

Behavioral Sciences Regulatory Board
Board Minutes
March 9, 2009

Called to order at 10:20

Members Present: Wes Jones, Jean Hogan, Sharon Stuewe, Ron McNish, Kathy Hubka, Richard Maxfield, and Jody Patterson

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

Audience Present: Patricia Bartell, Sky Westerlund, Kyle Kessler and David Norlin

I. Agenda

Item: Phyllis requested addition of consideration of the Senate Health Committee amendment be added to the agenda.

Action: This item was added to the agenda under Old Business.

II. Minutes

Item: Approval of January 12, 2009 Board meeting minutes and February 9, 2009 Conference Call minutes.

Action: Wes Jones moved to accept the minutes. Jean Hogan seconded. The motion carried.

III. Public Comments

Item: Sky Westerlund addressed the board regarding SB 31 and HB 2118, the proposed legislation regarding safety training for social workers to be completed during their first renewal cycle. Sky reported that KNASW reworked the bill language after meeting with the Board in January, and all of the concerns of the BSRB were addressed. She also reported that the neutral stance the Board has taken on this issue was being considered as an opposed position by some. She urged the Board to reverse the neutral position and take a supportive position, or the bill is dead for this year.

IV. Staff Reports

Roger Scurlock

Item: Roger provided new RAV statistics and brought to the attention of the Board some minor discrepancies in the previous months reports.

Item: Roger reported the Board received 14 Reports of Alleged Violations (RAV's) and closed 10 in January.

Item: Roger reported the Board received 10 Reports of Alleged Violations (RAV's) and closed 15 in February.

Leslie Allen

Item: Leslie reported that a lot of time has been spent working with the proposed regulation changes and at bill hearings as well as work on new and existing forms. The FAQ's have been completed and will be ready when the new website goes live.

Phyllis Gilmore

Item: Phyllis reported that the new web site should be up and running soon, hopefully by April 1.

Item: Phyllis reported as far as the FY 2009 budget rescission bill was concerned, the BSRB came through with a 2.7% cut and should finish the fiscal year in the black, barring any unforeseen expenditures. As for FY 2010 and FY 2011 the outlook is unsettled and the senate is considering a variety of options for agencies statewide including furloughs and or layoffs. If such measures are put in place, it could seriously affect the Board's efficiency.

Wes Jones

Item: Wes Jones did not present the overview of the last CRC meeting. The information was unavailable at this meeting and will be presented at the next Board meeting.

Item: Camille Nohe reported that Dr. Mouille filed a motion for summary judgment. Marty Snyder has responded to both of his responses and a date of March 17th had been set for the hearing panel to meet and determine whether to grant or deny either in whole or in part at that time.

V. Psychology

Item: Richard Maxfield reported that the LP committee met approximately two weeks before the Board meeting. The committee continues to work on rules and regulations and good progress is being made. The next committee meeting is scheduled for May 5th.

Action: None needed.

Item: Richard made the request that Lori Senne be appointed the public member of the Psychology committee.

Action: Lori Senne was appointed the public member of the Psychology committee.

VI. Social Work

Item: The SW committee will meet March 24th at 2:00 p.m.

Action: None needed.

VII. Professional Conseling

Item: Ron McNish reported for Gary Price. Jayashree George's application for licensure through reciprocity as a clinical professional counselor was presented to the board for a determination of ineligibility. The requirements of the state of Washington are not substantially equivalent to those of Kansas. Additionally, she has not been licensed continuously for five years and her degree is in art therapy, not counseling, as required.

Action: Ron McNish moved to determine the applicant ineligible. Sharon Stuewe seconded. The motion carried.

VIII. Masters Level Psychology

Item: Carla Jo Wade's application for renewal was brought forth for denial based on a felony conviction due to a fourth DUI conviction.

Action: Jody Patterson moved to deny renewal of Carla Jo Wade's LMLP license due to unprofessional conduct. The motion died for a lack of a second.

Action: Richard Maxfield moved that Carla Wade's renewal of her LMLP license be granted under a SPO with the following conditions:

- arrangements should be made for a mental health or addiction professional approved by the Board to provide quarterly reports regarding continued sobriety.
- a work supervisor should provide quarterly reports to the Board regarding work habits, including whether there has been any evidence of relapse.

Wes Jones seconded the motion. The motion carried.

IX. Marriage and Family Therapy

Item: Wes Jones reported that the LMFT committee met on February 18th and would meet next on May 20th.

Action: None needed.

X. Registered Alcohol and Other Drug Abuse Counselors

Item: There is no report for RAODAC.

Item: None needed.

XI. Other Business

A. Old Business

1. K.A.R 102-2-6

Item: Jean Hogan discussed concerns of the current proposed amendment to K.A.R 102-2-6, expressed in writing, brought before the Joint Committee and those expressed at the earlier meeting.

Action: Jean Hogan moved that the Board withdraw K.A.R. 102-2-6. Sharon Stuewe seconded. The motion carried.

2. Fee subcommittee

Item: Jody Patterson reported that the fee subcommittee met in February to discuss the issue of potential fee increases. It was the subcommittee's recommendation to institute an original licensure fee of \$100 for BSW level licensure and \$150 for LMSW and LSCSW licensure levels.

Action: Richard Maxfield moved that the Board accept the recommendation of the subcommittee but suspend action on that recommendation until notification from the executive director that there is imminent need of revenue. At that time the issue would be voted on by the full Board. Wes Jones seconded. The motion carried.

3. Supervision Subcommittee

Item: Sharon Stuewe reported that the Supervision subcommittee had not met due to scheduling conflicts. They will make every effort to schedule their next meeting and notify those who may be interested in attending.

4. Legislative Report

Item: Phyllis Gilmore explained to the Board that there is currently a legislative bill that would allow BSRB licensees to be added to the list of charitable providers under the Kansas Torte Claims Act. The bill is expected to pass.

Item: Phyllis Gilmore reported that HB 2162 passed the House with a large majority. This bill will be discussed in Old Business in relation to an attached amendment.

5. Senate Bill 31

Item: Jean Hogan opened discussion about SB 31 and accompanying HB 2118, and the fact that the Board's neutral position on this bill was being seen by the Legislature as being negative about the bill.

Action: Jean Hogan moved for the Board to reconsider its neutral position and to provide support to the senate bill instead. Sharon Stuewe seconded. The motion failed.

6. Audit Policy

Item: Phyllis presented the revised draft of the Audit policy. Discussion regarding language took place, a few corrections were made.

Action: Richard Maxfield moved to adopt the policy as revised. Kathy Hubka seconded. The motion carried.

7. Discussion regarding regulatory process

Item: Phyllis Gilmore directed the Board's attention to the process the Board uses when moving proposed regulations forward as there was concern expressed by the Joint Committee on Administrative Rules and Regulations about the lack of a formal vote.

Action: Richard Maxfield moved, as a matter of procedure, when the Board is initiating modifications in regulations or a single regulation a formal vote be taken prior to moving forward in the regulatory process. Wes Jones seconded. The motions passed.

B. New Business

1. Case law update

Item: Camille Nohe informed the Board of a case in Pennsylvania, dated August 2008, where a Graduate from Capella's Psychology program was denied licensure for not meeting residency requirements. The decision was upheld when it was appealed to the Commonwealth court in Pennsylvania.

Action: none needed

2. Consideration of amendment from Senate Public Health Committee

Item: Phyllis explained the proposed amendment to HB 2162. She asked the Board for direction regarding the board's position on the amendment. They expressed many concerns regarding the amendment.

Action: Phyllis will convey the Board's concerns to the Senate Public Health Committee

XII. Adjournment Action:

Ron McNish adjourned the meeting at 12:15 p.m.

Next Meeting May 11, 2009.