

BOARD TALK

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2008 Legislative Agenda

By Phyllis Gilmore Executive Director

The 2008 Legislative Session was relatively quiet for the BSRB. There was one bill, however that specifically affected BSRB licensees that became law on July 1, 2008. HB 2570 expands the pool of licensees eligible to conduct adoption home assessments. The new law requires that anyone performing adoption assessments have a minimum of 2 years experience in adoption services, or be supervised by someone with that experience. The experience requirement is reduced to one year for persons who are licensed by the BSRB to diagnose and treat mental disorders in independent practice.

Continuing Education Requirements

Every licensee needs to be aware that a 10% audit is performed monthly on all renewals for that month. Each profession has the requirements for continuing education clearly described in its practice act which can be accessed on our website at www.ksbsrb.org It is the licensee's responsibility to know their CEU requirements. However, we often have someone who does not pass the audit, not because they are intentionally being deceptive, but because of ignorance of his/her regulations. One common example is a course in CPR. In the continuing education regulations for most of our licensees it states that no credit will be granted for a CPR course. Still, in most months we have more than one licensee who tries to claim such a course for credit during their audit. The governing principle related to CEU credit is that it needs to enhance the licensee's professional skills and not be job specific. In other words the knowledge learned could be taken with the licensee to another work setting.

Please remember online courses, as well as tapes and home study courses, with a posttest are not limited in number of CEU'S. The BSRB requires all licensees to review their continuing education regulations prior to each renewal.

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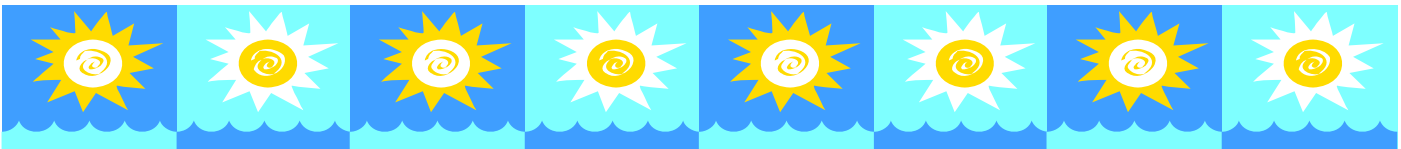
Governor Announces “Kansas Goes Green”

In accordance with the Governor’s Executive directive, all state offices are to implement recycling programs. In that endeavor, the BSRB is recycling paper, printer cartridges and batteries. We shred our paper and an independent recycler picks it up free of charge and sells it to a company who purchases large amounts of recycled paper. It is a win- win venture.

According to the U.S. EPA, each ton of paper that is recycled saves the following:

- 17 trees
- 6,950 gallons of water
- 463 gallon of oil
- 587 pounds of air pollution
- 3 cubic yards of landfill space
- 4077 kilowatt hours of energy

Additionally, we try to communicate by email and telephone whenever possible. In the future we plan to email the newsletter. However, in order to accomplish this we need your help by keeping your email address current with the BSRB.



Mandated Reporting

The mandatory reporting statute was significantly revised by the legislature as part of a revision to the entire Kansas Code for Care Of Children. The revised reporting statute, when coupled with recent court decisions, allows for the exercise of professional judgment in determining whether sexual activity involving a minor causes actual harm that must be reported.

K.S.A. 38-2223 (a) (1) states “When any of the following persons has reason to suspect that a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse, the personal shall report the matter promptly as provided in subsections (b) and (c);

K.S.A.38-2202 (k) states, “Harm means physical or psychological injury or damage.”

(x) States, “Physical, mental or emotional abuse means the infliction of physical, mental or emotional harm or the causing of a deterioration of a child and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child’s health or emotional well-being is endangered.”

(cc) states, “Sexual abuse means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse shall include allowing, permitting or encouraging a child to engage in prostitution or to be photographed, filmed or depicted in pornographic material.”

If you wish to read these statutes in their entirety, you may use the following URL:

<http://www.kslegislature.org/legsrv-legisportal/index.do> You may also go to our website under “Related Sites” and click on the appropriate link.

Disciplinary Actions

Name: **Wright, James D., Ph.D.**

Profession: Licensed Psychologist

City: Bel Aire, KS

Date of Action: February 5, 2007

Violation: Engaged in a dual relationship (sexual) with a client.

Action: License suspended indefinitely.

Date of Action: July 31, 2007

Violation: Same as above.

Action: License limited for 24 months.

Name: **Showalter, Karen**

Profession: Licensed Baccalaureate Social Worker

City: Wichita

Date of action: October 5, 2007

Violation: Licensee plead guilty to three counts of felony theft. SRS substantiated the licensee for exploitation of an adult.

Action: License was suspended for an indefinite period by a Summary Proceeding Order.

Name: **Hixon, John D.**

Profession: Licensed Specialist Clinical Social Worker

City: Overland Park, KS

Date of Action: January 8, 2008

Violation: Failed to cooperate with the Board in an investigation.

Action: License suspended indefinitely.

Name: **McKinney, Richard O.**

Profession: Licensed Specialist Clinical Social

Worker & Licensed Clinical Marriage and Family Therapist

City: Topeka

Date of action: October 12, 2007

Violation: Engaged in a dual relationship (non-sexual) with a client, violated client confidentiality, failed to notify client when termination or interruption of service was anticipated, and failed to seek continuation of services.

Action: License suspended 12 months, \$1000.00 fine.

Name: **Wollard, Sharon K.**

Profession: Licensed Specialist Clinical Social Worker

City: Liberty, MO

Date of Action: November 6, 2007

Violation: Surrendered license during the course of an investigation.

Action: License revoked.

Cases Received for FY 2008 by License

Profession	# Received	Percentage
LP	17	14.91%
LMLP	0	0.00%
LCP	1	0.88%
LMFT	6	5.26%
LCMFT	5	4.39%
LPC	2	1.75%
LCPC	4	3.51%
LASW	0	0.00%
LBSW	11	9.65%
LMSW	22	19.30%
LSCSW	30	26.32%
RAODAC	2	1.75%
No License	14	12.28%
Total	114	100.00%

Practicing Without a License

Failure to renew a license and continuing to practice is not only a Board problem, but also a misdemeanor. Recently, the Board has had several instances where people allow their license to expire and continue to practice. If your license expires you **must cease to practice**, until your license has been reinstated.



KDHE Opens New Emergency Volunteer Registry

The BSRB, along with the Healing Arts Board and the Board of Nursing, has participated for the last 2 years in a state planning committee to plan for disaster volunteer readiness. That involvement has resulted in the system that is described below.

The Kansas System for the Early Registration of Volunteers, K-SERV, is a secure registration system and database for volunteers willing to respond to public health emergencies in Kansas or other areas across the country. The system is maintained by the Kansas Department of Health and Environment (KDHE). It can be utilized as a volunteer database at the local and state levels, therefore avoiding duplication of information at each level.

During an event with health and medical consequences, hospitals, local health departments, and other healthcare facilities may experience a surge in patients requiring supplemental human and other resources. In such instances, volunteers may be called upon to meet the demands of the incident. Some of these volunteers may be healthcare professionals with specialized skills, and K-SERV improves the efficiency of volunteer deployment and utilization by verifying in advance the credentials of volunteer healthcare professionals. This pre-registration and pre-verification of potential volunteers enhances the state's ability to quickly and efficiently send and receive appropriate health professionals as needed to assist with an emergency response.

Registration on K-SERV does not obligate volunteers to serve during a disaster. If an event requiring volunteer assistance occurs, appropriate public health officials will use K-SERV to generate a list of potential volunteers based on information provided during registration. Those listed will be contacted and given information regarding the event, including where they would need to report, and be given the opportunity to accept or decline service as a volunteer. Volunteer data entered onto the system is considered highly confidential and is protected by federal, state and local laws governing security and confidentiality.

We would like to invite you, as licensed health professionals, to join our database of potential volunteers by registering on the K-SERV website: <https://kshealth.kdhe.state.ks.us/> . Once there, click on "Login or Register for K-SERV." Again, it should be emphasized that registration *does not* obligate one to volunteer during an emergency. Registration takes approximately 10 to 15 minutes, and it is recommended that one have their driver's license and professional licensure information with them in order to speed up the registration/approval process.



Professional Corporations

Some licensees form Professional Corporations. According to K.S.A. 17-2707 the name of a Professional Corporation must be approved by the BSRB. The approval is then sent to the Secretary of State along with verification of the individual's license. It is important to understand only those individuals licensed at the independent level may form a corporation.

Who is a QMHP?

The Board is frequently asked how one may become a QMHP. QMHP is defined in the Kansas Statute cited below and is a designation used only in participative mental health centers.

K.S.A. 59-2946

(j) "Qualified mental health professional" means a physician or psychologist who is employed by a participating mental health center or who is providing services as a physician or psychologist under a contract with a participating mental health center, a licensed masters level psychologist, a licensed clinical psychotherapist, a licensed marriage and family therapist, a licensed clinical marriage and family therapist, a licensed professional counselor, a licensed clinical professional counselor, a licensed specialist social worker or a licensed master social worker or a registered nurse who has a specialty in psychiatric nursing, who is employed by a participating mental health center and who is acting under the direction of a physician or psychologist who is employed by, or under contract with, a participating mental health center.

(1) "Direction" means monitoring and oversight including regular, periodic evaluation of services.

Attention Supervisors

Please take time to review the optional supervisory exam that is on the website under your respective profession.

Taking this exam is not a requirement to become a supervisor. However, the Board strongly encourages you to do so. It will help you to develop stronger supervisory skills. Remember, you should complete the exam under each of the professions you are supervising as each profession has somewhat different regulations.

Supervisors need to encourage supervisees to read their practice acts and regulations as well as being able to interpret them when necessary. It is important you recognize that in many instances, you are assuming professional liability for your supervisees.

What's New On The Website!

The status of applications may now be checked on our website, www.ksbsrb.org, under "*What You Can Do*". The information is updated daily. The feature is not available for training plans.

Lists of active licensees are now available under the heading of "*General Information*" for each profession. These lists display only the business address of each licensee. The field will be empty if no business address is listed by the licensee.

Deceptive Advertising

The Board has received some complaints of licensees who have listed doctoral degrees from non-accredited schools or programs along with their licensure (example: licensee's name, Ph.D., licensure (LMSW, LMFT, etc.)). The Board discussed this issue and decided any complaint that is received regarding this will be investigated. It is believed the advertising of such a degree, along with the licensure, could be fraudulent advertising and thus a violation of unprofessional conduct regulation for the given profession. The licensee would be contacted and requested to respond to this possible violation.



University Roundtable Summary

The BSRB initiated the first annual university round table discussion. The purpose was to dialogue with the universities with the intent that better communication between the BSRB and the universities would enhance the licensure and regulatory processes. This goal was achieved and the second forum will be held this fall. The universities that were represented include Wichita State, Pittsburg State, Newman, Bethel, Friends, Kansas University, The University of St. Mary, Bethany, Washburn, Emporia State, Kansas State, and Fort Hays State. The professions represented were Social Work, Marriage and Family Therapy, Psychology, Masters Level Psychology, and Professional Counseling.

The topics discussed were change in Temporary Licenses, Pass rates of national exams, Competency based testing, Life Coaching, Play Therapy, Reciprocity, Mediation, and the definition of dual relationship.

Items that were initiated by the BSRB included the following:

- An individual can pass practicum and not be recommended for licensure.
- An individual can be lacking specific required coursework needed for licensure.
- An individual may not understand licensure and the legal nature of such.
- Some individuals can be at a loss as to how to supervise.
- Some individuals do not understand that continuing education is professional education as opposed to training for specific job related duties.

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