

BOARD TALK



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 785-296-3240 Paid for by Public Funds

DOMESTIC CASE MANAGEMENT

2007 LEGISLATIVE AGENDA

By Phyllis Gilmore Executive Director

The Board intends to request introduction of a bill related to out of state professionals who come into Kansas to practice for a short period of time having to register in some way with the state. This would allow the BSRB some jurisdiction over their work product while they are practicing in Kansas.

The Board intends to request introduction of an impaired professional bill again this year. Last session the bill was passed through the Senate, but ran out of time in the House Health and Human Services Committee. Intentions, at this time, are to begin the process this session in the House and hopefully it will make it all the way through the process in 2007. The Board is committed to have an additional track for licensees who may need help, other than through the disciplinary track, which is now the only option available.

The Board requested an Attorney General Opinion related to the issue of the requirement for a BSRB licensee or registrant to have a dual credential from the Addiction and Professional Services Program through the Department of Social and Rehabilitation Services. The Opinion states that, under current law, this dual credential is necessary. The Board and SRS are hoping to jointly request a bill introduction that would give an exclusion to the requirement of the AAPS credential for BSRB clinically licensed professionals who are not working primarily in the field of substance abuse. The Attorney General Opinion may be viewed on our website.

All bills will be available on our website once they have been drafted.

The Board recently, at the request of a licensee, discussed the issue of domestic case management. The question before the Board was whether a licensee, while performing the duties of domestic case management, was also performing his/her licensed profession. In other words, is a licensed psychologist practicing psychology when acting as a domestic case manager? After thoughtful deliberation, the Board concluded that a licensee could be practicing his/her profession, but not in all cases. Therefore the Board will consider any complaints about a licensee (who is) performing case management on a case by case basis.

TEMPORARY LICENSES

As of July 1, 2006 temporary licenses may no longer be renewed without a request in writing for extenuating circumstances which must be approved by the Board. Additionally, no further temporary license will be issued, to the same person, at the same licensure level. The amount of time a temporary license may be held has also changed. The marriage and family therapists must sit for the national examination within six months of having received the temporary license, and the masters level psychologists must sit for their national examination within twelve months of receiving the temporary license. There is a definition of extenuating circumstances in the new law which may be accessed on the BSRB website. You can also find the length of each profession's temporary license on the website.

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LIFE COACHING

The Board recently discussed the issue of life coaching. The Board received an email which requested that it review the issue of life coaching and consider whether life coaching is violating Kansas statutes by infringing on the practice acts of BSRB practitioners. After forming a sub-committee to investigate this issue in greater depth, the Board decided that at the present time most life coaching is not infringing on the various practice acts. However, the Board feels that this emerging issue needs to have ongoing observation. Any complaints received will be investigated thoroughly.

Ph.D. from Non-accredited Programs

The Board has received some complaints of individuals who have received doctoral degrees from non-accredited schools. The Board recently discussed this issue and decided any complaint that is received regarding a degree issued from a non-accredited program will be investigated as to the authenticity of the degree. It is felt the advertising of such a degree could be fraudulent advertising and thus a violation of unprofessional conduct regulation for the given profession. The individual would be contacted for an opportunity to respond to this possible violation.

NEW BOARD OFFICERS

Dr. Ron McNish, Psychology representative, was unanimously elected chair of the Board at its July meeting. Dr. McNish is Director of Clinical Services at the Johnson County Mental Health Center in Mission.

Dr. Gary Price, Professional Counselor representative, was unanimously elected vice-chair of the Board at its July meeting. Dr. Price is a retired professor from the University of Kansas, Department of Psychology and Research in Education.

NEW BOARD MEMBERS

We are happy to introduce our new Board Members.

Amory Lovin is a public member from Kansas City, KS. Amory is an attorney and works in the prosecutor's office.

Sharon Stuewe is a social work member from Maple Hill, KS. She is a school social worker for U.S.D. 501 in Topeka, KS.

STAFF CHANGES

We are sorry to say Wendy Peters, our renewal person, has left the BSRB. November 24th was her last day. She is working at SRS and receives child abuse hot line calls over night. Being free during the day allows her time to take care of her aging parents.

Brandy Hartpence has replaced Wendy. She was previously employed at the Topeka Correctional Facility. Brandy and her husband reside in Scranton, KS and she is the mother of three children.

Ashley Blake has joined the BSRB staff as our receptionist. Ashley is a bubbly, pleasant person who has excellent computer skills. She is a great asset to the office. She is the mother of one daughter.

WALL CERTIFICATES

The Board has decided to amend our regulations to no longer require the return of wall and billfold certificates when a licensee does not renew his or her license. In the case of a voluntary surrender during an investigation, or suspension or revocation, the Board may still require the actual certificates be returned. However, in most cases, the Board will no longer require the return of these documents.

All BSRB Licensee's by County 2006 By Ashley Blake

	TOTAL		TOTAL		TOTAL
ALLEN	39	KINGMAN	4	STEVENS	0
ANDERSON	7	KIOWA	11	SEWARD	23
ATCHISON	36	LABETTE	49	THOMAS	17
BARBER	5	LINCOLN	2	TREGO	6
BOURBON	25	LANE	0	WALLACE	3
BROWN	17	LOGAN	5	WABAUNSEE	20
BARTON	78	LINN	11	WICHITA	3
BUTLER	130	LEAVENWORTH	102	WILSON	9
CLARK	5	LYON	96	WOODSON	8
CLOUD	29	MITCHELL	13	WASHINGTON	4
COFFEY	10	MEADE	4	WYANDOTTE	209
CHEROKEE	21	MONTGOMERY	65	STEVENS	0
COWLEY	88	MIAMI	48	SEWARD	23
COMANCHE	4	MARION	22	THOMAS	17
CHEYENNE	0	MCPHERSON	88	TREGO	6
CHAUTAUQUA	0	MORRIS	13	WALLACE	3
CRAWFORD	150	MARSHALL	9	WABAUNSEE	20
CHASE	1	MORTON	2	WICHITA	3
CLAY	14	NEMAHA	11	WILSON	9
DECATUR	6	NEOSHO	36	WOODSON	8
DOUGLAS	577	NESS	3	WASHINGTON	4
DICKINSON	31	NORTON	8	WYANDOTTE	209
DONIPHAN	6	OSBORNE	3	STEVENS	0
EDWARDS	5	OSAGE	23	SEWARD	23
ELK	2	OTTAWA	5	THOMAS	17
ELLIS	129	PHILLIPS	20	TREGO	6
ELLSWORTH	8	PAWNEE	69	WALLACE	3
FINNEY	64	PRATT	13	WABAUNSEE	20
FORD	43	POTTAWATOMIE	43	WICHITA	3
FRANKLIN	39	RAWLINS	3	WILSON	9
GEARY	50	RICE	5	WOODSON	8
GRAHAM	2	RUSH	7	WASHINGTON	4
GREELEY	4	RILEY	227	WYANDOTTE	209
GOVE	4	RENO	183		
GRANT	8	ROOKS	6		
GREENWOOD	9	REPUBLIC	5		
GRAY	9	RUSSELL	9		
HODGEMAN	4	SALINE	168		
HAMILTON	3	SCOTT	9		
HARPER	7	SHERIDAN	0		
HASKELL	1	STAFFORD	3		
HARVEY	186	SEDGWICK	1330		
JACKSON	50	SHERMAN	9		
JEFFERSON	41	SMITH	8		
JOHNSON	1608	SHAWNEE	827		
JEWELL	2	STANTON	3		
KEARNY	3	SUMNER	48		

December 1, 2006
Current Cases Open by License

Profession	# Open	Percentage
LP	12	24.00%
LMLP	2	4.00%
LCP	1	2.00%
LMFT	2	4.00%
LCMFT	0	0.00%
LPC	0	0.00%
LCPC	5	10.00%
LASW	0	0.00%
LBSW	8	16.00%
LMSW	7	14.00%
LSCSW	10	20.00%
RAODAC	2	4.00%
No License	1	2.00%
Total	50	100.00%

These numbers reflect the number of cases which were open on December 1, 2006 for each profession. The percentages do not reflect the number of complaints received or the number of licensees in each profession.

The Complaint Review Committee recommended these sanctions during the 2006 calendar year:

Cautionary letters	8
Fines	1 - \$250.00
Formal censures	9
Consent agreements	7
Suspensions	1
Revocations	1



There was also one disciplinary hearing held during the year.

PHYSICIAN CONSULT

The Board would like to remind all licenses of the requirement for licensees who have a client with symptoms of a mental disorder to, "upon the signed consent of the client, consult with the client's physician or psychiatrist, except when a client requests in writing that consultation with a physician be waived". It has come to the Board's attention that licensees may be forgetting about this requirement, or new licensees may be unaware of it. Again, we strongly encourage each of you to frequently review your professions statutes and regulations. Additional information about the regulation for the physician consultation is as follows:

The consult with a client's physician or psychiatrist may occur through face-to-face contact, telephonic contact, or correspondence by the licensee with the physician, the physician's assistant, or designated nursing staff. When initiating this contact, the licensee shall not be responsible for the medical professional's response, or for the client's compliance with any related intervention made by the medical professional.

If the licensee is practicing in a setting or contract arrangement that involves a person licensed to practice medicine and surgery for review of mental health treatment, a physician consult may be completed through medical involvement completed in accordance with the established procedure of the setting or with the contract arrangement.

If a licensee is practicing in a licensed community mental health center or its affiliate, an agency of the state, or an agency licensed by the state to provide mental health, rehabilitative, or correctional services, a physician consult shall not be required beyond the procedures for medical involvement as established by the qualifying agency.

If a licensee is offering services that do not include diagnosis and treatment of a mental disorder, a physician consult shall not be required.

If a client requests in writing that consultation with a physician be waived, a physician consultation shall not be required if the waiver signed by the client is included in the client's record.

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