

# BOARD TALK

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## 2010 LEGISLATIVE SESSION

Two bills were passed this past session that relate to the BSRB and its licensees.

HB 2577 creates licensure for addiction counselors and clinical addiction counselors. It also creates a Board position for a licensed addiction counselor. The board initially anticipates approximately 950 new licensees as a result of this bill. The bill will go into effect July 1, 2011.

House Sub. SB 25 enacts the new social worker safety bill. This bill will require a social worker when renewing a new level of licensure for the first time after January 1, 2011 to have taken 6 hours of continuing education related to social worker safety. For more information on this bill you may review the FAQ's posted on the website.

## ATTENTION SUPERVISORS

The Board continues to have serious concerns about the quality of supervision licensees are receiving for clinical training. Therefore, if you are interested in having additional supervisees, the Board would like to have your name to pass on when a licensee is looking for a supervisor for post-graduate supervision. If you would like to be included on this list please send your name to Ashley Blake at [Ashley.blake@bsrb.state.ks.us](mailto:Ashley.blake@bsrb.state.ks.us) or call 785-296-3240.

## TRAINING PLANS

We need your help to spread the word to supervisors and future clinical licensees. Training plans must be submitted to the board prior to the commencement of the accrual of post-graduate supervised hours. Training plans should be written in conjunction with the supervisor and certainly should be reviewed and signed by the supervisor. Good supervision begins with the submission of an appropriate and complete training plan.

It is important to remember that all postgraduate supervised work experience must include the diagnosis and treatment of a broad range of mental disorders. The Board understands that not everyone has the opportunity to make official diagnoses.

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### **ELECTRONIC CHECKS FOR ONLINE RENEWALS**

Most of you are aware of our very simple process for online renewal. We encourage all of you to try it on your next renewal if you are not already using this process. Approximately 65% of you are taking advantage of this simple and convenient method of renewing.

However, some of you may not be aware that the opportunity to use an electronic check payment method has just recently become available. The service charge for this convenience is only \$3.00 which is considerably less than the fee for the use of a credit card.

As we move toward all online renewals, we welcome your feedback on this system.



### **CONTINUING EDUCATION**

Your CEU certificates should be signed and include your name. Other information that must be included are the title and the number of CEU's earned. If you are a CEU provider you need to be certain you have provided the necessary information including a signature. When audited, incomplete or incorrect certificates are returned and the provider must reissue the correct certificate.

### **ADVISORY COMMITTEE OPENINGS**

From time to time the Board has openings for licensees to serve on its advisory committees. If you are interested in serving in this capacity you may contact the board with your resume and a letter of interest including your reasons for wanting to serve on the committee. These will be kept on file and shared with the appropriate committee at the appropriate time.

### **CONTACT THE BOARD**

From the website you may contact the board with questions or concerns related to licensure or disciplinary action. The Board welcomes the opportunity to address your concerns.

**Cases Received for FY 2009 by License**

Profession	# Received	Percentage
LP	18	13.04%
LMLP	4	2.90%
LCP	6	4.35%
LMFT	3	2.17%
LCMFT	5	3.62%
LPC	4	2.90%
LCPC	3	2.17%
LASW	2	1.45%
LBSW	18	13.04%
LMSW	27	19.57%
LSCSW	33	23.91%
RAODAC	0	0.00%
No License	15	10.87%
<b>Total</b>	<b>138</b>	<b>100.00%</b>

**WE ARE HERE TO HELP**

The BSRB is here to protect the public, but we also try to help licensees. Our disciplinary committee reviews about 20 cases monthly. Many of them involve a poor decision on the part of the licensee. The Board strongly urges you to read your unprofessional conduct regulation annually. The list of licensees receiving disciplinary action is longer than usual since the last newsletter did not contain a list.

**REPORTING DISCIPLINARY ACTIONS**

The Board has amended its publication policy effective with complaints received on or after August 1, 2008. All disciplinary actions will be published on the website and in the newsletter, with the exception of cases when a fine is levied and no other disciplinary action is imposed. The previous policy and current policy may both be viewed at:

<http://www.ksbsrb.org/boardwebsitepolicy.htm>.

LastName	FirstName	Profession	Case Closed
Alquist	Kristin	LBSW	10/16/2008
Anderson	Darwin	LP	12/8/2008
Bartels	Anne	None	10/29/2008
Bartlett	Alice	None	7/13/2009
Bartlett	Lauren	LMLP	10/1/2009
Benson	Letha	LSCSW	7/15/2008
Black	Gretchen	LMSW	8/12/2008
Bogue-Gilmore	Angela	LCMFT	12/14/2009
Carpenter	Heather	LSCSW	2/10/2009
Cline-Frost	E.	LMSW	1/12/2009
Colby	Juliane	None	10/1/2009
Cummings	Carol	LSCSW	7/2/2009
Ferguson	Sarah	LMSW	2/8/2010
Findling	Jennifer	LCPC	1/9/2009
Frazier	Royce	LCMFT	3/30/2010
Galloway	Debra	LSCSW	10/1/2009
Gillispie	Randall	LMSW	7/15/2008
Haremza	Susan	LASW	2/1/2010
Helsel	Gina	None	10/1/2009
Hixon	John	LSCSW	11/10/2008
Jones	Brian	LBSW	6/8/2010
Junod	Tonya	LMSW	10/9/2008
Keller	Marcia	LBSW	6/14/2010
Kuzma	Charlene	LMSW	3/17/2010
Layton	Jennifer	LMSW	4/7/2010
Masters	Connie	LMFT	12/22/2008
McKee	Christopher	LSCSW	9/9/2008
Milner	Tammie	LMLP	10/1/2009
Ndhlovu	Angela	LBSW	6/9/2008
Newton	Deborah	LSCSW	2/8/2010
Peterson	Charles	LMSW	10/1/2009
Petty, Jr.	Tyrus	LSCSW	1/12/2009
Phillips	Kathleen	LCP	4/12/2010
Phillips	Kathleen	LMLP	4/12/2010
Rathbun	Kelly	LBSW	2/15/2010
Santi	Helen	LCPC	2/10/2009
Schell	Kerin	LP	10/14/2009
Schuessler	Debra	LBSW	4/12/2010
Showalter	Karen	LBSW	7/14/2008
Tillman	Rachel	LMSW	6/15/2010
Truhe	Harold	LMSW	1/12/2009
Valentine	Carlene	LBSW	10/1/2009
Walters	Margaret	LCP	10/8/2008
Wasserman	William	LMSW	7/13/2009
Williams	Donald	LMSW	4/15/2009
Wolf	Christina	None	3/15/2010
Wood	Grant	LSCSW	10/8/2008
Woods	Tresa	None	1/29/2009
Wright	Stephen	None	5/7/2009
Wyant	Debra	LBSW	2/9/2010

## THE HEARING PROCESS

By Camille Nohe, Assistant Attorney General and General Counsel to the BSRB

If probable cause is found regarding an investigated complaint, often the matter is settled by a Consent Agreement and Order. If settlement does not happen (for any number of reasons), the case is referred for prosecution and a hearing is set. In this event the United States Constitution guarantees that a licensee receives a hearing by a fair and impartial tribunal. It is for this reason that Behavioral Sciences Regulatory Board members who serve on the Board's Complaint Review Committee never serve on the Board's Hearing Panel.

Like a jury in a civil or criminal case, the (usually) three Board members who decide a case are provided with very limited information about the case prior to the hearing. Hearing Panel members are given a copy of the charging document which is called a Petition. This document, filed by an Assistant Attorney General who acts as the "prosecutor," contains the factual allegations and the statutory and/or regulatory violations that are charged. A copy of the Petition is also mailed to the licensee, often with a Notice of Hearing. If the licensee files an answer or response to the matters charged in the Petition, a copy is provided to the Hearing Panel members.

In many cases the licensee retains a lawyer in order to defend against the allegations. Whether or not a lawyer represents the licensee, he or she has a right to obtain copies of any documents or other evidence that the prosecutor intends to present at the hearing. In some cases, the licensee's lawyer takes the deposition of the prosecutor's witness(es) in order to obtain a preview of that witness' testimony. If the prosecution plans on presenting an expert witness, the licensee may also decide to hire an expert witness as a part of the defense.

The hearing is conducted much like a trial although the rules of evidence and procedure are somewhat relaxed. The hearing can last anywhere from ½ day to 2 or more days, depending on how many counts are charged, the complexity of the legal and factual issues, and how many witnesses testify. The Hearing Panel listens to all the testimony and reviews all the evidence that is admitted. At the conclusion of the hearing, the Hearing Panel deliberates and decides whether clear and convincing evidence has been presented to establish the charges. The Hearing Panel's decision, called a Final Order, is mailed to the licensee and the prosecutor. If the licensee is dissatisfied with the decision, the licensee may appeal to district court for judicial review.

As an alternative to having a Board hearing panel, a case may be referred to the Office of Administrative Hearings where an administrative law judge will be selected to serve as the presiding officer. In that event, the presiding officer will issue an Initial Order that is subject to review by the Board, with the exception of Board members who served on the Board's Complaint Review Committee. After review, the Board will issue a Final Order, which is subject to judicial review.