



ANNUAL REPORT FOR FY 2007

**Edited by Phyllis Gilmore
Data Compiled by
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Ashley Blake**

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BEHAVIORAL SCIENCES REGULATORY BOARD MEMBERS

(All appointed by the Governor)

Robert Eades, Wichita, KS

Jean Hogan, Wichita, KS

Wesley Jones, PhD, Emporia, KS

Amory Lovin, Kansas City, KS

Richard Maxfield, PhD, Topeka, KS

Ronald McNish, PhD, Mission, KS

William Meredith, PhD, Manhattan, KS

Jody Patterson, Wichita, KS

Gary Price, PhD, Lawrence, KS

Sharon Stuewe, Topeka, KS

Psychology Advisory Committee

Richard Maxfield, PhD, Chairperson

Charlene Donovan, PhD, Topeka, KS

Nancy Garfield, PhD, Topeka, KS

Larry Hays, PhD, McPherson, KS

James Jackson, PhD, Shawnee, KS

Dorinda Lambert, PhD, Manhattan, KS

James Lichtenberg, PhD, Lawrence, KS

Ron McNish, PhD, Mission, KS

Terrie Price, PhD, Kansas City, MO

Social Work Advisory Committee

Jean Hogan, Co-Chairperson

Sharon Stuewe, Co-Chairperson

Brenda Dacus, Junction City, KS

Charles Frankenfeld, Hays, KS

Sheri Hilger, Overland Park, KS

Harold Murphy, Salina, KS

Jean Peterson, Lawrence, KS

Susan Sorem, Winfield, KS

Professional Counselor Advisory Committee

Gary Price, PhD, Chairperson

Fred Bradley, PhD, Manhattan, KS

Patricia Grimwood, Salina, KS

Carla Hatten, Hays, KS

Dorothy Knoll, Kansas City, KS

Jim Rodman, Girard, KS

Lloyd Stone, PhD, Emporia, KS

Master Level Psychology Advisory Committee

Jody Patterson, Chairperson

Steven Davis, Newton, KS

Shelley Duncan, Wichita, KS

Jay Mann, Wichita, KS

Susan Montague, Ellsworth, KS

Thomas Pletcher, Wichita, KS

Ronald Speier, Hays, KS

Marriage & Family Therapy Advisory Committee

Wes Jones, PhD, Chairperson

Sarah Frey, Wichita, KS

Nancy O'Connor, Manhattan, KS

Terry Pfannenstiel, PhD, Manhattan, KS

Jaime Richardson, Kansas City, KS

Alcohol & Other Drug Abuse Counselor Advisory Committee

Ron McNish, PhD, Chairperson

Barbara Burks, Olathe, KS

Debra O'Quinn, Topeka, KS

Deborah Stidham, Topeka, KS

BEHAVIORAL SCIENCES REGULATORY BOARD STAFF

Phyllis Gilmore	Executive Director
Marsha Schrempp	Executive Assistant
Roger Scurlock	Special Investigator II
Bruno Langer	Temporary Investigator
Leslie Allen	Credentialing Specialist/Applications
Maryann Peerenboom	Credentialing Assistant/Applications
Brandy Hartpence	Credentialing Assistant/Renewals
Ashley Blake	Senior Administrative Assistant
Dee Jirik	Temporary Assistant
Camille Nohe	General Counsel
Marty Snyder	Litigation Counsel

KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD ORGANIZATIONAL CHART

BSRB BOARD

Phyllis Gilmore
Executive Director

Leslie Allen
Credentialing Specialist

Marsha Schrempp
Executive Assistant

Roger Scurlock
Special Investigator II

Maryann Peerenboom
Office Specialist
Investigator

Ashley Blake
Senior Administrative Assistant

Bruno Langer
Temporary

Brandy Hartpence
Administrative Assistant

Dee Jirik
Temporary Assistant

HISTORY OF THE BOARD

STATUTORY HISTORY:

The 1980 session Laws of Kansas, Chapter 242, for the purpose of certifying psychologists (changed to licensing in 1986) and licensing social workers created the Behavioral Sciences Regulatory board. The Board of Psychology Examiners and the Board of Social Work Examiners formerly regulated these two professional groups, respectively. The Legislative action to sunset each board as of July 1, 1980, occurred under the provisions of K.S.A. 74-7502 -K.S.A. 74-7505. Fee monies contained in the accounts of the former boards were transferred to the Behavioral Sciences Regulatory Board fee fund, pursuant to K.S.A. 74-7505.

The board's jurisdiction was expanded to include the registration of professional counselors and masters level psychologists by the 1987 Session Laws of Kansas, Chapter 315 and 306 respectively, amended by L. 1988, Ch.263, Ch.245, and Ch.304; and to include the registration of marriage and family therapists; and by the 1992 Legislature, (L.1992, Ch.184) to include the registration of alcohol and other drug abuse counselors.

The 1996 Legislation Session significantly amended the statutes governing the registration of professional counselors, master's level psychologists and marriage and family therapists. These credentialed groups, effective January 1, 1997, converted from "registration" to "licensure." The legislation also amended the requirements for credentialing in each of the following areas: Education, experience and examination. The Board was increased in size from seven members to eleven members by adding one member from each of the three new licensure groups and adding two public members.

The Governor makes all board appointments for staggered four-year terms.

The 1999 Legislature (Ch.117 in the 1999 Session Laws of Kansas) created three new clinical levels of licensure for the master level psychologists, marriage and family therapists and professional counselors, effective July 1, 2000. These new clinical level practitioners are given the right to diagnose and treat mental disorders in independent practice.

The 2007 Legislature (Ch.13 in the 2007 Session Laws of Kansas) created a temporary out of state permit for professionals to work in Kansas for 15 days and a one-time renewal of that permit which allows a total of 30 days annually.

BSRB MISSION & PHILOSOPHY

AGENCY MISSION:

The agency's mission, as statutorily established by the Legislature through its enactment of the Kansas Credentialing Act [K.S.A. 65-5001 et seq], is to protect the public's health, safety and welfare from unlawful or unprofessional practitioners who fall under the board's jurisdiction. To this end, the agency has defined the statutory credentialing qualifications by establishing, through rules and regulations, minimal educational and experiential requirements that applicants seeking credentialing in each of the regulated groups must satisfy before the board grants the applicable credential. Also to this end, the board has defined statutorily prohibited conduct through rules and regulations and has defined those acts that constitute unprofessional or incompetent practice.

AGENCY PHILOSOPHY:

The agency will act in accordance with the statutes and regulations and will ensure that standards are applied uniformly to all applicants and credentialed professionals and will act in accordance with the highest standards of ethics, accountability, efficiency and openness. The agency will also ensure that its regulated professionals and the public are treated in a respectful, helpful and nondiscriminatory manner.

PROGRAMS ESTABLISHED TO ASSIST WITH AGENCY MISSION:

1. Administration and Regulation of the following six credentialed professional groups:
 - a. Licensed Marriage and Family Therapists, (Masters and Clinical)
 - b. Licensed Masters Level Psychologists, (Masters and Clinical)
 - c. Licensed Professional Counselors, (Masters and Clinical)
 - d. Licensed Psychologists,
 - e. Licensed Social Workers (Associate, Baccalaureate, Masters and Specialist Clinical),
 - f. Registered Alcohol and Other Drug Abuse Counselors.

2. Enforcement of Law through:
 - a. Investigation; and
 - b. Adjudication.

AGENCY OBJECTIVES:

1. To grant licensure/registration to those applicants who demonstrate that they meet the statutorily established minimal levels of competence to provide mental health services to Kansas consumers.
2. To promptly process biennial renewals and insure continued compliance with continuing education requirements by those practicing in this state.
3. To meet statutory time limit in responding to open records requests and, when appropriate, to disseminate accurate information to all those who request such.
4. To continue accuracy and promptness in providing reports and information disseminated by the Board and to begin archiving expired licensure files with the ultimate goal of destroying paper files.
5. To have the length of time to process alleged violations, from receipt of a complaint to completion of an investigation, be an average of 180 days.
6. To take swift and decisive action when investigations reveal probable cause of conduct for which disciplinary measures are appropriate.
7. To employ appropriate monitoring and surveillance methods to ensure compliance by those subject to limitations imposed by Board order and to identify and take immediate steps against those not in compliance.
8. To identify and take prompt action to prevent unauthorized and unlawful practice of professions regulated by the Board including practice by unlicensed persons.
9. To report disciplinary action to the public on our website and in the Healthcare Integrity and Protection Data Bank.

EXAMINATION INFORMATION

There are several different exams used by the BSRB. They are as follows:

The Professional Examination Service gives the Examination for Professional Practice in Psychology or EPPP. This exam is used for Psychologists, Masters Level Psychologists and Clinical Psychotherapists. The pass rate is dependant upon the level of licensure sought.

The Professional Examination Service also gives the Examination in Marital and Family Therapy. This exam is used for both levels of Marriage and Family Therapists license. The pass rate is dependant upon the level of licensure sought.

The Association of Social Work Boards or ASWB gives the Social Work Licensing Examinations. There are three exams used depending on the level of licensure sought, Bachelors for LBSW, Masters for LMSW and Clinical for LSCSW.

The National Board for Certified Counselors gives the examinations for both levels of Counselors license. The National Counselor Exam (NCE) is given for the LPC and the National Clinical Mental Health Counseling Examination (NCMHCE) is given for the LCPC.

The Professional Testing Corporation gives the National Certification Examinations for Addiction Counselors. This exam is used for the RAODAC.

Examination Results

EPPP for LP

EXAM - EPPP	FY 07	FY 06	FY 05	FY 04
Passed	54	47	36	30
Failed	15	7	6	3
Total	69	54	42	33

EPPP for LMLP and LCP

EXAM – EPPP	FY 07	FY 06	FY 05	FY 04
Passed at Masters Level	17	13	6	10
Passed at Clinical Level	15	12	1	14
Failed at Masters Level	17	17	14	13
Failed at Clinical Level	3	0	1	2
Total	52	42	22	39

ASWB for LSCSW

EXAM – ASWB	FY 07	FY 06	FY 05	FY 04

Clinical				
Passed	49	52	65	54
Failed	19	14	16	17
Total	68	66	81	71

ASWB for LMSW

EXAM – ASWB Masters	FY 07	FY 06	FY 05	FY- 04
Passed	230	260	224	209
Failed	148	138	98	70
Total	378	398	322	279

ASWB for LBSW

EXAM – ASWB Bachelors	FY 07	FY 06	FY 05	FY 04
Passed	143	152	112	134
Failed	57	40	39	31
Total	198	192	151	165

NCE for LPC

EXAM – NBCC Clinical	FY 07	FY 06	FY 05	FY 04
Passed	41	34	19	31
Failed	7	8	6	6
Total	48	42	25	37

NCMHCE for LCPC

EXAM – NBCC Clinical	FY 07	FY 06	FY 05	FY 04
Passed	5	15	15	13
Failed	4	5	2	0
Total	9	20	17	13

AMFTRB for LMFT AND LCMFT

EXAM – EPPP	FY 07	FY 06	FY 05	FY 04
Passed at Masters Level	19	11	35	13
Passed at Clinical Level	48	28	5	28
Failed at Masters Level	34	13	9	20
Failed at Clinical Level	10	5	3	4
Total	101	57	52	65

Licensure Totals for Kansas as of July, 2007

License Type LP

Total Number of Licenses License Term

698 PERM

26 TEMP

License Type LASW

Total Number of Licenses License Term

43 PERM

License Type LBSW

Total Number of Licenses License Term

1920 PERM

26 TEMP

License Type LMSW

Total Number of Licenses License Term

2383 PERM

46 TEMP

License Type LSCSW

Total Number of Licenses License Term

1727 PERM

License Type LPC

Total Number of Licenses License Term

325 PERM

19 TEMP

License Type LCPC

Total Number of Licenses License Term

341 PERM

License Type LMLP

Total Number of Licenses License Term

252 PERM

104 TEMP

License Type LCP

Total Number of Licenses License Term

288 PERM

License Type LMFT

Total Number of Licenses License Term

196 PERM

68 TEMP

License Type LCMFT

Total Number of Licenses License Term

311 PERM

License Type RAODAC

Total Number of Licenses License Term

71 PERM

BSRB Application and Licensure Statistics
Applications Received

<u>FY</u>	<u>04</u>	<u>05</u>	<u>06</u>	<u>07</u>
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LP	68	81	71	74
LBSW	161	186	217	208
LMSW	294	366	344	365
LSCSW	102	109	99	91
LPC	53	64	59	84
LCPC	22	27	26	30
LMLP	53	57	52	62
LCP	7	9	7	7
LMFT	56	72	66	79
LCMFT	17	23	26	16
RAODAC	4	5	0	5

Temporary Licenses Issued

FY	<u>04</u>	<u>05</u>	<u>06</u>	<u>07</u>
LP	28	17	10	18
LBSW	17	52	25	41
LMSW	41	91	24	66
LPC	18	24	16	18
LMLP	47	47	45	47
LMFT	52	54	35	46

Permanent Licenses Issued

FY	<u>04</u>	<u>05</u>	<u>06</u>	<u>07</u>
LP	39	70	30	51
LBSW	172	147	142	188
LMSW	256	275	262	283
LSCSW	116	117	83	80
LPC	44	42	45	67
LCPC	25	30	21	36
LMLP	19	15	26	23
LCP	14	12	7	7
LMFT	35	45	36	61
LCMFT	21	22	26	17
RAODAC		7	1	5

COUNTY STATISTICS FOR FY 07

		LP	LASW	LBSW	LMSW	LSCSW	LCPC	LPC	LCP	LMLP	LCMFT	LMFT	RAODAC	TOTAL
AL	ALLEN	3	1	11	10	2	2	1	4	2	0	0	0	36
AN	ANDERSON	1	0	0	4	0	0	1	0	0	0	0	0	6

AT	ATCHISON	2	0	12	6	5	1	2	2	2	1	1	0	34
BA	BARBER	0	0	3	0	0	0	0	0	0	1	0	0	4
BB	BOURBON	1	0	16	4	2	1	2	0	3	1	0	0	30
BR	BROWN	0	0	5	7	2	0	0	0	1	1	0	0	16
BT	BARTON	3	0	34	10	2	2	4	10	7	1	3	1	77
BU	BUTLER	6	1	36	29	12	8	14	6	3	9	3	1	128
CA	CLARK	0	0	0	3	0	0	0	1	1	0	0	0	5
CD	CLOUD	3	0	17	4	2	1	0	1	1	1	0	0	30
CF	COFFEY	0	0	5	2	1	1	0	1	0	0	0	0	10
CK	CHEROKEE	0	0	9	5	3	0	2	4	1	0	0	0	24
CL	COWLEY	1	0	38	19	14	3	4	2	5	2	0	0	88
CM	COMANCHE	0	0	0	0	1	0	1	0	0	1	0	0	3
CN	CHEYENNE	0	0	0	0	0	0	0	0	0	0	0	0	0
CQ	CHAUTAUQUA	0	0	0	0	0	0	0	0	0	0	0	0	0
CR	CRAWFORD	9	2	61	11	8	4	11	10	5	6	4	4	135
CS	CHASE	0	0	0	0	0	1	0	0	0	0	0	0	1
CY	CLAY	0	0	8	2	2	0	0	0	0	0	0	0	12
DC	DECATUR	0	0	2	0	2	2	0	1	0	0	0	0	7
DG	DOUGLAS	78	1	65	199	145	15	15	13	13	10	5	5	564
DK	DICKINSON	0	1	17	7	5	0	2	0	1	0	0	0	33
DP	DONIPHAN	0	0	1	4	0	0	0	1	1	0	0	0	7
ED	EDWARDS	0	0	1	1	2	1	0	0	0	0	1	0	6
EK	ELK	0	0	1	0	1	0	0	0	0	0	0	0	2
EL	ELLIS	3	0	39	15	12	8	9	16	20	3	1	2	128
EW	ELLSWORTH	1	0	3	2	0	0	3	0	0	0	0	0	9
FI	FINNEY	0	0	19	13	11	6	7	5	3	1	0	0	65
FO	FORD	1	4	11	9	11	1	2	1	1	0	0	1	42
FR	FRANKLIN	0	1	11	9	7	1	3	5	2	0	1	1	41
GE	GEARY	0	0	17	15	8	0	2	1	3	1	2	0	49
GH	GRAHAM	0	0	2	0	0	0	0	0	0	0	0	0	2
GL	GREELEY	0	0	1	1	0	0	0	0	1	0	0	0	3
GO	GOVE	0	0	2	1	0	1	0	0	0	0	0	0	4
GT	GRANT	0	0	2	3	2	0	0	1	1	0	0	0	9
GW	GREENWOOD	0	0	3	3	0	1	1	0	1	0	0	0	9
GY	GRAY	0	0	5	1	2	0	0	1	0	0	0	0	9
HG	HODGEMAN	0	0	0	0	0	0	1	0	0	0	1	0	2
HM	HAMILTON	0	0	1	0	1	0	0	0	0	0	0	0	2
HP	HARPER	0	0	5	1	0	0	0	0	0	0	0	0	6
HS	HASKELL	0	0	0	1	0	0	0	0	0	0	0	0	1
HV	HARVEY	10	1	55	51	40	4	5	3	2	6	2	2	181
JA	JACKSON	0	0	10	12	17	1	1	2	2	1	1	0	47
JF	JEFFERSON	3	0	10	19	7	0	1	0	1	1	1	0	43
JO	JOHNSON	174	2	198	466	450	112	64	29	28	63	40	17	1643
JW	JEWELL	0	0	2	0	0	0	0	0	0	0	0	0	2
KE	KEARNY	0	0	0	2	0	0	0	0	0	0	0	0	2
KM	KINGMAN	0	0	1	2	0	0	0	1	0	0	0	0	4
KW	KIOWA	0	0	0	1	0	0	1	2	2	0	1	0	7
LB	LABETTE	2	0	25	8	1	4	2	1	3	0	0	0	46
LC	LINCOLN	0	0	1	0	0	0	1	0	0	0	0	0	2
LE	LANE	0	0	0	0	0	0	0	0	0	0	0	0	0
		LP	LASW	LBSW	LMSW	LSCSW	LCPC	LPC	LCP	LMLP	LCMFT	LMFT	RAODAC	TOTAL
LG	LOGAN	0	0	4	0	0	0	0	0	0	0	0	0	4
LN	LINN	2	1	2	2	2	0	0	1	0	0	1	0	11
LV	LEAVENWORTH	10	0	12	39	17	9	6	2	3	2	0	2	102

LY	LYON	3	2	14	13	11	8	15	12	11	1	1	3	94
MC	MITCHELL	0	0	7	3	1	0	0	1	1	0	0	0	13
ME	MEADE	0	0	3	1	0	0	0	0	0	0	1	0	5
MG	MONTGOMERY	0	0	19	14	6	1	0	10	13	2	1	1	67
MI	MIAMI	4	0	11	17	11	1	4	3	3	1	1	0	56
MN	MARION	0	0	6	7	4	3	0	1	0	0	0	0	21
MP	MCPHERSON	3	0	29	23	13	1	2	2	1	6	3	0	83
MR	MORRIS	0	0	4	3	2	0	1	0	0	0	0	0	10
MS	MARSHALL	0	1	6	2	0	0	0	0	0	0	0	0	9
MT	MORTON	0	0	2	0	0	0	0	0	0	0	0	0	2
NM	NEMAHA	0	0	9	3	0	0	0	0	1	0	0	0	13
NO	NEOSHO	2	0	18	14	2	0	2	1	0	0	0	0	39
NS	NESS	0	0	2	0	0	0	1	0	0	0	0	0	3
NT	NORTON	3	0	0	2	1	0	2	0	0	0	1	0	9
OB	OSBORNE	0	0	1	0	0	0	1	0	1	0	0	0	3
OS	OSAGE	0	0	7	10	2	2	0	0	0	0	1	0	22
OT	OTTAWA	0	0	6	0	0	0	0	0	0	0	0	0	6
PL	PHILLIPS	0	0	7	4	4	0	1	1	2	0	1	0	20
PN	PAWNEE	7	3	14	12	9	2	3	11	6	0	0	1	68
PR	PRATT	0	2	5	4	1	0	0	1	0	0	0	0	13
PT	POTTAWATOMIE	2	1	16	11	6	1	2	1	2	1	3	0	46
RA	RAWLINS	0	0	2	0	0	1	0	0	0	0	0	0	3
RC	RICE	0	0	2	2	0	0	1	0	0	1	0	0	6
RH	RUSH	0	0	2	3	2	0	0	0	0	0	0	0	7
RL	RILEY	17	1	71	41	41	8	5	4	9	13	8	0	218
RN	RENO	3	0	64	38	33	7	6	9	5	14	4	2	185
RO	ROOKS	0	0	3	1	1	1	1	0	0	0	0	0	7
RP	REPUBLIC	0	0	5	0	0	0	0	0	0	0	0	0	5
RS	RUSSELL	0	0	5	0	0	0	2	1	1	0	1	0	10
SA	SALINE	7	2	49	35	30	5	8	8	4	10	2	3	163
SC	SCOTT	0	0	2	2	0	0	0	1	1	1	0	0	7
SD	SHERIDAN	0	0	0	0	0	0	0	0	1	0	0	0	1
SF	STAFFORD	1	0	0	0	0	0	0	0	0	0	1	0	2
SG	SEDGWICK	95	6	340	380	204	26	29	38	28	94	55	12	1307
SH	SHERMAN	0	0	2	1	2	1	0	0	1	0	1	0	8
SM	SMITH	0	0	2	1	1	0	0	0	0	0	1	0	5
SN	SHAWNEE	51	6	175	233	225	10	12	22	21	24	7	7	793
ST	STANTON	1	0	0	0	1	0	0	0	0	0	0	0	2
SU	SUMNER	1	0	14	13	0	1	0	4	4	2	5	1	45
SV	STEVENS	0	0	1	0	0	0	0	0	0	0	0	0	1
SW	SEWARD	2	0	6	3	3	1	0	2	1	0	2	1	21
TH	THOMAS	0	0	10	1	2	3	0	1	1	0	1	0	19
TR	TREGO	0	0	2	0	2	0	0	0	1	0	0	0	5
WA	WALLACE	0	0	1	0	0	0	0	0	0	0	0	0	1
WB	WABAUNSEE	1	1	6	5	6	0	2	0	0	0	0	0	21
WH	WICHITA	0	0	1	1	1	0	0	0	0	0	0	0	3
WL	WILSON	0	0	6	1	2	0	0	0	0	0	0	0	9
WO	WOODSON	0	0	4	2	0	0	0	0	0	0	1	0	7
WS	WASHINGTON	0	1	3	0	0	0	0	0	0	0	0	0	4
WY	WYANDOTTE	15	1	46	69	36	6	11	5	0	2	2	0	193
	TOTAL	531	42	1793	1978	1464	279	279	266	238	284	172	67	7393

CONTINUING EDUCATION

All professions regulated by the Behavioral Sciences are required to complete continuing education during each renewal cycle. The following is a list of the professions and how many hours they are required to complete.

LP – 50 hours every two years

LASW - 40 hours every two years

LBSW - 40 hours every two years

LMSW - 40 hours every two years

LSCSW - 40 hours every two years

LPC – 30 hours every two years

LCPC – 30 hours every two years

LMLP – 50 hours every two years

LCP – 50 hours every two years

LMFT – 40 hours every two years

LCMFT – 40 hours every two years

RAODAC – 30 hours every two years

All licensees are required to complete 3 hours of ethics in each renewal cycle.

All Masters level licensees and above are required to complete 6 hours of diagnosis and treatment in each renewal cycle.

The following is a list of Pre-approved Providers for Social Work Continuing Education.

Provider Number	Provider Name
02-001	Seminars 2000
02-004	Pace Seminars
02-005	Johnson County Community College
02-006	Associated Learning Centers, Inc.
02-008	Area Mental Health Center
02-009	Two Rivers Psychiatric Hospital
02-010	Medical Educational Services, Inc
02-011	Kansas University-school of Social Work
02-013	KNASW
02-014	Prairie View Learning Institute
03-001	Peach Tree Professional Education, Inc
03-003	Lorman Education Services
04-001	Institute for Natural Resources
04-003	HEALTH Education Network
04-009	Wyandot Center for Community Behavioral Healthcare
04-010	Quality Educational Resources
05-003	Association for Advanced Training
06-002	Hospice Care of Kansas
06-003	Professional Education Institute, Inc
06-004	Janet A Beverley Counseling & Consultation
06-005	Midwest Health Management, Inc
06-006	The Saint Francis Academy
07-001	Abundant Life Hospice, Inc
07-002	The Guidance Center

The following courses have single program pre-approval for social work continuing education.

Provider Number	Provider Name
SP06-014	KC Metro Council On Renal Nutrition
SP06-015	Michael Boniello and Peggy Chilson
SP06-016	Developmental Services of Northwest Kansas, Inc.
SP06-017	HCR Manor Care
SP06-019	Association for the Blind and Visually Impaired
SP07-001	Dorothy & Associates
SP07-002	The Leukemia and Lymphoma Society
SP07-003	Parkinson Foundation of the Heartland
SP07-004	Adrian & Pankratz, PA
SP07-005	Cancer Action, Inc
SP07-006	Kansas Dept of Aging
SP07-007	SRS
SP07-009	Kansas Family Partnership, Inc
SP07-010	Juvenile Justice Authority
SP07-011	Kansas Dept of SRS

Investigations: Policy and Procedures

Revised and approved by the
Board on July 9, 2007.

I. Initial Office Process

A. An investigation may be initiated by a report of alleged violation (RAV) which is received by the Behavioral Sciences Regulatory Board:

- 1. Which may be a complaint lodged by a person.**
- 2. Other reasonably reliable written information (e.g., court decision, newspaper article, yellow pages ad, etc.).**
- 3. Information that a licensee has failed to comply with the conditions of a disciplinary or non-disciplinary consent agreement and order, or initial or final order.**

B. Request for Forms:

- 1. Upon receiving a request for a RAV/complaint form, Staff shall obtain all information necessary for mailing the forms to the requester and updating the RAV Sent/Received Ledger.**
- 2. The information obtained for updating the Ledger should include the name of the requester, the address to which the RAV was sent and the date sent to the requester.**
- 3. Anyone wishing to file a complaint by telephone shall be informed that the Report of Alleged Violation form should be completed in full and returned to the Board.**

C. Receipt of report of alleged violation, other reasonably reliable written

information, and information regarding non-compliance with a disciplinary or non-disciplinary consent agreement and order, or initial or final order:

- 1. Date stamp the first page of the RAV or of the other information received.**
- 2. Assign a Case Number in sequence.**
- 3. Update the RAV Sent/Received Ledger.**

4. **Print out a copy of the licensee's information located in the Licensure Data Base.**
5. **Send an acknowledgement letter to the complainant or other reporter indicating receipt of the information.**
6. **Complaints in Letter Form: In cases in which the complaint is received in letter form and not accompanied by the BSRB RAV Form, Staff shall send a RAV form, along with a letter requesting that the RAV form be completed with the exception of the Narrative Section, to the individual submitting the letter of complaint.**
7. **Place the completed RAV form in the Special Investigator's IN box.**
8. **When the Special Investigator receives the complaint, the licensee will be notified in writing, in a timely manner, of the receipt of the complaint, a brief description of the allegations contained therein, and the identity of the complainant.**

II. COMPLAINT REVIEW COMMITTEE

- A. **The review and evaluation of the investigated reports of alleged violations (RAV) will be performed by a standing Complaint Review Committee comprised of the following persons who will serve in a decision making capacity:**
 1. **a psychologist Board member,**
 2. **a social worker Board member,**
 3. **a Board member who is:**
 - a. **a marriage and family therapist or clinical marriage and family therapist,**
 - b. **a professional counselor or a clinical professional counselor, or**
 - c. **a masters level psychologist or clinical psychotherapist**
 4. **Two public Board members.**
- B. **The following persons shall serve as members of the Complaint Review Committee in an advisory capacity:**
 1. **the Board's Special Investigator**
 2. **the Board's Executive Director, as needed.**
- C. **Additionally, the Board's Disciplinary Counsel will be requested to serve as a member of the Complaint Review Committee in an advisory capacity.**

- D. The terms of the Complaint Review Committee for Board members shall be two years on a staggered basis. Terms are from July 1st to June 30th.**
- E. The remaining six Board members will be available to serve on hearing panels (preferably 3-person hearing panels) for any case that proceeds to an administrative disciplinary hearing. The Executive Director is authorized to appoint hearing panel members who will be Board members not associated with the investigative phase and who do not have any conflict of interest.**
- F. The Board delegates the authority to take the following actions to the Complaint Review Committee:**
- 1. To issue summary proceeding orders:**
 - (a) to revoke, suspend, condition, or limit a license,**
 - (b) to assess fines in the amount of the maximum of \$ 1,000. per violation,**
 - (c) to assess costs in the amount of \$ 200. maximum,**
 - (d) to censure a licensee, and/or**
 - (e) to revoke the license or registration of any licensee or registrant who voluntarily surrender such person's license or registration pending investigation of misconduct or while charges of misconduct against the licensee or registrant are pending;**
 - 2. To issue cease and desist orders to any person who has practiced without a valid license in a profession for which practitioners are required by law to be licensed; and**
 - 3. To apply to any court of competent jurisdiction for an order enjoining any licensed or unlicensed person who has engaged, or is about to engage, in any acts or practices that will constitute a violation of any practice act under the Board's jurisdiction.**
 - 4. To approve any consent agreement and order over the signature of the chair of the Complaint Review Committee.**

III. Initial Review and Determination

- A. When the Behavioral Sciences Regulatory Board receives a completed Report of Alleged Violation, the Special Investigator and/or the Executive Director reviews the complaint and an initial determination is made as to whether to proceed with opening the case for investigation.**
- B. Making the initial jurisdictional determination:**
 - 1. For an RAV against a person licensed by BSRB, two criteria are used to determine whether the BSRB has jurisdiction:**
 - a. The complaint pertains to a profession or scope of practice regulated by the Board.**
 - b. The complaint alleges facts constituting non-compliance with, or violations of the rules, regulations, and/or Statutes, and/or Board ordered conditions governing the practice or conduct of the professional on whom the report is being filed.**
 - 2. If the Special Investigator and/or Executive Director find that jurisdictional criteria are met, the case shall be docketed and an investigation shall be initiated.**
 - 3. When the Special Investigator and/or the Executive Director need consultation to determine jurisdiction, the following procedure shall apply:**
 - a. If during the initial jurisdictional determination process the Special Investigator and/or the Executive Director find that one or both of the two criteria are not met, the Special Investigator shall consult with a member of the Complaint Review Committee. When possible the Committee member shall be of the same profession as the person complained against. The Consultation may be in person, by telephone, fax or by E-mail. The Special Investigator shall document the decision made in consultation.**

- 1. The purpose of an administrative investigation is to uncover facts and to facilitate the Board's regulatory goals and compliance with the law. In consideration of that goal and the nature of the investigative function, the Special Investigator is hereby given discretionary procedural authority in determining which manner a licensee under investigation is be notified of the allegations charged against them.**
 - 2. Licensee Notification can include but is not limited to:**
 - a. An initial notification of complaint, if there will be a delay between the receipt of the complaint and the request for a written response.**
 - b. Notification in writing with a request for a written response due in the Board office on or before a date indicated by the Special Investigator, usually a period of 30 days from the date of notification.**
 - c. At the conclusion of a personal interview with the licensee at which time the licensee is presented with written notification of the allegations.**
 - d. A combination of (b) and (c).**
 - 3. In any case, the respondent/licensee shall be notified of the allegations in writing and asked to provide a written response to the Board.**
 - 4. At the discretion of the Executive Director and/or Special Investigator, the respondent may receive one 15-day extension to prepare the response. At the discretion of the Executive Director, the respondent may receive a second 15-day extension on a showing of good cause.**
- B. During the investigation process, the Special Investigator should explore the strengths of the case, along with the weaknesses.**
- C. The Special Investigator should interview witnesses, collect documents and other evidence relevant to the allegation, and explore all avenues for the basis or motive of the complaint.**
- D. If warranted, during the course of the investigation the Special Investigator may provide copies of documents obtained in the investigation and consult with:**

1. a Complaint Review Committee member,
2. a member of the Board who is not on the Complaint Review Committee,
3. a former Board member of the profession involved, and/or
4. another professional who has specialized expertise.

E. The Special Investigator should possess a working knowledge of the rules, regulations, and State Statutes governing the professions licensed by the Board.

F. Written Reports:

1. The Special Investigator shall generate a written narrative report outlining the facts of the case as found in the investigation in relation to applicable statutes and/or regulations.
2. Supplemental reports can be generated when necessary.

G. The Special Investigator will notify the complainant and licensee by letter when the RAV enters each next stage in the process.

H. Investigative subpoenas will be signed by the Executive Director or by the Board Chairperson if the Executive Director is unavailable.

I. Pursuant to K.S.A. 74-7508(c)(3), the Special Investigator may advise proper authorities or state agencies of information gathered during the investigation.

V. Complaint Review Committee Procedure

A. Upon completion of the investigation, the Special Investigator shall:

1. Prior to the Complaint Review Committee's meeting, provide a copy of the completed Narrative Report to each member of the Committee.
2. Have the complete investigation file available at Complaint Review Committee meetings.
3. Have Consent Agreement and Order Referral forms available at Complaint Review Committee meetings, for completion at the Committee's direction if warranted.

B. Complaint Review Committee Evidentiary Determinations:

- 1. Prior to the Complaint Review Committee's meeting, each member of the Committee should read and preliminarily evaluate whether the narrative summary indicates that non-compliance or violation(s) of statute(s), regulation(s), or Board ordered conditions have occurred.**
- 2. At its meetings the Complaint Review Committee will discuss, evaluate, and determine whether sufficient evidence exists to support a determination of non-compliance or a violation of statute(s) and/or regulation(s), and/or Board ordered conditions. (In making this determination, Committee members should bear in mind that clear and convincing evidence is needed to establish violation(s) of law at any subsequent disciplinary hearing).**
- 3. The Committee may direct the Special Investigator to conduct further interviews and/or to obtain additional documents.**
- 4. At its discretion, the Committee may invite the licensee to a Committee meeting to discuss the report of alleged violation and/or terms of any proposed Consent Agreement and Order.**
- 5. For a disciplinary case, if the Committee determines sufficient evidence exists to support a determination of a violation of statute(s) and/or regulation(s), Committee members will complete the Aggravating/Mitigating Factors form to assess the seriousness of the violation(s). The purpose of this assessment is to guide the Committee in forming a basis for terms and conditions of any proposed Consent Agreement and Order that may be offered to the licensee and/or to serve as recommendations to Disciplinary Counsel for appropriate discipline should the case proceed to hearing.**
- 6. The Committee may direct the Special Investigator to obtain a Victim Impact Statement prior to finalizing the Aggravating/Mitigating Factors form.**

7. For a case involving asserted non-compliance or violation of a Board ordered condition, Committee members will assess the seriousness of the non-compliance or violation(s). The purpose of this assessment is to guide the Committee in forming a basis for terms and conditions of any proposed or extended Consent Agreement and Order that may be offered to the licensee and/or to serve as recommendations to Disciplinary Counsel for appropriate discipline should the case proceed to hearing.

C. Complaint Review Committee action determinations:

1. If at least 3 members of the Complaint Review Committee determine that there is insufficient evidence to proceed:
 - a. The Special Investigator will close the case.
 - b. The Complaint Review Committee may authorize sending an educational letter or non-disciplinary letter of caution in order to alert the licensee that he/she may want to modify his/her conduct to avoid further complaints.
 - c. The Special Investigator will notify complainant and respondent of the determination.
2. If at least 3 members of the Complaint Review Committee determine that there is sufficient evidence to proceed:
 - a. Direct disciplinary counsel to initiate an administrative hearing by filing a disciplinary petition or show cause petition, as applicable.
 - b. Direct disciplinary counsel to propose resolution of the case by a Consent Agreement and Order (CAO) upon such terms and conditions as determined by the Committee.
 - c. If authorized by law, recommend county or district attorney initiate criminal proceedings.

- D. CAO not approved: If Consent Agreement and Order negotiations are not successful in resolving the case, a petition will be filed and the case scheduled for hearing.**
- E. The Special Investigator will monitor the receipt of reports as required by the CAO and take steps to obtain those reports if not received as ordered.**
- F. The Special Investigator will monitor terms and/or conditions and the receipt of reports as required by the CAO or Final Order and take steps to obtain these reports if not received as ordered.**

VII. Case Disposition Authority

- A. The Complaint Review Committee retains the authority to negotiate or settle the case until the close of the presentation of evidence in the hearing.**
- B. The Hearing Panel assumes authority regarding the disposition of the case after the close of the presentation of evidence in the hearing.**

DISCIPLINARY STATISTICS

The Board has ensured compliance with the rules, regulations and State Statutes governing the practice of the behavioral sciences in the State of Kansas. The following are the statistics for cases FY 1998 through FY 2007:

Total Complaints Received: **661**
 Total Complaints Completed: **582**
 Current Cases Open: **79**

Complaints Received by FY/License

- RAV Report of Alleged Violation
- LP Licensed Psychologist
- LMLP Licensed Masters Level Psychologist
- LCP Licensed Clinical Psychotherapist
- LMFT Licensed Marriage and Family Therapist
- LCMFT Licensed Clinical Marriage and Family Therapist
- LPC Licensed Professional Counselor
- LCPC Licensed Clinical Professional Counselor
- LASW Licensed Associate Social Worker
- LBSW Licensed Bachelor Social Worker
- LMSW Licensed Masters Social Worker
- LSCSW Licensed Specialist Clinical Social Worker
- RAODAC Registered Alcohol & Other Drug Abuse Counselor
- NL No License

FY	TOTAL RAVs	LP	LMLP	LCP	LMFT	LCMFT	LPC	LCPC	LASW	LBSW	LMSW	LSCSW	RAODAC	NL
1998	24	7	4	*	1	*	0	*	0	3	6	3	0	0
1999	40	10	0	*	4	*	0	*	0	10	5	8	0	3
2000	65	21	8	*	0	*	2	*	0	13	3	11	0	7
2001	73	12	4	2	1	1	0	2	0	22	11	14	0	4
2002	88	20	5	3	0	2	1	2	0	19	9	19	0	8
2003	61	11	1	5	0	2	1	1	0	12	7	15	0	6
2004	62	15	1	2	0	2	0	1	1	13	13	9	0	5
2005	77	14	4	2	2	1	1	6	0	16	8	14	1	8
2006	63	10	1	1	3	3	3	4	0	6	11	13	0	8
2007	108	22	2	2	1	4	1	9	0	23	20	11	2	11
TOTAL	661	142	30	17	12	15	9	25	1	137	93	117	3	60

LEGISLATIVE ACTION

2007 Session

This past session a bill was passed related to the temporary certification of out of state professionals who come into Kansas to practice for a short period of time. This allows the BSRB to have jurisdiction over the out of state professionals while they are practicing in Kansas.

The Board requested an Attorney General Opinion related to the issue of the requirement for a BSRB licensee or registrant to have a dual credential from the Addiction and Professional Services Program through the Department of Social and Rehabilitation Services. The Opinion states that, under current law, this dual credentialing is necessary.

A bill was passed during this past session that gives exclusion to the requirement of the AAPS credential for BSRB clinically licensed professionals who are not working primarily in the field of substance abuse. This bill was passed with the cooperation of SRS and we appreciate their willingness to work together in this endeavor.

The Board requested introduction of an impaired professional bill again this past year. In the 2006 session a bill was passed through the Senate, but we ran out of time to get it through the House Health and Human Services Committee.

HB 2180 offers an additional track for licensees who may need help, other than through the disciplinary route, which is now the only option available. A hearing was held and the bill was opposed by the Kansas Chapter of the National Association of Social Workers (KNASW) and the Kansas Psychological Association (KPA). HB 2180 was not worked in committee and remains in the House Health and Human Services Committee for the commencement of the 2008 session.

The Board also participated in hearings on SB 351 related to the process of administrative hearings. SB 351 passed, but retained current law for BSRB hearings. The Board also participated in hearings on HB 2548 related to the collection of unpaid taxes by the Department of Revenue. HB 2548 was carried over to the 2008 session.