

Behavioral Sciences Regulatory Board  
Board Minutes  
January 12, 2009

Called to order at 10:05

**Members Present:** Jody Patterson, Richard Maxfield, Ron McNish, Wes Jones, Lori Senne, Kathy Hubka, (Amory Lovin and Sharon Stuewe by phone.)

**Staff Present:** Phyllis Gilmore, Camille Nohe, Marsha Schrempp, Roger Scurlock, Bruno Langer, Leslie Allen and Maryann Peerenboom

**Audience Present:** Ty Petty, Marta Linenberger, Sky Westerlund LMSW, Kyle Kessler and Charles Peterson

**I. Agenda**

**Item:** There were no additional agenda items requested.

**Action:** none needed

**II. Minutes**

**Item:** Approval of November 9, 2008 Board meeting minutes.

**Action:** Wes Jones moved to accept the minutes with one name correction from Jean Peterson to Jean Hogan. Jody Patterson seconded. The motion carried.

**III. Public Comments**

**Item:** Sky Westerlund informed the Board of proposed legislation KNASW is sponsoring that would require first time renewals for LBSW and LMSW licensees to include six hours of education in safety training. She was seeking a position from the Board of either approval or neutral on this item.

**Action:** The Board provided some feedback, but the consensus was that no position could be taken without the exact language of the legislation.

**IV. Staff Reports**

Bruno Langer

**Item:** Bruno reviewed charts detailing cases open by license type as of Dec. 31, 2008, and cases received by license type for FY09.

**Item:** Bruno reported the Board received 121 complaints in CY 07 and 136 complaints in CY 08 reflecting a 12.4% increase.

**Item:** Bruno reported that the Board received 11 Reports of Alleged Violations (RAV's) and closed 12 in November leaving 97 cases open.

**Item:** Bruno reported that the Board received 7 and reopened 2 Reports of Alleged Violations (RAV's) and closed 8 in December leaving 98 open cases.

Leslie Allen

**Item:** Leslie reported that she has been working with Phyllis on several regulations. She added that the stream of incoming work had slowed somewhat.

Phyllis Gilmore

**Item:** Phyllis reported that she has committed a great deal of time working on the regulations.

Wes Jones

**Item:** Wes Jones gave an overview of the last CRC meeting. They reviewed 16 cases, there was 1 formal censure, 6 cases were referred for consent orders, 2 cases were returned for further investigation, 1 case was sent a non-disciplinary letter and 6 cases were dismissed. Additionally 1 non-disciplinary CAO was reviewed for compliance, licensee allowed to continue with start date modified.

**V. Psychology**

**Item:** The LP committee has not met. The next meeting has been scheduled for February 25, 2009 6:15 p.m.

**Action:** None needed.

**VI. Social Work**

**Item:** The SW committee has not met. The next meeting has not been scheduled.

**Action:** None needed.

**VII. Professional Counseling**

**Item:** No report was given.

**Action:** None needed.

**VIII. Masters Level Psychology**

**Item:** The LMLP committee met on December 17. Jody Patterson reported the committee reviewed a renewal application of a licensee with a felony conviction. The committee requested additional information from the licensee and will meet again when the information as been received.

**Action:** None needed.

**IX. Marriage and Family Therapy**

**Item:** The MFT committee met on November 19. Wes Jones reported the committee had worked on a regulation change for K.A.R. 102-5-3 regarding required practicum hours.

**Action:** Wes Jones moved and Kathy Hubka seconded that an AG opinion be requested regarding the legality of delegating authority to the state universities of Kansas. The motion failed.

**Action:** Wes Jones moved and Kathy Hubka seconded that Phyllis and Camille work together to draft language for K.S.A. 65-6404 to remove the reference to “consistent to standards of those of the state universities”. The motion passed unanimously.

**X. Registered Alcohol and Other Drug Abuse Counselors**

**Item:** Ron McNish and Leslie Allen attended an informational meeting with KAAP on November 12 to provide an update on the progress that has been made towards drug and alcohol abuse counselors seeking licensure. KAAP reported they were almost ready to submit the licensure application to KDHE.

**Action:** None needed.

**XI. Other Business**

**A. Old Business**

**1. Adoption of K.A.R 102-2-8 and 102-2-12**

**Item:** Sharon reported that KNASW gave testimony at the hearing that raised some concerns; therefore some post hearing changes were made to language. These changes were not substantive.

**Action:** The Board reviewed the post hearing changes. Sharon Stuewe moved and Richard Maxfield seconded that K.A.R 102-2-8 be adopted with the new language. Roll call vote below:

**Action:** Sharon Stuewe moved and Wes Jones seconded adoption of 102-2-12 with new language. Roll call vote below:

**The votes on K.A.R.102-2-8 and 102-2-12. \***

|                        |                      |
|------------------------|----------------------|
| Jean Hogan – Absent    | Ron McNish - Yes     |
| Kathy Hubka – Yes      | Jody Patterson - Yes |
| Wes Jones – Yes        | Gary Price - Absent  |
| Amory Lovin – Absent   | Lori Senne - Yes     |
| Richard Maxfield – yes | Sharon Stuewe – Yes  |

\* It should be noted that Amory Lovin was no longer in attendance at this time and could not participate in these and the following votes.

## **2. Adoption of Audit Regulations**

**Item:** Phyllis reported that although the Joint Committee found this regulation “self directing” the AG’s office still approved it. The AG opinion was that the regulation fell within the definition of rules and regulations.

**Action:** Kathy Hubka moved and Jodi Patterson seconded adoption of K.A.R 102-1-8a as presented.

Roll call vote follows:

**Action:** Wes Jones moved and Jodi Patterson seconded adoption of K.A.R. 102-2-11a as presented.

Roll call vote follows:

**Action:** Wes Jones moved and Lori Senne seconded adoption of K.A.R 102-3-9b as presented.

Roll call vote follows:

**Action:** Jodi Patterson moved and Kathy Hubka seconded adoption of K.A.R. 102-4-9b as presented.

Roll call vote follows:

**Action:** Wes Jones moved and Kathy Hubka seconded adoption of K.A.R 102-5-9a as presented

Roll call vote follows:

**Action:** Lori Senne moved and Sharon Stuewe seconded adoption of K.A.R. 102-6-9 as presented.

Roll call vote follows:

**The votes on K.A.R.102-1-8a, K.A.R 102-2-11a, K.A.R. 102-3-9b, K.A.R. 102-4-9b, K.A.R. 102-5-9a and K.A.R. 102-6-9 were as follows:**

|                            |                      |
|----------------------------|----------------------|
| Jean Hogan – Absent        | Ron McNish - Yes     |
| Kathy Hubka – Yes          | Jody Patterson - Yes |
| Wes Jones – Yes            | Gary Price - Absent  |
| Amory Lovin – Absent       | Lori Senne - Yes     |
| Richard Maxfield – Abstain | Sharon Stuewe – Yes  |

## **3. Fee sub-committee**

**Item:** Jodi reported that the next meeting will be February 11. A report will be brought to the March meeting.

**Action:** none needed

## **4. Supervision sub-committee**

**Item:** Phyllis reported that Marsha is currently gathering information from other jurisdictions on their implementation of regulating supervisor training. The next meeting has not been scheduled.

**Action:** none needed

## **5. Board Audit Policy**

**Item:** Phyllis presented an audit policy for the Board to review.

**Action:** It was the consensus of the Board to add additional language more clearly defining SPO and to give the Director authority to enter a Non Disciplinary CAO on the Board’s behalf. Phyllis will add the additional language and e-mail the revised policy to the Board members.

## **6. Budget Report**

**Item:** Phyllis reported that the BSRB was required to cut a total of 3% from its budget. These cuts will come from capital outlay, travel costs and on-line renewals. The Governor has also proposed sweeping all KSIP funds.

## **B. New Business**

### **1. Discussion of K.S.A 74-5325**

**Item:** Phyllis brought to the attention of the Board K.S.A. 74-5325, a Psychology statute that allows license suspension if a licensee is found incapable of performing their duties in the best interest of the public. There was discussion.

*Action:* none needed.

## **XII. Adjournment**

Ron McNish adjourned the meeting at 11:59 a.m..

### **Next Meeting March 9, 2009**

(Possible meeting to be scheduled for February if needed)