

[As Amended by Senate Committee of the Whole]

As Amended by Senate Committee

Session of 2011

SENATE BILL No. 90

By Committee on Public Health and Welfare

2-3

1 AN ACT concerning the behavioral sciences regulatory board; relating
2 to licensure; amending K.S.A. 2010 Supp. 74-7507 and repealing
3 the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2010 Supp. 74-7507 is hereby amended to read
7 as follows: 74-7507. (a) The behavioral sciences regulatory board shall
8 have the following powers, duties and functions:

9 (1) Recommend to the appropriate district or county attorneys
10 prosecution for violations of this act, the licensure of psychologists act
11 of the state of Kansas, the professional counselors licensure act, K.S.A.
12 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-
13 5361 to 74-5374, inclusive, and K.S.A. 2010 Supp. 74-5375, and
14 amendments thereto, the marriage and family therapists licensure act or
15 the alcohol and other drug abuse counselor registration act;

16 (2) compile and publish annually a list of the names and addresses
17 of all persons who are licensed under this act, are licensed under the
18 licensure of psychologists act of the state of Kansas, are licensed under
19 the professional counselors licensure act, are licensed under K.S.A. 65-
20 6301 to 65-6320, inclusive, and amendments thereto, are licensed under
21 K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2010 Supp. 74-5375,
22 and amendments thereto, are licensed under the marriage and family
23 therapists licensure act or are registered under the alcohol and other
24 drug abuse counselor registration act;

25 (3) prescribe the form and contents of examinations required under
26 this act, the licensure of psychologists act of the state of Kansas, the
27 professional counselors licensure act, K.S.A. 65-6301 to 65-6320,
28 inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374,
29 inclusive, and K.S.A. 2010 Supp. 74-5375, and amendments thereto,
30 the marriage and family therapists licensure act or the alcohol and other
31 drug abuse counselor registration act;

1 (4) enter into contracts necessary to administer this act, the
2 licensure of psychologists act of the state of Kansas, the professional
3 counselors licensure act, K.S.A. 65-6301 to 65-6320, inclusive, and
4 amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A.
5 2010 Supp. 74-5375, and amendments thereto, the marriage and family
6 therapists licensure act or the alcohol and other drug abuse counselor
7 registration act;

8 (5) adopt an official seal;

9 (6) adopt and enforce rules and regulations for professional
10 conduct of persons licensed under the licensure of psychologists act of
11 the state of Kansas, licensed under the professional counselors
12 licensure act, licensed under K.S.A. 65-6301 to 65-6320, inclusive, and
13 amendments thereto, licensed under K.S.A. 74-5361 to 74-5374,
14 inclusive, and K.S.A. 2010 Supp. 74-5375, and amendments thereto,
15 licensed under the marriage and family therapists licensure act or
16 registered under the alcohol and other drug abuse counselor registration
17 act;

18 (7) adopt and enforce rules and regulations establishing
19 requirements for the continuing education of persons licensed under the
20 licensure of psychologists act of the state of Kansas, licensed under the
21 professional counselors licensure act, licensed under K.S.A. 65-6301 to
22 65-6320, inclusive, and amendments thereto, licensed under K.S.A. 74-
23 5361 to 74-5374, inclusive, and K.S.A. 2010 Supp. 74-5375, and
24 amendments thereto, licensed under the marriage and family therapists
25 licensure act or registered under the alcohol and other drug abuse
26 counselor registration act;

27 (8) adopt rules and regulations establishing classes of social work
28 specialties which will be recognized for licensure under K.S.A. 65-
29 6301 to 65-6318, inclusive, and amendments thereto;

30 (9) adopt rules and regulations establishing procedures for
31 examination of candidates for licensure under the licensure of
32 psychologists act of the state of Kansas, for licensure under the
33 professional counselors licensure act, for licensure under K.S.A. 65-
34 6301 to 65-6320, inclusive, and amendments thereto, for licensure
35 under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2010 Supp.
36 74-5375, and amendments thereto, for licensure under the marriage and
37 family therapists licensure act, for registration under the alcohol and
38 other drug abuse counselor registration act and for issuance of such
39 certificates and such licenses;

1 (10) adopt rules and regulations as may be necessary for the
2 administration of this act, the licensure of psychologists act of the state
3 of Kansas, the professional counselors licensure act, K.S.A. 65-6301 to
4 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-
5 5374, inclusive, and K.S.A. 2010 Supp. 74-5375, and amendments
6 thereto, the marriage and family therapists licensure act and the alcohol
7 and other drug abuse counselor registration act and to carry out the
8 purposes thereof;

9 (11) appoint an executive director and other employees as
10 provided in K.S.A. 74-7501 and amendments thereto; and

11 (12) exercise such other powers and perform such other functions
12 and duties as may be prescribed by law.

13 (b) The behavioral sciences regulatory board, in addition to any
14 other penalty, may assess an administrative penalty, after notice and an
15 opportunity to be heard, against a licensee or registrant for a violation
16 of any of the provisions of the licensure of psychologists act of the state
17 of Kansas, the professional counselors licensure act, K.S.A. 65-6301 to
18 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-
19 5374, inclusive, and K.S.A. 2010 Supp. 74-5375, and amendments
20 thereto, the marriage and family therapists licensure act or the alcohol
21 and other drug abuse counselor registration act in an amount not to
22 exceed \$1,000. All fines assessed and collected under this section shall
23 be remitted to the state treasurer in accordance with the provisions of
24 K.S.A. 75-4215 and amendments thereto. Upon receipt of each such
25 remittance, the state treasurer shall deposit the entire amount in the
26 state treasury to the credit of the state general fund.

27 (c) If an order of the behavioral sciences regulatory board is
28 adverse to a licensee or registrant of the board, the costs shall be
29 charged to such person as in ordinary civil actions in the district court
30 in an amount not to exceed \$200. The board shall pay any additional
31 costs and, if the board is the unsuccessful party, the costs shall be paid
32 by the board. Witness fees and costs may be taxed in accordance with
33 statutes governing taxation of witness fees and costs in the district
34 court.

35 (d) *The behavioral sciences regulatory board may, after notice and*
36 *an opportunity to be heard, deny, refuse to renew, suspend, revoke,*
37 *condition, limit, qualify or restrict the license of any applicant or any*
38 *person licensed by the behavioral sciences regulatory board, if: (1) The*
39 *allegations of abuse, neglect or exploitation have been substantiated*

1 *against a child, adult or resident of a care facility by the secretary of*
2 *the social and rehabilitation services, ~~secretary on[of] aging or~~*
3 ***secretary of health and environment** in accordance with the provisions*
4 *in K.S.A. 38-2223 through 38-2230 and 39-1401 through 39-1443, and*
5 *amendments thereto;*
6 ***(2) the administrative ~~appeal[appeals]~~ process has been***
7 ***exhausted; and***
8 ***(3) the determination of substantiation has become final.***
9 Sec. 2. K.S.A. 2010 Supp. 74-7507 is hereby repealed.
10 Sec. 3. This act shall take effect and be in force from and after its
11 publication in the statute book.