. 65-5804a, 65-5807a, 65-5808, 65-5809,
11 65-6309a, 65-6311, 65-6404, 65-6405a, 65-6408, 65-6610, 65-6612,
12 65-6615, 74-5316a, 74-5324, 74-5363, 74-5367a and 74-5369 and
13 K.S.A. 2020 Supp. 65-6306 and 65-6411 and repealing the existing
14 sections.
15

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

17 New Section 1. (a) The Kansas department for aging and disability
18 services shall establish a process for certification of and funding for
19 certified community behavioral health clinics in accordance with this
20 section.

21 (b) The Kansas department for aging and disability services shall
22 certify as a certified community behavioral health clinic any community
23 mental health center licensed by the department that provides the
24 following services: Crisis services; screening, assessment and diagnosis,
25 including risk assessment; person-centered treatment planning; outpatient
26 mental health and substance use services; primary care screening and
27 monitoring of key indicators of health risks; targeted case management;
28 psychiatric rehabilitation services; peer support and family supports;
29 medication-assisted treatment; assertive community treatment; and
30 community-based mental healthcare for military servicemembers and
31 veterans.

32 ~~(c) (1) The department of health and environment shall establish a~~
33 ~~prospective payment system under the medical assistance program for~~
34 ~~funding certified community behavioral health clinics. Such system shall~~

1 ~~permit payment by either daily or monthly rates.~~

2 ~~(2) The department of health and environment shall submit to the~~
3 ~~United States centers for medicare and medicaid services any approval~~
4 ~~request necessary to implement this subsection~~ **Subject to applications**
5 **therefor, the Kansas department for aging and disability services shall**
6 **certify community behavioral health clinics by not later than the**
7 **following specified dates:**

8 **(A) Six facilities currently receiving grants to operate as certified**
9 **community behavioral health clinics by not later than May 1, 2022;**

10 **(B) three additional facilities by not later than July 1, 2022;**

11 **(C) nine additional facilities by not later than July 1, 2023; and**

12 **(D) eight additional facilities by not later than July 1, 2024.**

13 **(2) The Kansas department for aging and disability services may**
14 **certify community behavioral health clinics in advance of the**
15 **deadlines established in paragraph (1), including portions of the**
16 **specified numbers of facilities.**

17 ~~(d) The secretary for aging and disability services and the secretary of~~
18 ~~health and environment may adopt rules and regulations as necessary to~~
19 ~~implement and administer this section.~~

20 ~~(e) The Kansas department for aging and disability services and the~~
21 ~~department of health and environment shall implement this section not~~
22 ~~later than July *(January)* 1, 2022.~~

23 New Sec. 2. (a) Notwithstanding any other provision of law, a
24 physician holding a license issued by the applicable licensing agency of
25 another state or who otherwise meets the requirements of this section may
26 practice telemedicine to treat patients located in the state of Kansas, if such
27 physician receives a telemedicine waiver issued by the state board of
28 healing arts. The state board of healing arts shall issue such a waiver
29 within 15 days from receipt of a complete application, if the physician:

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

34 (2) holds an unrestricted license to practice medicine and surgery in
35 another state or meets the qualifications required under Kansas law for a
36 license to practice medicine and surgery and is not the subject of any
37 investigation or disciplinary action by the applicable licensing agency.

38 (b) A physician practicing telemedicine in accordance with this
39 subsection shall conduct an appropriate assessment and evaluation of the
40 patient's current condition and document the appropriate medical
41 indication for any prescription issued.

42 (c) Nothing in this section shall supersede or otherwise affect the
43 provisions of K.S.A. 65-4a10, and amendments thereto, or K.S.A. 2020

1 Supp. 40-2,210 et seq., and amendments thereto.

2 (d) Any person who receives a telemedicine waiver under the
3 provisions of this section shall be subject to all rules and regulations
4 pertaining to the practice of the licensed profession in this state and shall
5 be considered a licensee for the purposes of the professional practice acts
6 administered by the state board of healing arts.

7 (e) A waiver issued under this section shall expire on the date of
8 expiration established by the state board of healing arts unless renewed in
9 the manner established by the state board of healing arts, including
10 payment of an annual renewal fee not to exceed \$100 and evidence that the
11 applicant continues to meet the qualifications described in this section.

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

16 (g) An applicable healthcare licensing agency of this state may adopt
17 procedures consistent with this section to allow other healthcare
18 professionals licensed and regulated by such licensing agency to practice
19 telemedicine within the scope of practice defined by Kansas law for such
20 healthcare profession as deemed by such licensing agency to be consistent
21 with ensuring patient safety.

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

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

29 Sec. 3. K.S.A. 65-5804a is hereby amended to read as follows: 65-
30 5804a. (a) Applications for licensure as a professional counselor shall be
31 made to the board on a form and in the manner prescribed by the board.
32 Each application shall be accompanied by the fee fixed under K.S.A. 65-
33 5808, and amendments thereto.

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

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

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

41 (A) Counseling theory and practice;

42 (B) the helping relationship;

43 (C) group dynamics, processing and counseling;

- 1 (D) human growth and development;
- 2 (E) ~~life-style~~ *lifestyle* and career development;
- 3 (F) appraisal of individuals;
- 4 (G) social and cultural foundations;
- 5 (H) research and evaluation;
- 6 (I) professional orientation; and
- 7 (J) supervised practicum and internship;
- 8 (3) has passed an examination required by the board; and
- 9 (4) has satisfied the board that the applicant is a person who merits

10 the public trust.

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

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

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

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

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

1 *board may waive 1/2 of the requirement of hours required by this*
2 *subparagraph may be waived for persons with an individual who has a*
3 *doctor's doctoral degree in professional counseling or a related field*
4 *acceptable to approved by the board and who completes the required 1/2 of*
5 *the hours in not less than one year of supervised professional experience;*

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

11 (F) for persons who apply for and are eligible for a temporary permit
12 to practice as a licensed professional counselor on the day immediately
13 preceding the effective date of this act, in lieu of the education and training
14 requirements under subparagraphs (B), (C) and (D), has completed the
15 education and training requirements for licensure as a professional
16 counselor in effect on the day immediately preceding the effective date of
17 this act;

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

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

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

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

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

39 (C) attestation from one professional licensed to diagnose and treat
40 mental disorders in independent practice or licensed to practice medicine
41 and surgery that the applicant is competent to diagnose and treat mental
42 disorders.

43 (3) A licensed clinical professional counselor may engage in the

1 independent practice of professional counseling and is authorized to
2 diagnose and treat mental disorders specified in the edition of the
3 diagnostic and statistical manual of mental disorders of the American
4 psychiatric association designated by the board by rules and regulations.
5 When a client has symptoms of a mental disorder, a licensed clinical
6 professional counselor shall consult with the client's primary care
7 physician or psychiatrist to determine if there may be a medical condition
8 or medication that may be causing or contributing to the client's symptoms
9 of a mental disorder. A client may request in writing that such consultation
10 be waived and such request shall be made a part of the client's record. A
11 licensed clinical professional counselor may continue to evaluate and treat
12 the client until such time that the medical consultation is obtained or
13 waived.

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

30 (d) The board shall adopt rules and regulations establishing the
31 criteria that a college or university shall satisfy in order to be approved by
32 the board. The board may send a questionnaire developed by the board to
33 any college or university for which the board does not have sufficient
34 information to determine whether the school meets the requirements for
35 approval and rules and regulations adopted under this section. The
36 questionnaire providing the necessary information shall be completed and
37 returned to the board in order for the college or university to be considered
38 for approval. The board may contract with investigative agencies,
39 commissions or consultants to assist the board in obtaining information
40 about colleges and universities. In entering such contracts, the authority to
41 approve college and universities shall remain solely with the board.

42 (e) A person who is waiting to take the examination required by the
43 board may apply to the board for a temporary license to practice as a

1 licensed professional counselor by:

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

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

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

9 (2) Absent extenuating circumstances approved by the board, a
10 temporary license issued by the board shall expire upon the date the board
11 issues or denies a license to practice professional counseling or ~~six~~ 12
12 months after the date of issuance of the temporary license. No temporary
13 license will be renewed or issued again on any subsequent application for
14 the same license level. The preceding provisions in no way limit the
15 number of times an applicant may take the examination.

16 (g) A person practicing professional counseling with a temporary
17 license may not use the title "licensed professional counselor" or the
18 initials "LPC" independently. The word "licensed" may be used only when
19 followed by the words "by temporary license," such as licensed
20 professional counselor by temporary license, or professional counselor
21 licensed by temporary license.

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

25 (i) Nothing in this section shall affect any temporary license to
26 practice issued under this section prior to the effective date of this act and
27 in effect on the effective date of this act. Such temporary license shall be
28 subject to the provisions of this section in effect at the time of its issuance
29 and shall continue to be effective until the date of expiration of the
30 temporary license provided under this section at the time of issuance of
31 such temporary license.

32 Sec. 4. K.S.A. 65-5807a is hereby amended to read as follows: 65-
33 5807a. (a) Upon written application and board approval, an individual who
34 is licensed to engage in the independent clinical practice of professional
35 counseling at the clinical level in another jurisdiction ~~and~~, who is in good
36 standing in that other jurisdiction *and who has engaged in the clinical*
37 *practice of professional counseling in that jurisdiction for at least two*
38 *years immediately preceding application* may engage in the independent
39 practice of clinical professional counseling as provided by K.S.A. 65-5801
40 et seq., and amendments thereto, in this state for ~~no~~ not more than ~~15~~ 30
41 days per year upon receipt of a temporary permit to practice issued by the
42 board. *Such individual engaging in such practice in this state shall provide*
43 *quarterly reports to the board on a form approved by the board detailing*

1 *the total days of practice in this state.*

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

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

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

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

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

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

34 Sec. 5. K.S.A. 65-5808 is hereby amended to read as follows: 65-
35 5808. (a) The board may fix the following fees, and any such fees shall be
36 established by rules and regulations adopted by the board:

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

39 (2) for an original license as a professional counselor, not more than
40 \$175;

41 (3) for a temporary license as a professional counselor, not more than
42 \$175;

43 (4) for renewal for licensure as a professional counselor, not more

1 than \$150;

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

4 (6) for licensure as a clinical professional counselor, not more than
5 \$175;

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

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

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

11 (10) for replacement of a license, not more than \$20; ~~and~~

12 (11) for a wallet card license, not more than \$5; *and*

13 (12) *for application as a board-approved clinical supervisor, not*
14 *more than \$50.*

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

16 Sec. 6. K.S.A. 65-5809 is hereby amended to read as follows: 65-
17 5809. (a) The board may refuse to issue, renew or reinstate a license, may
18 condition, limit, revoke or suspend a license, may publicly or privately
19 censure a licensee or may impose a fine not to exceed \$1,000 per violation
20 upon a finding that a licensee or an applicant for licensure:

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

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

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

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

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

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

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

43 (5) has violated a provision of the professional counselors licensure

1 act or one or more rules and regulations of the board;

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

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

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

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

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

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

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

23 (c) Administrative proceedings and disciplinary actions regarding
24 licensure under the professional counselors licensure act shall be
25 conducted in accordance with the Kansas administrative procedure act.
26 Judicial review and civil enforcement of agency actions under the
27 professional counselors licensure act shall be in accordance with the
28 Kansas judicial review act.

29 Sec. 7. K.S.A. 2020 Supp. 65-6306 is hereby amended to read as
30 follows: 65-6306. (a) The board shall issue a license as a baccalaureate
31 social worker to an applicant who *has*:

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

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

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

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

42 (1) ~~Has~~—A master's degree from an accredited college or university,
43 including completion of a social work program recognized and approved

1 by the board, pursuant to rules and regulations adopted by the board;

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

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

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

8 (1) ~~Has~~ A master's or doctor's degree from an accredited graduate
9 school of social work, including completion of a social work program
10 recognized and approved by the board, pursuant to rules and regulations
11 adopted by the board;

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

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

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

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

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

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

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

35 (D) has completed as part of or in addition to the requirements of
36 subsection (c) not less than two years of postgraduate supervised
37 professional experience in accordance with a clinical supervision plan
38 approved by the board of not less than 3,000 hours of supervised
39 professional experience including at least 1,500 hours of direct client
40 contact conducting psychotherapy and assessments with individuals,
41 couples, families or groups and not less than 100 hours of *face-to-face*
42 clinical supervision, *as defined by the board in rules and regulations*,
43 including not less than ~~75~~ 50 hours of ~~person-to-person~~ individual

1 supervision, *except that the board may waive the requirement that such*
2 *supervision be face-to-face upon a finding of extenuating circumstances,*
3 integrating diagnosis and treatment of mental disorders with use of the
4 American psychiatric association's diagnostic and statistical manual;

5 (E) for persons earning a degree under subsection (c) prior to July 1,
6 2003, in lieu of the education and training requirements under ~~parts~~
7 ~~subparagraphs (B) and (C) of this subsection,~~ has completed the education
8 requirements for licensure as a specialist clinical social worker in effect on
9 the day immediately preceding the effective date of this act;

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

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

18 (H) has paid the application fee.

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

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

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

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

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

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

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

42 (d) The board may charge a fee of a maximum of \$200 for a
43 temporary permit to practice and a fee of a maximum of \$200 for an

1 extension of a temporary permit to practice as established by rules and
2 regulations of the board.

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

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

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

14 Sec. 9. K.S.A. 65-6311 is hereby amended to read as follows: 65-
15 6311. (a) The board may refuse to issue, renew or reinstate a license, may
16 condition, limit, revoke or suspend a license, may publicly or privately
17 censure a licensee or may impose a fine not to exceed \$1,000 per violation
18 upon a finding that a licensee or an applicant for license:

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

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

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

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

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

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

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

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

43 (6) has obtained or attempted to obtain a license or license renewal by

1 bribery or fraudulent representation;

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

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

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

8 (10) has had a *professional* license, registration or certificate ~~to~~
9 ~~practice social work~~ revoked, suspended or limited, or has had other
10 disciplinary action taken, or an application for a license, registration or
11 certificate denied, by the proper regulatory authority of another state,
12 territory, District of Columbia, or other country, a certified copy of the
13 record of the action of the other jurisdiction being conclusive evidence
14 thereof; *or*

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

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

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

26 Sec. 10. K.S.A. 65-6404 is hereby amended to read as follows: 65-
27 6404. (a) An applicant for licensure as a marriage and family therapist
28 shall furnish evidence that the applicant *has*:

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

30 (2) (A) ~~has~~ completed a master's or doctoral degree from a marriage
31 and family therapy program, in an educational institution with standards
32 approved by the board; ~~or~~ (B) has completed a master's or doctoral degree
33 from an educational institution in a related field for which the course work
34 is considered by the board to be equivalent to that provided in ~~clause (2)~~
35 ~~subparagraph (A) of this paragraph~~ and consists of a minimum of nine
36 semester hours in human development, nine semester hours in theories of
37 marriage and family functioning, nine semester hours of marital and
38 family assessment and therapy, three semester hours in professional
39 studies and three semester hours in research; or (C) completed a master's
40 or doctoral degree from an educational institution in a related field with
41 additional work from an educational program in marriage and family
42 therapy approved by the board and such degree program and additional
43 work includes the course work requirements provided in ~~clause (2)~~

1 ~~subparagraph (B) of this paragraph;~~

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

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

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

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

11 (A) Is licensed by the board as a licensed marriage and family
12 therapist or meets all requirements for licensure as a marriage and family
13 therapist;

14 (B) has completed 15 credit hours as part of or in addition to the
15 requirements under subsection (a) 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 the
18 following content areas: Psychopathology, diagnostic assessment,
19 interdisciplinary referral and collaboration, treatment approaches and
20 professional ethics;

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

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

1 *the hours in not less than one year of supervised professional experience;*

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

7 (F) for persons who apply for and are eligible for a temporary permit
8 to practice as a licensed marriage and family therapist on the day
9 immediately preceding the effective date of this act, in lieu of the
10 education and training requirements under ~~parts subparagraphs~~ (B), (C)
11 and (D) ~~of this subsection~~, has completed the education and training
12 requirements for licensure as a marriage and family therapist in effect on
13 the day immediately preceding the effective date of this act;

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

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

17 (2) A person who was licensed or registered as a marriage and family
18 therapist in Kansas at any time prior to the effective date of this act, who
19 has been actively engaged in the practice of marriage and family therapy
20 as a registered or licensed marriage and family therapist within five years
21 prior to the effective date of this act and whose last license or registration
22 in Kansas prior to the effective date of this act was not suspended or
23 revoked, upon application to the board, payment of fees and completion of
24 applicable continuing education requirements, shall be licensed as a
25 licensed clinical marriage and family therapist by providing demonstration
26 of competence to diagnose and treat mental disorders through at least two
27 of the following areas acceptable to the board:

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

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

34 (C) attestation from one professional licensed to diagnose and treat
35 mental disorders in independent practice or licensed to practice medicine
36 and surgery that the applicant is competent to diagnose and treat mental
37 disorders.

38 (3) A licensed clinical marriage and family therapist may engage in
39 the independent practice of marriage and family therapy and is authorized
40 to diagnose and treat mental disorders specified in the edition of the
41 diagnostic and statistical manual of mental disorders of the American
42 psychiatric association designated by the board by rules and regulations.
43 When a client has symptoms of a mental disorder, a licensed clinical

1 marriage and family therapist shall consult with the client's primary care
2 physician or psychiatrist to determine if there may be a medical condition
3 or medication that may be causing or contributing to the client's symptoms
4 of a mental disorder. A client may request in writing that such consultation
5 be waived and such request shall be made a part of the client's record. A
6 licensed clinical marriage and family therapist may continue to evaluate
7 and treat the client until such time that the medical consultation is obtained
8 or waived.

9 (4) On and after January 1, 2002, a licensed marriage and family
10 therapist may diagnose and treat mental disorders ~~specified in the edition~~
11 ~~of the diagnostic and statistical manual of mental disorders~~ specified in the
12 edition of the diagnostic and statistical manual of mental disorders of the
13 American psychiatric association designated by the board by rules and
14 regulations only under the direction of a licensed clinical marriage and
15 family therapist, licensed psychologist, person licensed to practice
16 medicine and surgery or person licensed to provide mental health services
17 as an independent practitioner and whose licensure allows for the
18 diagnosis and treatment of mental disorders. When a client has symptoms
19 of a mental disorder, a licensed marriage and family therapist shall consult
20 with the client's primary care physician or psychiatrist to determine if there
21 may be a medical condition or medication that may be causing or
22 contributing to the client's symptoms of a mental disorder. A client may
23 request in writing that such consultation be waived and such request shall
24 be made a part of the client's record. A licensed marriage and family
25 therapist may continue to evaluate and treat the client until such time that
26 the medical consultation is obtained or waived.

27 Sec. 11. K.S.A. 65-6405a is hereby amended to read as follows: 65-
28 6405a. (a) Upon written application and board approval, an individual who
29 is licensed to engage in the independent clinical practice of marriage and
30 family therapy at the clinical level in another jurisdiction ~~and~~, who is in
31 good standing in that other jurisdiction *and who has engaged in the*
32 *clinical practice of marriage and family therapy in that jurisdiction for at*
33 *least two years immediately preceding application* may engage in the
34 independent practice of clinical marriage and family therapy as provided
35 by K.S.A. 65-6401 et seq., and amendments thereto, in this state for ~~no~~ *not*
36 more than ~~15~~ *30* days per year upon receipt of a temporary permit to
37 practice issued by the board. *Such individual engaging in such practice in*
38 *this state shall provide quarterly reports to the board on a form approved*
39 *by the board detailing the total days of practice in this state.*

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

43 (c) The temporary permit to practice shall be effective on the date of

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

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

16 (e) A person who holds a temporary permit to practice clinical
17 marriage and family therapy in this state shall be deemed to have
18 submitted to the jurisdiction of the board and shall be bound by the statutes
19 and regulations that govern the practice of clinical marriage and family
20 therapy in this state.

21 (f) In accordance with the Kansas administrative procedures act, the
22 board may issue a cease and desist order or assess a fine of up to \$1,000
23 per day, or both, against a person licensed in another jurisdiction who
24 engages in the independent practice of clinical marriage and family
25 therapy in this state without complying with the provisions of this section.

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

28 Sec. 12. K.S.A. 65-6408 is hereby amended to read as follows: 65-
29 6408. (a) The board may refuse to issue, renew or reinstate a license, may
30 condition, limit, revoke or suspend a license, may publicly or privately
31 censure a licensee or may impose a fine not to exceed \$1,000 per violation
32 upon a finding that a licensee or an applicant for license:

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

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

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

41 (C) a pattern of practice or other behavior that demonstrates a
42 manifest incapacity or incompetence to practice marriage and family
43 therapy;

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

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

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

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

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

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

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

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

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

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

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

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

42 Sec. 13. K.S.A. 2020 Supp. 65-6411 is hereby amended to read as
43 follows: 65-6411. (a) The board may fix the following fees, and any such

1 fees shall be established by rules and regulations adopted by the board:

- 2 (1) For application for licensure as a marriage and family therapist,
3 not to exceed \$150;
- 4 (2) for temporary licensure as a marriage and family therapist, not to
5 exceed \$175;
- 6 (3) for original licensure as a marriage and family therapist, not to
7 exceed \$175;
- 8 (4) for renewal for licensure as a marriage and family therapist, not to
9 exceed \$175;
- 10 (5) for application for licensure as a clinical marriage and family
11 therapist, not to exceed \$175;
- 12 (6) for original licensure as a clinical marriage and family therapist,
13 not to exceed \$175;
- 14 (7) for renewal for licensure as a clinical marriage and family
15 therapist, not to exceed \$175;
- 16 (8) for reinstatement of a license, not to exceed \$175;
- 17 (9) for replacement of a license, not to exceed \$20;
- 18 (10) for renewal penalty, an amount equal to the renewal of license;
- 19 ~~and~~
- 20 (11) for a wallet card license, not to exceed \$5; *and*
21 (12) *for application for approval as a board-approved clinical*
22 *supervisor; not to exceed \$50.*

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

24 Sec. 14. K.S.A. 65-6610 is hereby amended to read as follows: 65-
25 6610. (a) An applicant for licensure as an addiction counselor shall furnish
26 evidence that the applicant:

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

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

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

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

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

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

42 (5) has paid the application fee established by the board under K.S.A.
43 65-6618, and amendments thereto.

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

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

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

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

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

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

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

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

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

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

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

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

29 (c) Applications for licensure as a clinical addiction counselor shall
30 be made to the board on a form and in the manner prescribed by the board.

31 Each applicant shall furnish evidence satisfactory to the board that the
32 applicant:

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

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

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

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

22 (B) (i) has completed at least a master's degree from a college or
23 university approved by the board. As part of or in addition to the master's
24 degree coursework, such applicant shall also complete a minimum number
25 of semester hours of coursework supporting the diagnosis and treatment of
26 substance use disorders as approved by the board; and

27 (ii) 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 substance abuse assessments and treatment with
32 individuals, couples, families or groups and not less than ~~150~~ 100 hours of
33 ~~face-to-face~~ clinical supervision, as defined by the board in rules and
34 regulations, including not less than 50 hours of ~~person-to-person~~
35 individual supervision, except that the board may waive the requirement
36 that such supervision be face-to-face upon a finding of extenuating
37 circumstances, integrating diagnosis and treatment of substance use
38 disorders with use of the diagnostic and statistical manual of mental
39 disorders of the American psychiatric association; ~~or has completed not~~
40 ~~less than one year of postgraduate supervised professional experience in~~
41 ~~accordance with a clinical supervision plan approved by the board of not~~
42 ~~less than 2,000 hours of supervised professional experience including at~~
43 ~~least 750 hours of direct client contact conducting substance abuse~~

1 ~~assessments and treatment with individuals, couples, families or groups~~
2 ~~and not less than 75 hours of clinical supervision, including not less than~~
3 ~~25 hours of person-to-person individual supervision, integrating diagnosis~~
4 ~~and treatment of substance use disorders with use of the diagnostic and~~
5 ~~statistical manual of mental disorders of the American psychiatric~~
6 ~~association, and such person has a doctoral degree in addiction counseling~~
7 ~~or a related field as approved by the board, except that the board may~~
8 ~~waive $\frac{1}{2}$ of the hours required by this clause for an individual who has a~~
9 ~~doctoral degree in addiction counseling or a related field approved by the~~
10 ~~board and who completes the required $\frac{1}{2}$ of the hours in not less than one~~
11 ~~year of supervised professional experience; or~~

12 (C) (i) ~~has completed a master's degree from a college or university~~
13 ~~approved by the board and is licensed by the board as a licensed master's~~
14 ~~addiction counselor; and~~

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

43 (D) ~~is currently licensed in Kansas as a licensed psychologist,~~

1 licensed specialist clinical social worker, licensed clinical professional
2 counselor, licensed clinical psychotherapist or licensed clinical marriage
3 and family therapist and provides to the board an attestation from a
4 professional licensed to diagnose and treat mental disorders, or substance
5 use disorders, or both, in independent practice or licensed to practice
6 medicine and surgery stating that the applicant is competent to diagnose
7 and treat substance use disorders; ~~and~~

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

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

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

13 Sec. 15. K.S.A. 65-6612 is hereby amended to read as follows: 65-
14 6612. (a) Upon written application and board approval, an individual who
15 is licensed to engage in the independent clinical practice of addiction
16 counseling at the clinical level in another jurisdiction ~~and~~, who is in good
17 standing in that other jurisdiction *and who has engaged in the clinical*
18 *practice of addiction counseling in that jurisdiction for at least two years*
19 *immediately preceding application* may engage in the independent practice
20 of clinical addiction counseling as provided by the addiction counselor
21 licensure act; in this state for not more than ~~45~~ 30 days per year upon
22 receipt of a temporary permit to practice issued by the board. *Such*
23 *individual engaging in such practice shall provide quarterly reports to the*
24 *board on a form approved by the board detailing the total days of practice*
25 *in this state.*

26 (b) Any clinical addiction counseling services rendered within any
27 24-hour period shall count as one entire day of clinical addiction
28 counseling services.

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

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

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

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

10 Sec. 16. K.S.A. 65-6615 is hereby amended to read as follows: 65-
11 6615. (a) The board may refuse to issue, renew or reinstate a license, may
12 condition, limit, revoke or suspend a license, may publicly or privately
13 censure a licensee or may impose a fine not to exceed \$1,000 per violation
14 upon a finding that a licensee or an applicant for license:

15 (1) Is incompetent to practice addiction counseling, ~~which~~.
16 "*Incompetent to practice addiction counseling*" means:

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

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

23 (C) a pattern of practice or other behavior that demonstrates a
24 manifest incapacity or incompetence to practice addiction counseling;

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

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

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

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

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

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

43 (8) has failed to obtain continuing education credits required by rules

1 and regulations of the board;

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

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

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

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

17 (c) Administrative proceedings and disciplinary actions regarding
18 licensure under the addiction counselor licensure act shall be conducted in
19 accordance with the Kansas administrative procedure act. Judicial review
20 and civil enforcement of agency actions under the addiction counselor
21 licensure act shall be in accordance with the Kansas judicial review act.

22 Sec. 17. K.S.A. 74-5316a is hereby amended to read as follows: 74-
23 5316a. (a) Upon written application and board approval, an individual who
24 is licensed to engage in the independent practice of psychology in another
25 jurisdiction ~~and~~, who is in good standing in that other jurisdiction *and who*
26 *has engaged in the practice of psychology in that jurisdiction for at least*
27 *two years immediately preceding application* may engage in the
28 independent practice of psychology as provided by K.S.A. 74-5301 et seq.,
29 and amendments thereto, in this state for ~~no~~ *not* more than ~~15~~ 30 days per
30 year upon receipt of a temporary permit to practice issued by the board.
31 *Such individual engaging in such practice in this state shall provide*
32 *quarterly reports to the board on a form approved by the board detailing*
33 *the total days of practice in this state.*

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

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

1 *practice in this state for an additional 30 days during the additional year.*
2 *Such individual engaging in such practice shall provide quarterly reports*
3 *to the board on a form approved by the board detailing the total days of*
4 *practice in this state.*

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

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

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

18 (g) This section shall be a part of and supplemental to the licensure of
19 psychologists act.

20 Sec. 18. K.S.A. 74-5324 is hereby amended to read as follows: 74-
21 5324. (a) The board may refuse to issue, renew or reinstate a license, may
22 condition, limit, revoke or suspend a license, may publicly or privately
23 censure a licensee or may impose a fine not to exceed \$1,000 per violation
24 upon a finding that a licensee or an applicant for a license:

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

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

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

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

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

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

41 (4) is currently listed on a child abuse registry or an adult protective
42 services registry as the result of a substantiated finding of abuse or neglect
43 by any state agency, agency of another state or the United States, territory

1 of the United States or another country and the applicant or licensee has
2 not demonstrated to the board's satisfaction that such person has been
3 sufficiently rehabilitated to merit the public trust;

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

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

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

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

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

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

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

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

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

32 Sec. 19. K.S.A. 74-5363 is hereby amended to read as follows: 74-
33 5363. (a) Any person who desires to be licensed under this act shall apply
34 to the board in writing, on forms prepared and furnished by the board.
35 Each application shall contain appropriate documentation of the particular
36 qualifications required by the board and shall be accompanied by the
37 required fee.

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

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

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

4 (3) has received at least 60 graduate hours including a master's degree
5 in psychology based on a program of studies in psychology from an
6 educational institution having a graduate program in psychology consistent
7 with state universities of Kansas; or until July 1, 2003, has received at least
8 a master's degree in psychology and during such master's or post-master's
9 coursework completed a minimum of 12 semester hours or its equivalent
10 in psychological foundation courses such as, but not limited to, philosophy
11 of psychology, psychology of perception, learning theory, history of
12 psychology, motivation, and statistics and 24 semester hours or its
13 equivalent in professional core courses such as, but not limited to, two
14 courses in psychological testing, psychopathology, two courses in
15 psychotherapy, personality theories, developmental psychology, research
16 methods, social psychology; or has passed comprehensive examinations or
17 equivalent final examinations in a doctoral program in psychology and
18 during such graduate program completed a minimum of 12 semester hours
19 or its equivalent in psychological foundation courses such as, but not
20 limited to, philosophy of psychology, psychology of perception, learning
21 theory, history of psychology, motivation, and statistics and 24 semester
22 hours or its equivalent in professional core courses such as, but not limited
23 to, two courses in psychological testing, psychopathology, two courses in
24 psychotherapy, personality theories, developmental psychology, research
25 methods, social psychology;

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

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

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

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

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

43 (C) has completed a graduate level supervised clinical practicum of

1 supervised professional experience including psychotherapy and
2 assessment with individuals, couples, families or groups, integrating
3 diagnosis and treatment of mental disorders with use of the American
4 psychiatric association's diagnostic and statistical manual, with not less
5 than 350 hours of direct client contact or additional postgraduate
6 supervised experience as determined by the board;

7 (D) has completed not less than two years of postgraduate supervised
8 professional experience in accordance with a clinical supervision plan
9 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
10 professional experience including at least 1,500 hours of direct client
11 contact conducting psychotherapy and assessments with individuals,
12 couples, families or groups and not less than ~~150~~ 100 hours of *face-to-face*
13 clinical supervision, *as defined by the board in rules and regulations*,
14 including not less than 50 hours of ~~person-to-person~~ individual
15 supervision, *except that the board may waive the requirement that such*
16 *supervision be face-to-face upon a finding of extenuating circumstances*,
17 integrating diagnosis and treatment of mental disorders with use of the
18 American psychiatric association's diagnostic and statistical manual;

19 (E) for persons earning a degree under subsection (b) prior to July 1,
20 2003, in lieu of the education requirements under subparagraphs (B) and
21 (C), has completed the education requirements for licensure as a licensed
22 master's level psychologist in effect on the day immediately preceding the
23 effective date of this act;

24 (F) for persons who apply for and are eligible for a temporary license
25 to practice as a licensed master's level psychologist on the day
26 immediately preceding the effective date of this act, in lieu of the
27 education and training requirements under subparagraphs (B), (C) and (D),
28 has completed the education and training requirements for licensure as a
29 master's level psychologist in effect on the day immediately preceding the
30 effective date of this act;

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

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

35 (2) A person who was licensed or registered as a master's level
36 psychologist in Kansas at any time prior to the effective date of this act,
37 who has been actively engaged in the practice of master's level psychology
38 as a registered or licensed master's level psychologist within five years
39 prior to the effective date of this act and whose last license or registration
40 in Kansas prior to the effective date of this act was not suspended or
41 revoked, upon application to the board, payment of fees and completion of
42 applicable continuing education requirements, shall be licensed as a
43 licensed clinical psychotherapist by providing demonstration of

1 competence to diagnose and treat mental disorders through at least two of
2 the following areas acceptable to the board:

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

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

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

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

26 (d) The board shall adopt rules and regulations establishing the
27 criteria ~~which~~ *that* an educational institution shall satisfy in meeting the
28 requirements established under subsection (b)(3). The board may send a
29 questionnaire developed by the board to any educational institution for
30 which the board does not have sufficient information to determine whether
31 the educational institution meets the requirements of subsection (b)(3) and
32 rules and regulations adopted under this section. The questionnaire
33 providing the necessary information shall be completed and returned to the
34 board in order for the educational institution to be considered for approval.
35 The board may contract with investigative agencies, commissions or
36 consultants to assist the board in obtaining information about educational
37 institutions. In entering such contracts the authority to approve educational
38 institutions shall remain solely with the board.

39 Sec. 20. K.S.A. 74-5367a is hereby amended to read as follows: 74-
40 5367a. (a) Upon written application and board approval, an individual who
41 is licensed to engage in the independent clinical practice of masters level
42 psychology at the clinical level in another jurisdiction ~~and~~, who is in good
43 standing in that other jurisdiction *and who has engaged in the clinical*

1 *practice of masters level psychology in that jurisdiction for at least two*
2 *years immediately preceding application may engage in the independent*
3 *practice of clinical masters level psychology as provided by K.S.A. 74-*
4 *5361 et seq., and amendments thereto, in this state for ~~no~~ not more than ~~15~~*
5 *30 days per year upon receipt of a temporary permit to practice issued by*
6 *the board. Such individual engaging in such practice in this state shall*
7 *provide quarterly reports to the board on a form approved by the board*
8 *detailing the total days of practice in this state.*

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

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

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

28 (e) A person who holds a temporary permit to practice clinical
29 masters level psychology in this state shall be deemed to have submitted to
30 the jurisdiction of the board and shall be bound by the statutes and
31 regulations that govern the practice of clinical masters level psychology in
32 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 clinical masters
37 level psychology in this state without complying with the provisions of
38 this section.

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

41 Sec. 21. K.S.A. 74-5369 is hereby amended to read as follows: 74-
42 5369. (a) The board may refuse to issue, renew or reinstate a license, may
43 condition, limit, revoke or suspend a license, may publicly or privately

1 censure a licensee or may impose a fine not to exceed \$1,000 per violation
2 upon a finding that a licensee or an applicant for licensure:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (b) For issuance of a new license or reinstatement of a revoked or
2 suspended license for a licensee or applicant for licensure with a felony
3 conviction, the board may only issue or reinstate such license by a $\frac{2}{3}$
4 majority vote.

5 (c) Administrative proceedings and disciplinary actions regarding
6 licensure under the licensure of master's level psychologists act shall be
7 conducted in accordance with the Kansas administrative procedure act.
8 Judicial review and civil enforcement of agency actions under the
9 licensure of master's level psychologists act shall be in accordance with the
10 Kansas judicial review act.

11 Sec. 22. K.S.A. 65-5804a, 65-5807a, 65-5808, 65-5809, 65-6309a,
12 65-6311, 65-6404, 65-6405a, 65-6408, 65-6610, 65-6612, 65-6615, 74-
13 5316a, 74-5324, 74-5363, 74-5367a and 74-5369 and K.S.A. 2020 Supp.
14 65-6306 and 65-6411 are hereby repealed.

15 Sec. 23. This act shall take effect and be in force from and after its
16 publication in the statute book.