

Behavioral Sciences Regulatory Board
Board Minutes
January 11, 2010

Called to order at 10:05 a.m.

Members Present: Patty Bartell, Gray Price, Wes Jones, Sharon Stuewe, Ron McNish, Richard Maxfield, Kathy Hubka, Amory Lovin* by phone, and Jody Patterson

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

Audience Present: Sky Westerlund, Catie Rech, Peggy Cunningham, Kelsey Nepote, and Rob Mealy

I. Addition to Agenda

Item: The Licensed Addiction Counselors Act was added to Old Business.

II. Minutes

Item: Minutes for the November 9, 2009, Board meeting had one typographical error.

Action: Kathy Hubka moved and Gary Price seconded to approve the minutes as corrected. The motion passed.

III. Public Comments

Item: There were no public comments at this meeting.

Action: none

III. Staff Reports

Carol Baldwin

Item: Carol reported the Board received 20 Reports of Alleged Violations (RAV's) and closed 11 in December. This leaves 116 open cases at the end of December. We had a 2.9% increase from 2008-2009. There were 127 complaints closed in 2008 and 123 complaints were closed in 2009.

Leslie Allen

Item: Leslie reported she has been working on Examination Regulations with Phyllis. She reported that she has also been working with KU to prepare a video conference program to provide graduating students information about the licensure process. This will be done through the Board of Regents at no cost to our agency.

Phyllis Gilmore

Item: Phyllis reported that she and Sharon attended the hearing before the Joint Committee on Administrative Regulations regarding the fee increase. The committee basically had no comments regarding this issue, but cautioned the Board about increasing the Fee Fund too much in case of another sweep.

Item: The Attorney General's Office has issued an invitation to all Board members for an orientation. If any one is interested they are to contact Phyllis.

IV. Complaint Review Committee

Wes Jones

Item: Wes Jones gave an overview of the last CRC meeting. For the month of December they reviewed 17 cases, 8 cases were dismissed, 5 cases were returned for further investigation, 3 cases were sent non-disciplinary letters, 4 cases were sent to litigation counsel for Consent Agreement and Order, 2 sent to litigation counsel for Summary Proceeding Orders for suspension and 3 cases received other action. (3 cautions

associated w/ dismissals- 2 suspensions associated with CAO's- 3 actions taken regarding previously reviewed cases.)

V. Psychology

Item: No report

Action: None needed.

VI. Social Work

Item: No report

Action: None needed.

VII. Professional Counseling

Item: Gary reported that at the round table discussion there was dialogue regarding on-line courses and frequency of on-line coursework offered in many of the university programs. The advisory committee developed a questionnaire to be sent to all of the directors of counseling programs in Kansas asking them to review their course work and indicate what is being offered on line. They were asked to respond by 1/31/2010. The advisory committee will review the information.

Action: None needed.

Item: Peggy Cunningham was presented to the Board for a determination of ineligibility for a professional counselor license, due to not having a degree in counseling.

Action: Gary Price moved that Peggy Cunningham be found ineligible for a professional counselor license. Jody Patterson seconded. The motion carried.

Item: The next Committee meeting will be February 12, 2010 at 10:00 am.

VIII. Masters Level Psychology

Item: Jody reported that the next meeting was tentatively scheduled for January 22, 2010 at 2:00 p.m. This meeting will be by teleconference.

Action: None needed.

IX. Marriage and Family Therapy

Item: Wes reported that the last meeting was December 16, 2009. Problems with the AMFTRB exam were discussed.

Action: None needed.

Item: The next meeting will be March 24, 2010 at 10:00 a.m.

X. Registered Alcohol and Other Drug Abuse Counselors

Item: No report

Action: None needed.

XI. Other Business

A. Old Business

1. Exam attempts limitation regulation

Item: Phyllis reported that she was presenting the language only for review and not for a vote. Discussion followed.

Action: Gary Price moved to allow four attempts at passing the exam. If failing for a fourth time the applicant must appeal to the Board to take the exam for a fifth and final time after approved remediation. Jody Patterson seconded. The motion failed.

Action: Sharon Stuewe moved that if an applicant fails the exam for a third time and wishes the opportunity to sit for the exam again, they must be available to the Board, and present a remediation plan for the

Boards consideration. The Board may or may not approve the remediation plan and allow the applicant the opportunity to sit for up to two additional attempts. The motion passed.

Action: Phyllis will bring language back to the Board at the next meeting.

2. Investigative Procedure

Item: Roger presented the flow chart with the changes made to language after the chart had been reviewed by the CRC. Discussion followed.

Action: It was decided that an additional box should be added to the chart for Summary proceeding order. This will be brought back to the next Board meeting.

3. Introduction of Licensed Addictions Counselors Act

Item: Ron McNish opened the floor to discussion regarding whether the Board should take a position on licensure for substance abuse counselors. Discussion followed.

Action: Wes Jones moved that the Board remain neutral on this topic. Kathy Hubka seconded. The motion failed.

Item: More discussion followed.

Action: Gary Price moved that the Board support the licensure of Drug and Alcohol counselors. Wes Jones seconded. The motion passed.

B. New Business

1. Discussion related to approval of a questionable application.

Item: Phyllis Gilmore and Leslie Allen explained that historically when an application is received and the applicant has a criminal conviction in their past, the application is presented to the Board member and/or the advisory committee to determine if the applicant has been satisfactorily rehabilitated to be considered for licensure. Camille Nohe questioned whether authority has been delegated to the Board member and or the advisory committee by the board to do this. Discussion followed.

Action: Richard Maxwell moved that decisions regarding disqualifiers for licensure within any of the professions should be made by the full Board. Jody Patterson seconded. The motion passed.

2. Discussion of psychotherapy for use in training plans.

Item: Phyllis Gilmore explained that she felt discussion was needed on the definition of psychotherapy, to help in processing of training plans. Discussion followed

Action: This issue is to be added to the next retreat agenda.

XII. Adjournment

Item: Gary moved that the meeting be adjourned.

Action: The meeting was adjourned at 12:15 p.m.

Next Meeting March 8, 2010.