

Behavioral Sciences Regulatory Board
Board Minutes
December 12, 2011

Called to order at 10:04 a.m.

Members Present: Cheryl Reynolds, Terry Pfannenstiel, Marcia Simoneau, Sharon Stuewe, Gary Price, Kathy Hubka, Grant Edwards, Barbara Callahan, Larry Salmans, Kathy Armstrong, and Barbara Burks

Staff Present: Tom Hawk, Leslie Allen, Carol Baldwin, and Maryann Peerenboom

Audience Present: Sky Westerlund, Shawn Moore, Terry Humphries, Melissa Miller, Sarah Hansen, and Kenda Falley

I. Agenda

Item: Gary Price added Inactive Licensure Committee and Executive Session to the agenda.

Action: Kathy Hubka moved to approve the agenda, Kathy Armstrong seconded. The motion passed.

II. Minutes

Item: Minutes for the October 10, 2011 Board Meeting were reviewed. The Board brought up a few minor corrections including the omission of Gary Price from the list of members present, and some typographical errors.

Action: Terry Pfannenstiel moved to approve the minutes with corrections, Barbara Burks seconded. The motion passed.

III. Public Comments

Item: Sky Westerlund briefly addressed the Board to voice her appreciation of their willingness establish a committee to work on the issues with the AC regulations and including Social Work on the compromise committee.

Action: none

IV. Staff Reports

Tom Hawk

Item: Tom thanked the Board and the staff for their patience in his recovery from surgery.

He reported to the Board that he felt the compromise committee was very professional and worked together with a cooperative spirit. He believes an agreement was reached that did not compromise the efforts of the addiction counselors, but showed appropriate respect for the other professions and the work they do in that area. He reported that he believed that by re-approving the AC regulations, the Board could get out of the time crunch talked about at the retreat. The statute changes could then be made. He has appointments with the Speaker of the House and the President of the Senate to see who might carry the bill, and to talk about the agreement that the statute will not be open for anything other than the changes agreed to by the committee.

Tom reported that there have been some difficulties with the Budget office and payment of bill from the retreat. He has spoken with many contacts and believes that the bill has been paid and is hopeful any budget issues regarding this issue have been resolved. Additionally next year's budget has been completed and approved.

He informed the Board that a situation has been brought to his attention by a legislator about a military wife whose husband was disabled in Iraq and she was hoping to become licensed in order to be able to provide for her family here in Kansas. She will not be able to be licensed in Kansas as her degree was completed on line. Tom felt that more and more situations like this will likely come up and may need to be addressed in the future.

Tom mentioned that there has been trouble with the postal service and some of our licensees claiming they are not receiving their post card reminder to renew their licenses. He suggested the possibility of sending email reminders as well as the postcard. He urged the Board to consider this topic as a future agenda item.

Tom mentioned the Small Agency Committee was working to try and get the budgets of fee funded agencies approved early in the session to avoid getting locked in with all of the tax funded agencies.

Finally he mentioned that the Chair was going to talk about his preliminary review, and he encouraged staff and Board members to share with him any concerns they might have.

Leslie Allen

Item: Leslie reported that Jan had concerns about those applications with complicated issues. Currently the procedure is to send those applicants to the Board member of the advisory committee for review; they decide if it needs to go to the committee and then if there are further issues that need Board action they are brought before the Board. It was Jan's recommendation that it may be better to have a small committee of Board members review those applications and not send them to the advisory committees. Her concern was that there is sensitive information being reviewed regarding some of these applicants. Dr. Price suggested adding this topic under new business so that Jan would be able to explain her thoughts to the Board. Jan was at another meeting and would be joining the group later.

Leslie reported that she had been busy assisting Tom with regulation issues and the compromise committee. She mentioned the grand parenting applications have begun to taper off.

Carol Baldwin

Item: Carol reported that there 49 open cases at the beginning of the month. There were 11 new cases received, 16 cases were closed. She indicated that 13 cases had already been received thus far in December.

V. Complaint Review Committee

Terry Pfannenstiel

Item: Terry Pfannenstiel reported that in November 18 cases were reviewed, 1 consent agreement order, 1 suspension of license, 2 suspension of license stayed, 1 license surrendered, 1 case dismissed, 9 facts do not support a violation, 1 non docketed and 2 cautionary letters.

VI. Inactive Licensure Committee

Kathy Hubka

Item: Kathy Hubka briefly explained the inactive licensure issue, and indicated that the committee had not met. Kathy asked if any other Board Members may be interested in serving on this committee. Cheryl Reynolds volunteered to be on the committee if she could call in as her schedule did not allow for any further travel. Kathy indicated she would schedule a meeting after Christmas.

VII. Professional Reports

A. Psychology

Grant Edwards

Item: No Report.

B. Social Work

Sharon Stuewe

Item: Sharon Stuewe reported the next committee meeting would be January 18th at 1:00p.m.

Action: None needed.

C. Professional Counseling

Item: Gary Price indicated that the committee met October 28th. They discussed retreat items, on-line issues, BSRB policy and the Addiction Counseling licensure. He indicated that the committee members all seemed fine with the possibility of additional course work to be dually licensed as an addictions counselor. The next committee meeting will be February 17th at 10:00 a.m.

Action: None needed.

D. Masters Level Psychology

Item: Larry Salmans indicated the committee would meet that day.

Action: None needed.

E. Marriage and Family Therapy

Item: Terry Pfannenstiel reported that the committee would meet on December 14, 2011. They would be discussing on-line supervision.

Action: None needed.

Item: Terry Pfannenstiel introduced Diana Zarazua's application to the Board. The school she received her degree from was not accredited and did not meet Kansas Requirements.

Action: Terry Pfannenstiel moved to find her ineligible for licensure, Sharon Stuewe seconded. The motion passed.

F. Addiction Counseling

Item: Barbara Burks reported that the AC advisory committee had met frequently and would meet again the second Friday in January at 10:00a.m. The committee had discussed making a recommendation to the Board regarding some language that affects students currently in the pipeline to licensure. They will discuss how the compromise agreements will be implemented in the regulations.

Action: None needed.

XI. OLD Business

A. Adoption of Addiction Counselor Regulations

Item: Gary Price explained to the Board that since the compromise committee's changes would need to be made in statute, the Board would need to re-approve the recently rescinded AC regulations. Those regulations would then be effective while the statute changes are being made. The temporary regulations could not be extended to cover the time period the legislative process will take.

Action: Cheryl Reynolds moved to re-adopt the AC regulations. Kathy Hubka seconded. A roll call vote was taken. The motion passed.

In favor

Cheryl Reynolds
Terry Pfannenstiel
Marcia Simoneau
Kathy Hubka
Grant Edwards
Larry Salmans
Kathy Armstrong
Barbara Burks
Barbara Callahan

Opposed

Sharon Stuewe

B. Social work safety training

Item: Sharon Stuewe indicated to the Board that she was still working on language as she had input from legislative research on the issue. She hopes to have it complete for the next meeting.

Action: none needed.

X. New Business

A. Statement from Chair

Item: Gary Price made a statement to the Board indicating that it was his policy to not appoint any paid employees or executive directors of professional associations to advisory committees. He asked for discussion or motions on this subject.

Action: Cheryl Reynolds moved to accept the policy as described at this time. Marcia Simoneau seconded. The motion passed.

B. Appoint committee members to AC advisory committee.

Item: Gary Price appointed Dan Peterson and Steve Brazill to the Addiction Counselor advisory committee.

Action: None needed.

C. Appoint Committee members to SW advisory committee.

Item: Gary price appointed Peggy Jordan-Beck, Megan Drovetta, and Jason McKinney to the Social Work advisory committee.

Action: None Needed

D. Extent and boundaries to work related license.

Item: Terry Pfannenstiel explained that some individuals are practicing in positions such as case management by court appointment, life coaching or as mediators, who are also licensed by the Board. Some of these individuals feel that the BSRB has no jurisdiction over their work in these areas because they are not working under their BSRB licenses.

Action: It was the Board consensus that Leslie should discuss this topic with Jan to see what it would take to take care of this loophole.

E. Compromise Committee outcome.

Item: Tom Hawk described the five points the compromise committee agreed upon. He indicated that a paper document would be sent to all Board members with the final language. A conference call will be scheduled for Board approval. Five points: *clinical licensee testing out, *BSW issues, *removal of “licensed” and “psychologist”, * “under direction” as defined by Board, and * discrete and equivalent.

Action: none needed.

F. Board Member pay

Item: Gary Price informed the Board that the BSRB did not have a policy on the issue of payment for conference calls and various other meetings. There was discussion.

Action: Cheryl Reynolds moved that if a member chooses to come to the Board office to participate in a conference call there shall be no mileage reimbursement. Terry Pfannenstiel seconded. The motion passed.

Action: Sharon Stuewe moved that if a Board member participates in any advisory committee meeting they should be paid. The motion died for lack of second.

Action: Cheryl Reynolds moved that Board members only be paid for attending meetings of advisory committees they are appointed to. Terry Pfannenstiel seconded. The motion passed.

G. Subcommittee file review

Item: Gary Price asked Jan to explain her suggestion of a subcommittee to the Board. She provided information and the Board began discussion. Due to time restraints for two scheduled hearings Gary Price tabled this item and it will be an agenda item for the next meeting.

Action: Sharon Stuewe moved to suspend the Board meeting for the scheduled hearings. Barbara Burks seconded. The motion carried. The meeting was suspended at 11:55 a.m. The meeting resumed at 1:55 p.m.

H. Additions Counselors regulations

Item: Barbara Burks explained to the Board that clarification needs to be made in regards the word, “program” in 102-7-3(2)(b). She indicated that both the bachelor’s degree and the addictions coursework must be complete.

Action: Barbara Burks moved to interpret the word program to mean both the bachelor’s degree and SRS course work being completed by the date indicated in the regulation. Cheryl Reynolds seconded. The motion passed.

J. Melissa Miller

Item: Melissa Miller spoke on her behalf before the Board.

Action: none needed

XI. Announcements

Item: Tom Hawk will hold Board Member orientation on January 9, 2012, prior to the Board meeting. He will send a power point to the new members.

Item: Sharon Steuwe mentioned that the ASWB offers orientation to new Board members free of charge. Up to three new Board Members may attend in a year.

Item: Jan mentioned that the Attorney General’s office was planning on reintroducing new Board Member training in the future.

XII. Executive session

Item: Gary Price indicated he would like to go into Executive session to discuss staff issues.

Action: Sharon Stuewe moved that the Board go into Executive Session for approximately 10 minutes to discuss personnel matters. Cheryl Reynolds seconded. The motion passed. Executive session began at 2:30 P.M. Executive session ended at 2:40 P.M.

Item: Gary Price explained that there would be a preliminary review of Tom Hawk’s job performance. A committee had been formed to start this process and Kathy Hubka would chair the committee. Terry Pfannenstiel would also be a member, as well as Leslie Allen and Maryann Peerenboom from staff.

XIII. Adjournment

Action: Kathy Hubka moved to adjourn the meeting. Sharon Stuewe seconded. The motion passed. The meeting was adjourned at 2:42 p.m.

Next Meeting January 9, 2012. (10:00a.m.)