

SENATE BILL No. 238

By Committee on Public Health and Welfare

2-12

1 AN ACT concerning the behavioral sciences; relating to the behavioral
2 sciences regulatory board; professions regulated thereby; reducing
3 certain licensing requirements; requiring board approval to provide
4 clinical social worker supervision; expanding the board's grounds for
5 discipline; expanding temporary permits to practice and imposing
6 requirements for extension thereof; amending K.S.A. 65-5804a, 65-
7 5807a, 65-5808, 65-5809, 65-6309a, 65-6311, 65-6314, 65-6404, 65-
8 6405a, 65-6408, 65-6610, 65-6612, 65-6615, 74-5316a, 74-5324, 74-
9 5363, 74-5367a and 74-5369 and K.S.A. 2020 Supp. 65-6306 and 65-
10 6411 and repealing the existing sections.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 New Section 1. (a) On and after January 1, 2022, any licensee
14 providing postgraduate clinical supervision for any individual working
15 toward licensure as a clinical social worker shall be a board-approved
16 clinical supervisor.

17 (b) An application for a board-approved clinical supervisor shall be
18 made to the board on a form and in the manner prescribed by the board
19 and shall be accompanied by the fee fixed under K.S.A. 65-5808, and
20 amendments thereto.

21 (c) Each applicant for board-approved clinical supervisor shall
22 furnish evidence satisfactory to the board that the applicant:

23 (1) Is currently licensed by the board as a specialist clinical social
24 worker and has practiced as a specialist clinical social worker for at least
25 two years following licensure;

26 (2) is not the subject of any disciplinary action of the board that
27 would prohibit providing clinical supervision, as determined by the board;
28 and

29 (3) (A) Has completed the minimum number of semester hours, or
30 the academic equivalent, of coursework related to the enhancement of
31 supervision skills approved by the board; or

32 (B) has completed the minimum number of continuing education
33 hours related to the enhancement of supervision skills approved by the
34 board.

35 (d) Each board-approved clinical supervisor shall complete, as a part
36 of the continuing education required under K.S.A. 65-6313, and

1 amendments thereto, at least three hours of continuing education related to
2 the enhancement of supervision skills, including at least one hour related
3 to ethics in supervision.

4 (e) This section shall be a part of and supplemental to the social
5 workers licensure act.

6 Sec. 2. K.S.A. 65-5804a is hereby amended to read as follows: 65-
7 5804a. (a) Applications for licensure as a professional counselor shall be
8 made to the board on a form and in the manner prescribed by the board.
9 Each application shall be accompanied by the fee fixed under K.S.A. 65-
10 5808, and amendments thereto.

11 (b) Each applicant for licensure as a professional counselor shall
12 furnish evidence satisfactory to the board that the applicant:

13 (1) Is at least 21 years of age;

14 (2) has completed 60 graduate semester hours including a graduate
15 degree in counseling or a related field from a college or university
16 approved by the board and that includes 45 graduate semester hours of
17 counseling coursework distributed among each of the following areas:

18 (A) Counseling theory and practice;

19 (B) the helping relationship;

20 (C) group dynamics, processing and counseling;

21 (D) human growth and development;

22 (E) ~~life-style~~ *lifestyle* and career development;

23 (F) appraisal of individuals;

24 (G) social and cultural foundations;

25 (H) research and evaluation;

26 (I) professional orientation; and

27 (J) supervised practicum and internship;

28 (3) has passed an examination required by the board; and

29 (4) has satisfied the board that the applicant is a person who merits
30 the public trust.

31 (c) (1) Applications for licensure as a clinical professional counselor
32 shall be made to the board on a form and in the manner prescribed by the
33 board. Each applicant shall furnish evidence satisfactory to the board that
34 the applicant:

35 (A) Is licensed by the board as a licensed professional counselor or
36 meets all requirements for licensure as a licensed professional counselor;

37 (B) has completed 15 credit hours, as part of or in addition to the
38 requirements under subsection (b), supporting diagnosis or treatment of
39 mental disorders with use of the American psychiatric association's
40 diagnostic and statistical manual through identifiable study of the
41 following content areas: Psychopathology, diagnostic assessment,
42 interdisciplinary referral and collaboration, treatment approaches and
43 professional ethics;

1 (C) has completed a graduate level supervised clinical practicum of
2 supervised professional experience including psychotherapy and
3 assessment with individuals, couples, families or groups, integrating
4 diagnosis and treatment of mental disorders with use of the American
5 psychiatric association's diagnostic and statistical manual, with not less
6 than ~~350~~ 280 hours of direct client contact or additional postgraduate
7 supervised experience as determined by the board;

8 (D) has completed not less than two years of postgraduate supervised
9 professional experience in accordance with a clinical supervision plan
10 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
11 professional experience, including at least 1,500 hours of direct client
12 contact conducting psychotherapy and assessments with individuals,
13 couples, families or groups and not less than ~~150~~ 100 hours of *face-to-face*
14 clinical supervision, ~~including not less than 50 hours of person-to-person~~
15 ~~individual supervision, as defined by the board in rules and regulations,~~
16 *including not less than 50 hours of individual supervision, except that the*
17 *board may waive the requirement that such supervision be face-to-face*
18 *upon a finding of extenuating circumstances,* integrating diagnosis and
19 treatment of mental disorders with use of the American psychiatric
20 association's diagnostic and statistical manual, except that ~~one-half the~~
21 ~~board may waive 1/2 of the requirement of hours required by this~~
22 ~~subparagraph may be waived for persons with an individual who has a~~
23 ~~doctor's doctoral degree in professional counseling or a related field~~
24 ~~acceptable to approved by the board and who completes the required 1/2 of~~
25 *the hours in not less than one year of supervised professional experience;*

26 (E) for persons ~~earning~~ *who earned* a degree under subsection (b)
27 prior to July 1, 2003, in lieu of the education requirements under
28 subparagraphs (B) and (C), has completed the education requirements for
29 licensure as a professional counselor in effect on the day immediately
30 preceding the effective date of this act;

31 (F) for persons who apply for and are eligible for a temporary permit
32 to practice as a licensed professional counselor on the day immediately
33 preceding the effective date of this act, in lieu of the education and training
34 requirements under subparagraphs (B), (C) and (D), has completed the
35 education and training requirements for licensure as a professional
36 counselor in effect on the day immediately preceding the effective date of
37 this act;

38 (G) has passed an examination approved by the board; and

39 (H) has paid the application fee fixed under K.S.A. 65-5808, and
40 amendments thereto.

41 (2) A person who was licensed or registered as a professional
42 counselor in Kansas at any time prior to the effective date of this act, who
43 has been actively engaged in the practice of professional counseling as a

1 registered or licensed professional counselor within five years prior to the
2 effective date of this act and whose last license or registration in Kansas
3 prior to the effective date of this act was not suspended or revoked, upon
4 application to the board, payment of fees *pursuant to K.S.A. 65-5808, and*
5 *amendments thereto*, and completion of applicable continuing education
6 requirements, shall be licensed as a licensed clinical professional
7 counselor by providing demonstration of competence to diagnose and treat
8 mental disorders through at least two of the following areas acceptable to
9 the board:

10 (A) Either: (i) Graduate coursework; or (ii) passing a national,
11 clinical examination;

12 (B) either: (i) Three years of clinical practice in a community mental
13 health center, its contracted affiliate or a state mental hospital; or (ii) three
14 years of clinical practice in other settings with demonstrated experience in
15 diagnosing or treating mental disorders; or

16 (C) attestation from one professional licensed to diagnose and treat
17 mental disorders in independent practice or licensed to practice medicine
18 and surgery that the applicant is competent to diagnose and treat mental
19 disorders.

20 (3) A licensed clinical professional counselor may engage in the
21 independent practice of professional counseling and is authorized to
22 diagnose and treat mental disorders specified in the edition of the
23 diagnostic and statistical manual of mental disorders of the American
24 psychiatric association designated by the board by rules and regulations.
25 When a client has symptoms of a mental disorder, a licensed clinical
26 professional counselor shall consult with the client's primary care
27 physician or psychiatrist to determine if there may be a medical condition
28 or medication that may be causing or contributing to the client's symptoms
29 of a mental disorder. A client may request in writing that such consultation
30 be waived and such request shall be made a part of the client's record. A
31 licensed clinical professional counselor may continue to evaluate and treat
32 the client until such time that the medical consultation is obtained or
33 waived.

34 (4) A licensed professional counselor may diagnose and treat mental
35 disorders specified in the edition of the diagnostic and statistical manual of
36 mental disorders of the American psychiatric association designated by the
37 board by rules and regulations only under the direction of a licensed
38 clinical professional counselor, licensed psychologist, person licensed to
39 practice medicine and surgery or person licensed to provide mental health
40 services as an independent practitioner and whose licensure allows for the
41 diagnosis and treatment of mental disorders. When a client has symptoms
42 of a mental disorder, a licensed professional counselor shall consult with
43 the client's primary care physician or psychiatrist to determine if there may

1 be a medical condition or medication that may be causing or contributing
2 to the client's symptoms of a mental disorder. A client may request in
3 writing that such consultation be waived and such request shall be made a
4 part of the client's record. A licensed professional counselor may continue
5 to evaluate and treat the client until such time that the medical consultation
6 is obtained or waived.

7 (d) The board shall adopt rules and regulations establishing the
8 criteria that a college or university shall satisfy in order to be approved by
9 the board. The board may send a questionnaire developed by the board to
10 any college or university for which the board does not have sufficient
11 information to determine whether the school meets the requirements for
12 approval and rules and regulations adopted under this section. The
13 questionnaire providing the necessary information shall be completed and
14 returned to the board in order for the college or university to be considered
15 for approval. The board may contract with investigative agencies,
16 commissions or consultants to assist the board in obtaining information
17 about colleges and universities. In entering such contracts, the authority to
18 approve college and universities shall remain solely with the board.

19 (e) A person who is waiting to take the examination required by the
20 board may apply to the board for a temporary license to practice as a
21 licensed professional counselor by:

22 (1) Paying an application fee of ~~no~~ *not* more than \$150; and

23 (2) meeting the application requirements as stated in K.S.A. 65-
24 5804a(b)(1), (2) and (4), and amendments thereto.

25 (f) (1) A temporary license may be issued by the board after the
26 application has been reviewed and approved by the board and the applicant
27 has paid the appropriate fee set by the board for issuance of ~~new licenses a~~
28 *temporary license*.

29 (2) Absent extenuating circumstances approved by the board, a
30 temporary license issued by the board shall expire upon the date the board
31 issues or denies a license to practice professional counseling or ~~six~~ 12
32 months after the date of issuance of the temporary license. No temporary
33 license will be renewed or issued again on any subsequent application for
34 the same license level. The preceding provisions in no way limit the
35 number of times an applicant may take the examination.

36 (g) A person practicing professional counseling with a temporary
37 license may not use the title "licensed professional counselor" or the
38 initials "LPC" independently. The word "licensed" may be used only when
39 followed by the words "by temporary license," such as licensed
40 professional counselor by temporary license, or professional counselor
41 licensed by temporary license.

42 (h) No person may practice professional counseling under a
43 temporary license except under the supervision of a person licensed by the

1 behavioral sciences regulatory board at the independent level.

2 (i) Nothing in this section shall affect any temporary license to
3 practice issued under this section prior to the effective date of this act and
4 in effect on the effective date of this act. Such temporary license shall be
5 subject to the provisions of this section in effect at the time of its issuance
6 and shall continue to be effective until the date of expiration of the
7 temporary license provided under this section at the time of issuance of
8 such temporary license.

9 Sec. 3. K.S.A. 65-5807a is hereby amended to read as follows: 65-

10 5807a. (a) Upon written application and board approval, an individual who
11 is licensed to engage in the independent clinical practice of professional
12 counseling at the clinical level in another jurisdiction ~~and~~, who is in good
13 standing in that other jurisdiction *and who has engaged in the clinical*
14 *practice of professional counseling in that jurisdiction for at least two*
15 *years immediately preceding application* may engage in the independent
16 practice of clinical professional counseling as provided by K.S.A. 65-5801
17 et seq., and amendments thereto, in this state for ~~no~~ *not* more than ~~15~~ *30*
18 days per year upon receipt of a temporary permit to practice issued by the
19 board. *Such individual engaging in such practice in this state shall provide*
20 *quarterly reports to the board on a form approved by the board detailing*
21 *the total days of practice in this state.*

22 (b) Any clinical professional counseling services rendered within any
23 24-hour period shall count as one entire day of clinical professional
24 counseling services.

25 (c) The temporary permit to practice shall be effective on the date of
26 approval by the board and shall expire ~~December 31 of that year~~ *one year*
27 *after issuance*. Upon written application ~~and for good cause shown, the~~
28 ~~board may extend the temporary permit to practice no more than 15~~
29 ~~additional days not later than 30 days before the expiration of a temporary~~
30 ~~permit and under emergency circumstances, as defined by the board, the~~
31 ~~board may extend the temporary permit for not more than one additional~~
32 ~~year. Such extended temporary permit shall authorize the individual to~~
33 ~~practice in this state for an additional 30 days during the additional year.~~
34 *Such individual engaging in such practice shall provide quarterly reports*
35 *to the board on a form approved by the board detailing the total days of*
36 *practice in this state.*

37 (d) The board may charge a fee of a maximum of \$200 for a
38 temporary permit to practice and a fee of a maximum of \$200 for an
39 extension of a temporary permit to practice as established by rules and
40 regulations of the board.

41 (e) A person who holds a temporary permit to practice clinical
42 professional counseling in this state shall be deemed to have submitted to
43 the jurisdiction of the board and shall be bound by the statutes and

1 regulations that govern the practice of clinical professional counseling in
2 this state.

3 (f) In accordance with the Kansas administrative ~~procedures~~
4 *procedure* act, the board may issue a cease and desist order or assess a fine
5 of up to \$1,000 per day, or both, against a person licensed in another
6 jurisdiction who engages in the independent practice of clinical
7 professional counseling in this state without complying with the provisions
8 of this section.

9 (g) This section shall be a part of and supplemental to the
10 professional counselors licensure act.

11 Sec. 4. K.S.A. 65-5808 is hereby amended to read as follows: 65-
12 5808. (a) The board may fix the following fees, and any such fees shall be
13 established by rules and regulations adopted by the board:

14 (1) For application for licensure as a professional counselor, not more
15 than \$100;

16 (2) for an original license as a professional counselor, not more than
17 \$175;

18 (3) for a temporary license as a professional counselor, not more than
19 \$175;

20 (4) for renewal for licensure as a professional counselor, not more
21 than \$150;

22 (5) for application for licensure as a clinical professional counselor,
23 not more than \$175;

24 (6) for licensure as a clinical professional counselor, not more than
25 \$175;

26 (7) for renewal for licensure as a clinical professional counselor, not
27 more than \$175;

28 (8) for late renewal penalty, an amount equal to the fee for renewal of
29 a license;

30 (9) for reinstatement of a license, not more than \$175;

31 (10) for replacement of a license, not more than \$20; ~~and~~

32 (11) for a wallet card license, not more than \$5; *and*

33 (12) *for application as a board-approved clinical supervisor, not*
34 *more than \$50.*

35 (b) Fees paid to the board are not refundable.

36 Sec. 5. K.S.A. 65-5809 is hereby amended to read as follows: 65-
37 5809. (a) The board may refuse to issue, renew or reinstate a license, may
38 condition, limit, revoke or suspend a license, may publicly or privately
39 censure a licensee or may impose a fine not to exceed \$1,000 per violation
40 upon a finding that a licensee or an applicant for licensure:

41 (1) Is incompetent to practice professional counseling, ~~which~~.
42 "*Incompetent to practice professional counseling*" means:

43 (A) One or more instances involving failure to adhere to the

1 applicable standard of care to a degree that constitutes gross negligence, as
2 determined by the board;

3 (B) repeated instances involving failure to adhere to the applicable
4 standard of care to a degree that constitutes ordinary negligence, as
5 determined by the board; or

6 (C) a pattern of practice or other behavior that demonstrates a
7 manifest incapacity or incompetence to practice professional counseling;

8 (2) has been convicted of a felony offense and has not demonstrated
9 to the board's satisfaction that such person has been sufficiently
10 rehabilitated to merit the public trust;

11 (3) has been convicted of a misdemeanor against persons and has not
12 demonstrated to the board's satisfaction that such person has been
13 sufficiently rehabilitated to merit the public trust;

14 (4) is currently listed on a child abuse registry or an adult protective
15 services registry as the result of a substantiated finding of abuse or neglect
16 by any state agency, agency of another state, *the District of Columbia* or
17 the United States, territory of the United States or another country and the
18 applicant or licensee has not demonstrated to the board's satisfaction that
19 such person has been sufficiently rehabilitated to merit the public trust;

20 (5) has violated a provision of the professional counselors licensure
21 act or one or more rules and regulations of the board;

22 (6) has obtained or attempted to obtain a license or license renewal by
23 bribery or fraudulent representation;

24 (7) has knowingly made a false statement on a form required by the
25 board for a license or license renewal;

26 (8) has failed to obtain continuing education credits as required by
27 rules and regulations adopted by the board;

28 (9) has been found to have engaged in unprofessional conduct as
29 defined by applicable rules and regulations adopted by the board; ~~or~~

30 (10) has had a *professional* registration, license or certificate ~~as a~~
31 ~~professional counselor~~ revoked, suspended or limited, or has had other
32 disciplinary action taken, or an application for a registration, license or
33 certificate denied, by the proper regulatory authority of another state,
34 territory, District of Columbia, or other country, a certified copy of the
35 record of the action of the other jurisdiction being conclusive evidence
36 thereof; *or*

37 (11) *has violated any lawful order or directive of the board previously*
38 *entered by the board.*

39 (b) For issuance of a new license or reinstatement of a revoked or
40 suspended license for a licensee or applicant for licensure with a felony
41 conviction, the board may only issue or reinstate such license by a ²/₃
42 majority vote.

43 (c) Administrative proceedings and disciplinary actions regarding

1 licensure under the professional counselors licensure act shall be
2 conducted in accordance with the Kansas administrative procedure act.
3 Judicial review and civil enforcement of agency actions under the
4 professional counselors licensure act shall be in accordance with the
5 Kansas judicial review act.

6 Sec. 6. K.S.A. 2020 Supp. 65-6306 is hereby amended to read as
7 follows: 65-6306. (a) The board shall issue a license as a baccalaureate
8 social worker to an applicant who *has*:

9 (1) ~~Has~~—A baccalaureate degree from an accredited college or
10 university, including completion of a social work program recognized and
11 approved by the board, pursuant to rules and regulations adopted by the
12 board;

13 (2) ~~has~~—passed an examination approved by the board for this
14 purpose; and

15 (3) ~~has~~—satisfied the board that the applicant is a person who merits
16 the public trust.

17 (b) The board shall issue a license as a master social worker to an
18 applicant who *has*:

19 (1) ~~Has~~—A master's degree from an accredited college or university,
20 including completion of a social work program recognized and approved
21 by the board, pursuant to rules and regulations adopted by the board;

22 (2) ~~has~~—passed an examination approved by the board for this
23 purpose; and

24 (3) ~~has~~—satisfied the board that the applicant is a person who merits
25 the public trust.

26 (c) The board shall issue a license in one of the social work
27 specialties to an applicant who *has*:

28 (1) ~~Has~~—A master's or doctor's degree from an accredited graduate
29 school of social work, including completion of a social work program
30 recognized and approved by the board, pursuant to rules and regulations
31 adopted by the board;

32 (2) ~~has~~—had two years of full-time post-master's or post-doctor's
33 degree experience under the supervision of a licensed social worker in the
34 area of the specialty in which such applicant seeks to be licensed;

35 (3) ~~has~~—passed an examination approved by the board for this
36 purpose; and

37 (4) ~~has~~—satisfied the board that the applicant is a person who merits
38 the public trust.

39 (d) (1) The board shall issue a license as a specialist clinical social
40 worker to an applicant who:

41 (A) Has met the requirements of subsection (c);

42 (B) has completed 15 credit hours as part of or in addition to the
43 requirements under subsection (c) supporting diagnosis or treatment of

1 mental disorders with use of the American psychiatric association's
2 diagnostic and statistical manual, through identifiable study of the
3 following content areas: Psychopathology, diagnostic assessment,
4 interdisciplinary referral and collaboration, treatment approaches and
5 professional ethics;

6 (C) has completed a graduate level supervised clinical practicum of
7 supervised professional experience including psychotherapy and
8 assessment, integrating diagnosis and treatment of mental disorders with
9 use of the American psychiatric association's diagnostic and statistical
10 manual, with not less than ~~350~~ 200 hours of direct client contact or
11 additional postgraduate supervised experience as determined by the board;

12 (D) has completed as part of or in addition to the requirements of
13 subsection (c) not less than two years of postgraduate supervised
14 professional experience in accordance with a clinical supervision plan
15 approved by the board of not less than 3,000 hours of supervised
16 professional experience including at least 1,500 hours of direct client
17 contact conducting psychotherapy and assessments with individuals,
18 couples, families or groups and not less than 100 hours of *face-to-face*
19 clinical supervision, *as defined by the board in rules and regulations*,
20 including not less than ~~75~~ 50 hours of ~~person-to-person~~ individual
21 supervision, *except that the board may waive the requirement that such*
22 *supervision be face-to-face upon a finding of extenuating circumstances*,
23 integrating diagnosis and treatment of mental disorders with use of the
24 American psychiatric association's diagnostic and statistical manual;

25 (E) for persons earning a degree under subsection (c) prior to July 1,
26 2003, in lieu of the education and training requirements under ~~parts~~
27 ~~subparagraphs~~ (B) and (C) ~~of this subsection~~, has completed the education
28 requirements for licensure as a specialist clinical social worker in effect on
29 the day immediately preceding the effective date of this act;

30 (F) for persons who apply for and are eligible for a temporary license
31 to practice as a specialist clinical social worker on the day immediately
32 preceding the effective date of this act, in lieu of the education and training
33 requirements under ~~parts~~ ~~subparagraphs~~ (B), (C) and (D) ~~of this~~
34 ~~subsection~~, has completed the education and training requirements for
35 licensure as a specialist clinical social worker in effect on the day
36 immediately preceding the effective date of this act;

37 (G) has passed an examination approved by the board; and

38 (H) has paid the application fee.

39 (2) A licensed specialist clinical social worker may engage in the
40 social work practice and is authorized to diagnose and treat mental
41 disorders specified in the edition of the diagnostic and statistical manual of
42 mental disorders of the American psychiatric association designated by the
43 board by rules and regulations. When a client has symptoms of a mental

1 disorder, a licensed specialist clinical social worker shall consult with the
2 client's primary care physician or psychiatrist to determine if there may be
3 a medical condition or medication that may be causing or contributing to
4 the client's symptoms of a mental disorder. A client may request in writing
5 that such consultation be waived and such request shall be made a part of
6 the client's record. A licensed specialist clinical social worker may
7 continue to evaluate and treat the client until such time that the medical
8 consultation is obtained or waived.

9 (3) Notwithstanding any other provision of this subsection, a licensed
10 master social worker who has provided to the board an acceptable clinical
11 supervision plan for licensure as a specialist clinical social worker prior to
12 the effective date of this act shall be licensed as a specialist clinical social
13 worker under this act upon completion of the requirements in effect for
14 licensure as a specialist clinical social worker at the time the acceptable
15 training plan is submitted to the board.

16 (4) A person licensed as a specialist clinical social worker on the day
17 immediately preceding the effective date of this act shall be deemed to be
18 a licensed specialist clinical social worker under this act. Such person shall
19 not be required to file an original application for licensure as a specialist
20 clinical social worker under this act.

21 (e) The board shall adopt rules and regulations establishing the
22 criteria ~~which~~ that a social work program of a college or university shall
23 satisfy to be recognized and approved by the board under this section. The
24 board may send a questionnaire developed by the board to any college or
25 university conducting a social work program for which the board does not
26 have sufficient information to determine whether the program should be
27 recognized and approved by the board and whether the program meets the
28 rules and regulations adopted under this section. The questionnaire
29 providing the necessary information shall be completed and returned to the
30 board in order for the program to be considered for recognition and
31 approval. The board may contract with investigative agencies,
32 commissions or consultants to assist the board in obtaining information
33 about a social work program of a college or university. In entering such
34 contracts the authority to recognize and approve a social work program of
35 a college or university shall remain solely with the board.

36 Sec. 7. K.S.A. 65-6309a is hereby amended to read as follows: 65-
37 6309a. (a) Upon written application and board approval, an individual who
38 is licensed to engage in the independent clinical practice of social work at
39 the clinical level in another jurisdiction ~~and~~, who is in good standing in
40 that other jurisdiction *and who has engaged in the clinical practice of*
41 *social work in that jurisdiction* may engage in the independent practice of
42 clinical social work as provided by K.S.A. 65-6308, and amendments
43 thereto, in this state for ~~no~~ not more than ~~15~~ 30 days per year upon receipt

1 of a temporary permit to practice issued by the board. *Such individual*
2 *engaging in such practice in this state shall provide quarterly reports to*
3 *the board on a form approved by the board detailing the total days of*
4 *practice in this state.*

5 (b) Any clinical social work services rendered within any 24-hour
6 period shall count as one entire day of clinical social work services.

7 (c) The temporary permit to practice shall be effective on the date of
8 approval by the board and shall expire ~~December 31 of that year~~ *one year*
9 *after issuance.* Upon written application ~~and for good cause shown, the~~
10 ~~board may extend the temporary permit to practice no more than 15~~
11 ~~additional days not later than 30 days before the expiration of a temporary~~
12 ~~permit and under emergency circumstances, as defined by the board, the~~
13 ~~board may extend the temporary permit for not more than one additional~~
14 ~~year. Such extended temporary permit shall authorize the individual to~~
15 ~~practice in this state for an additional 30 days during the additional year.~~
16 *Such individual engaging in such practice shall provide quarterly reports*
17 *to the board on a form approved by the board detailing the total days of*
18 *practice in this state.*

19 (d) The board may charge a fee of a maximum of \$200 for a
20 temporary permit to practice and a fee of a maximum of \$200 for an
21 extension of a temporary permit to practice as established by rules and
22 regulations of the board.

23 (e) A person who holds a temporary permit to practice clinical social
24 work in this state shall be deemed to have submitted to the jurisdiction of
25 the board and shall be bound by the statutes and regulations that govern
26 the practice of clinical social work in this state.

27 (f) In accordance with the Kansas administrative procedure act, the
28 board may issue a cease and desist order or assess a fine of up to \$1,000
29 per day, or both, against a person licensed in another jurisdiction who
30 engages in the independent practice of clinical social work in this state
31 without complying with the provisions of this section.

32 (g) This section shall be *a* part of and supplemental to article 63 of
33 chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

34 Sec. 8. K.S.A. 65-6311 is hereby amended to read as follows: 65-
35 6311. (a) The board may refuse to issue, renew or reinstate a license, may
36 condition, limit, revoke or suspend a license, may publicly or privately
37 censure a licensee or may impose a fine not to exceed \$1,000 per violation
38 upon a finding that a licensee or an applicant for license:

39 (1) Is incompetent to practice social work, ~~which~~ *"Incompetent to*
40 *practice social work"* means:

41 (A) One or more instances involving failure to adhere to the
42 applicable standard of care to a degree that constitutes gross negligence, as
43 determined by the board;

1 (B) repeated instances involving failure to adhere to the applicable
2 standard of care to a degree that constitutes ordinary negligence, as
3 determined by the board; or

4 (C) a pattern of practice or other behavior that demonstrates a
5 manifest incapacity or incompetence to practice social work;

6 (2) has been convicted of a felony offense and has not demonstrated
7 to the board's satisfaction that such person has been sufficiently
8 rehabilitated to merit the public trust;

9 (3) has been convicted of a misdemeanor against persons and has not
10 demonstrated to the board's satisfaction that such person has been
11 sufficiently rehabilitated to merit the public trust;

12 (4) is currently listed on a child abuse registry or an adult protective
13 services registry as the result of a substantiated finding of abuse or neglect
14 by any state agency, agency of another state, *the District of Columbia* or
15 the United States, territory of the United States or another country and the
16 applicant or licensee has not demonstrated to the board's satisfaction that
17 such person has been sufficiently rehabilitated to merit the public trust;

18 (5) has violated a provision of the social workers licensure act or one
19 or more rules and regulations of the board;

20 (6) has obtained or attempted to obtain a license or license renewal by
21 bribery or fraudulent representation;

22 (7) has knowingly made a false statement on a form required by the
23 board for a license or license renewal;

24 (8) has failed to obtain continuing education credits as required by
25 rules and regulations adopted by the board;

26 (9) has been found to have engaged in unprofessional conduct as
27 defined by applicable rules and regulations adopted by the board; ~~or~~

28 (10) has had a *professional* license, registration or certificate ~~to~~
29 ~~practice social work~~ revoked, suspended or limited, or has had other
30 disciplinary action taken, or an application for a license, registration or
31 certificate denied, by the proper regulatory authority of another state,
32 territory, District of Columbia, or other country, a certified copy of the
33 record of the action of the other jurisdiction being conclusive evidence
34 thereof; *or*

35 (11) *has violated any lawful order or directive of the board previously*
36 *entered by the board.*

37 (b) For issuance of a new license or reinstatement of a revoked or
38 suspended license for a licensee or applicant for licensure with a felony
39 conviction, the board may only issue or reinstate such license by a ²/₃
40 majority vote.

41 (c) Administrative proceedings and disciplinary actions regarding
42 licensure under the social workers licensure act shall be conducted in
43 accordance with the Kansas administrative procedure act. Judicial review

1 and civil enforcement of agency actions under the social workers licensure
2 act shall be in accordance with the Kansas judicial review act.

3 Sec. 9. K.S.A. 65-6314 is hereby amended to read as follows: 65-
4 6314. (a) The following fees may be established by the board in
5 accordance with the following limitations, and any such fees shall be
6 established by rules and regulations adopted by the board:

7 (1) Renewal or reinstatement fee for a license as a social work
8 associate shall be not more than \$150.

9 (2) Application, new license, reinstatement or renewal fee for a
10 license as a baccalaureate social worker shall be not more than \$150.

11 (3) Application, new license, reinstatement or renewal fee for a
12 license as master social worker shall be not more than \$150.

13 (4) Application, new license, reinstatement or renewal fee for a
14 license in a social work specialty shall be not more than \$150.

15 (5) Replacement fee for reissuance of a license certificate due to loss
16 or name change shall be not more than \$20.

17 (6) Replacement fee for reissuance of a wallet card shall be not more
18 than \$5.

19 (7) Temporary license fee for a baccalaureate social worker, master
20 social worker or a social work specialty shall be not more than \$50.

21 (8) Application fee for approval as board-approved continuing
22 education sponsors shall be as follows:

23 (A) Initial application fee for one year provisionally approved
24 providers shall be not more than \$125;

25 (B) three-year renewal fees for approved providers shall be not more
26 than \$350; and

27 (C) application fees for single program providers shall be not more
28 than \$50 for each separately offered continuing education activity for
29 which prior approval is sought.

30 (9) *Application fee for approval as a board-approved clinical*
31 *supervisor shall be not more than \$50.*

32 (b) Fees paid to the board are not refundable.

33 Sec. 10. K.S.A. 65-6404 is hereby amended to read as follows: 65-
34 6404. (a) An applicant for licensure as a marriage and family therapist
35 shall furnish evidence that the applicant *has*:

36 (1) ~~Has Attained the age of 21 years of age;~~

37 (2) (A) ~~has~~ completed a master's or doctoral degree from a marriage
38 and family therapy program, in an educational institution with standards
39 approved by the board; ~~or~~ (B) has completed a master's or doctoral degree
40 from an educational institution in a related field for which the course work
41 is considered by the board to be equivalent to that provided in ~~clause (2)~~
42 ~~subparagraph (A) of this paragraph~~ and consists of a minimum of nine
43 semester hours in human development, nine semester hours in theories of

1 marriage and family functioning, nine semester hours of marital and
2 family assessment and therapy, three semester hours in professional
3 studies and three semester hours in research; or (C) completed a master's
4 or doctoral degree from an educational institution in a related field with
5 additional work from an educational program in marriage and family
6 therapy approved by the board and such degree program and additional
7 work includes the course work requirements provided in ~~clause (2)~~
8 *subparagraph (B) of this paragraph*;

9 (3) ~~has~~ passed an examination approved by the board;

10 (4) ~~has~~ satisfied the board that the applicant is a person who merits
11 the public trust; and

12 (5) ~~each applicant~~ has paid the application fee established by the
13 board under K.S.A. 65-6411, and amendments thereto.

14 (b) (1) Applications for licensure as a clinical marriage and family
15 therapist shall be made to the board on a form and in the manner
16 prescribed by the board. Each applicant shall furnish evidence satisfactory
17 to the board that the applicant:

18 (A) Is licensed by the board as a licensed marriage and family
19 therapist or meets all requirements for licensure as a marriage and family
20 therapist;

21 (B) has completed 15 credit hours as part of or in addition to the
22 requirements under subsection (a) supporting diagnosis or treatment of
23 mental disorders with use of the American psychiatric association's
24 diagnostic and statistical manual, through identifiable study of the
25 following content areas: Psychopathology, diagnostic assessment,
26 interdisciplinary referral and collaboration, treatment approaches and
27 professional ethics;

28 (C) has completed a graduate level supervised clinical practicum of
29 supervised professional experience including psychotherapy and
30 assessment with individuals, couples, families or groups, integrating
31 diagnosis and treatment of mental disorders with use of the American
32 psychiatric association's diagnostic and statistical manual, with not less
33 than 350 hours of direct client contact or additional postgraduate
34 supervised experience as determined by the board;

35 (D) has completed not less than two years of postgraduate supervised
36 professional experience in accordance with a clinical supervision plan
37 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
38 professional experience including at least 1,500 hours of direct client
39 contact conducting psychotherapy and assessments with individuals,
40 couples, families or groups and not less than ~~150~~ 100 hours of *face-to-face*
41 clinical supervision, *as defined by the board in rules and regulations*,
42 including not less than 50 hours of ~~person-to-person~~ individual
43 supervision, *except that the board may waive the requirement that such*

1 *supervision be face-to-face upon a finding of extenuating circumstances,*
2 *integrating diagnosis and treatment of mental disorders with use of the*
3 *American psychiatric association's diagnostic and statistical manual,*
4 *except that ~~one-half the board may waive 1/2 of the requirement of hours~~*
5 *required by this part (D) may be waived subparagraph for persons with an*
6 *individual who has a doctor's degree in marriage and family therapy or a*
7 *related field acceptable to the board and who completes the required 1/2 of*
8 *the hours in not less than one year of supervised professional experience;*

9 (E) for persons ~~earning~~ *who earned* a degree under subsection (a)
10 prior to July 1, 2003, in lieu of the education and training requirements
11 under ~~parts subparagraphs~~ (B) and (C) ~~of this subsection~~, has completed
12 the education requirements for licensure as a marriage and family therapist
13 in effect on the day immediately preceding the effective date of this act;

14 (F) for persons who apply for and are eligible for a temporary permit
15 to practice as a licensed marriage and family therapist on the day
16 immediately preceding the effective date of this act, in lieu of the
17 education and training requirements under ~~parts subparagraphs~~ (B), (C)
18 and (D) ~~of this subsection~~, has completed the education and training
19 requirements for licensure as a marriage and family therapist in effect on
20 the day immediately preceding the effective date of this act;

21 (G) has passed an examination approved by the board; and

22 (H) has paid the application fee fixed under K.S.A. 65-6411, and
23 amendments thereto.

24 (2) A person who was licensed or registered as a marriage and family
25 therapist in Kansas at any time prior to the effective date of this act, who
26 has been actively engaged in the practice of marriage and family therapy
27 as a registered or licensed marriage and family therapist within five years
28 prior to the effective date of this act and whose last license or registration
29 in Kansas prior to the effective date of this act was not suspended or
30 revoked, upon application to the board, payment of fees and completion of
31 applicable continuing education requirements, shall be licensed as a
32 licensed clinical marriage and family therapist by providing demonstration
33 of competence to diagnose and treat mental disorders through at least two
34 of the following areas acceptable to the board:

35 (A) Either: (i) Graduate coursework; or (ii) passing a national,
36 clinical examination;

37 (B) either: (i) Three years of clinical practice in a community mental
38 health center, its contracted affiliate or a state mental hospital; or (ii) three
39 years of clinical practice in other settings with demonstrated experience in
40 diagnosing or treating mental disorders; or

41 (C) attestation from one professional licensed to diagnose and treat
42 mental disorders in independent practice or licensed to practice medicine
43 and surgery that the applicant is competent to diagnose and treat mental

1 disorders.

2 (3) A licensed clinical marriage and family therapist may engage in
3 the independent practice of marriage and family therapy and is authorized
4 to diagnose and treat mental disorders specified in the edition of the
5 diagnostic and statistical manual of mental disorders of the American
6 psychiatric association designated by the board by rules and regulations.
7 When a client has symptoms of a mental disorder, a licensed clinical
8 marriage and family therapist shall consult with the client's primary care
9 physician or psychiatrist to determine if there may be a medical condition
10 or medication that may be causing or contributing to the client's symptoms
11 of a mental disorder. A client may request in writing that such consultation
12 be waived and such request shall be made a part of the client's record. A
13 licensed clinical marriage and family therapist may continue to evaluate
14 and treat the client until such time that the medical consultation is obtained
15 or waived.

16 (4) On and after January 1, 2002, a licensed marriage and family
17 therapist may diagnose and treat mental disorders ~~specified in the edition~~
18 ~~of the diagnostic and statistical manual of mental disorders~~ specified in the
19 edition of the diagnostic and statistical manual of mental disorders of the
20 American psychiatric association designated by the board by rules and
21 regulations only under the direction of a licensed clinical marriage and
22 family therapist, licensed psychologist, person licensed to practice
23 medicine and surgery or person licensed to provide mental health services
24 as an independent practitioner and whose licensure allows for the
25 diagnosis and treatment of mental disorders. When a client has symptoms
26 of a mental disorder, a licensed marriage and family therapist shall consult
27 with the client's primary care physician or psychiatrist to determine if there
28 may be a medical condition or medication that may be causing or
29 contributing to the client's symptoms of a mental disorder. A client may
30 request in writing that such consultation be waived and such request shall
31 be made a part of the client's record. A licensed marriage and family
32 therapist may continue to evaluate and treat the client until such time that
33 the medical consultation is obtained or waived.

34 Sec. 11. K.S.A. 65-6405a is hereby amended to read as follows: 65-
35 6405a. (a) Upon written application and board approval, an individual who
36 is licensed to engage in the independent clinical practice of marriage and
37 family therapy at the clinical level in another jurisdiction ~~and~~, who is in
38 good standing in that other jurisdiction *and who has engaged in the*
39 *clinical practice of marriage and family therapy in that jurisdiction for at*
40 *least two years immediately preceding application* may engage in the
41 independent practice of clinical marriage and family therapy as provided
42 by K.S.A. 65-6401 et seq., and amendments thereto, in this state for ~~no~~ *not*
43 more than ~~15~~ 30 days per year upon receipt of a temporary permit to

1 practice issued by the board. *Such individual engaging in such practice in*
2 *this state shall provide quarterly reports to the board on a form approved*
3 *by the board detailing the total days of practice in this state.*

4 (b) Any clinical marriage and family therapy services rendered within
5 any 24-hour period shall count as one entire day of clinical marriage and
6 family therapy services.

7 (c) The temporary permit to practice shall be effective on the date of
8 approval by the board and shall expire ~~December 31 of that year~~ *one year*
9 *after issuance.* Upon written application ~~and for good cause shown, the~~
10 ~~board may extend the temporary permit to practice no more than 15~~
11 ~~additional days not later than 30 days before the expiration of a temporary~~
12 ~~permit and under emergency circumstances, as defined by the board, the~~
13 ~~board may extend the temporary permit for not more than one additional~~
14 ~~year. Such extended temporary permit shall authorize the individual to~~
15 ~~practice in this state for an additional 30 days during the additional year.~~
16 *Such individual engaging in such practice shall provide quarterly reports*
17 *to the board on a form approved by the board detailing the total days of*
18 *practice in this state.*

19 (d) The board may charge a fee of a maximum of \$200 for a
20 temporary permit to practice and a fee of a maximum of \$200 for an
21 extension of a temporary permit to practice as established by rules and
22 regulations of the board.

23 (e) A person who holds a temporary permit to practice clinical
24 marriage and family therapy in this state shall be deemed to have
25 submitted to the jurisdiction of the board and shall be bound by the statutes
26 and regulations that govern the practice of clinical marriage and family
27 therapy in this state.

28 (f) In accordance with the Kansas administrative procedures act, the
29 board may issue a cease and desist order or assess a fine of up to \$1,000
30 per day, or both, against a person licensed in another jurisdiction who
31 engages in the independent practice of clinical marriage and family
32 therapy in this state without complying with the provisions of this section.

33 (g) This section shall be a part of and supplemental to the marriage
34 and family therapists licensure act.

35 Sec. 12. K.S.A. 65-6408 is hereby amended to read as follows: 65-
36 6408. (a) The board may refuse to issue, renew or reinstate a license, may
37 condition, limit, revoke or suspend a license, may publicly or privately
38 censure a licensee or may impose a fine not to exceed \$1,000 per violation
39 upon a finding that a licensee or an applicant for license:

40 (1) Is incompetent to practice marriage and family therapy, ~~which~~
41 *"Incompetent to practice marriage and family therapy"* means:

42 (A) One or more instances involving failure to adhere to the
43 applicable standard of care to a degree that constitutes gross negligence, as

1 determined by the board;

2 (B) repeated instances involving failure to adhere to the applicable
3 standard of care to a degree that constitutes ordinary negligence, as
4 determined by the board; or

5 (C) a pattern of practice or other behavior that demonstrates a
6 manifest incapacity or incompetence to practice marriage and family
7 therapy;

8 (2) has been convicted of a felony offense and has not demonstrated
9 to the board's satisfaction that such person has been sufficiently
10 rehabilitated to merit the public trust;

11 (3) has been convicted of a misdemeanor against persons and has not
12 demonstrated to the board's satisfaction that such person has been
13 sufficiently rehabilitated to merit the public trust;

14 (4) is currently listed on a child abuse registry or an adult protective
15 services registry as the result of a substantiated finding of abuse or neglect
16 by any state agency, agency of another state, *the District of Columbia* or
17 the United States, territory of the United States or another country and the
18 applicant or licensee has not demonstrated to the board's satisfaction that
19 such person has been sufficiently rehabilitated to merit the public trust;

20 (5) has violated a provision of the marriage and family therapists
21 licensure act or one or more of the rules and regulations of the board;

22 (6) has obtained or attempted to obtain a license or license renewal by
23 bribery or fraudulent representation;

24 (7) has knowingly made a false statement on a form required by the
25 board for license or license renewal;

26 (8) has failed to obtain continuing education credits required by rules
27 and regulations of the board;

28 (9) has been found to have engaged in unprofessional conduct as
29 defined by applicable rules and regulations adopted by the board; ~~or~~

30 (10) has had a *professional* registration, license or certificate ~~as a~~
31 ~~marriage and family therapist~~ revoked, suspended or limited, or has had
32 other disciplinary action taken, or an application for registration, license or
33 certificate denied, by the proper regulatory authority of another state,
34 territory, District of Columbia or another country, a certified copy of the
35 record of the action of the other jurisdiction being conclusive evidence
36 thereof; *or*

37 (11) *has violated any lawful order or directive of the board previously*
38 *entered by the board.*

39 (b) For issuance of a new license or reinstatement of a revoked or
40 suspended license for a licensee or applicant for licensure with a felony
41 conviction, the board may only issue or reinstate such license by a ²/₃
42 majority vote.

43 (c) Administrative proceedings and disciplinary actions regarding

1 licensure under the marriage and family therapists licensure act shall be
2 conducted in accordance with the Kansas administrative procedure act.
3 Judicial review and civil enforcement of agency actions under the
4 marriage and family therapists licensure act shall be in accordance with the
5 Kansas judicial review act.

6 Sec. 13. K.S.A. 2020 Supp. 65-6411 is hereby amended to read as
7 follows: 65-6411. (a) The board may fix the following fees, and any such
8 fees shall be established by rules and regulations adopted by the board:

9 (1) For application for licensure as a marriage and family therapist,
10 not to exceed \$150;

11 (2) for temporary licensure as a marriage and family therapist, not to
12 exceed \$175;

13 (3) for original licensure as a marriage and family therapist, not to
14 exceed \$175;

15 (4) for renewal for licensure as a marriage and family therapist, not to
16 exceed \$175;

17 (5) for application for licensure as a clinical marriage and family
18 therapist, not to exceed \$175;

19 (6) for original licensure as a clinical marriage and family therapist,
20 not to exceed \$175;

21 (7) for renewal for licensure as a clinical marriage and family
22 therapist, not to exceed \$175;

23 (8) for reinstatement of a license, not to exceed \$175;

24 (9) for replacement of a license, not to exceed \$20;

25 (10) for renewal penalty, an amount equal to the renewal of license;

26 **and**

27 (11) for a wallet card license, not to exceed \$5; *and*

28 (12) *for application for approval as a board-approved clinical*
29 *supervisor; not to exceed \$50.*

30 (b) Fees paid to the board are not refundable.

31 Sec. 14. K.S.A. 65-6610 is hereby amended to read as follows: 65-
32 6610. (a) An applicant for licensure as an addiction counselor shall furnish
33 evidence that the applicant:

34 (1) Has attained ~~the age of~~ 21 *years of age*;

35 (2) (A) has completed at least a baccalaureate degree from an
36 addiction counseling program that is part of a college or university
37 approved by the board; or

38 (B) has completed at least a baccalaureate degree from a college or
39 university approved by the board. As part of, or in addition to, the
40 baccalaureate degree coursework, such applicant shall also complete a
41 minimum number of semester hours of coursework on substance use
42 disorders as approved by the board; or

43 (C) is currently licensed in Kansas as a licensed baccalaureate social

1 worker and has completed a minimum number of semester hours of
2 coursework on substance use disorders as approved by the board; and

3 (3) has passed an examination approved by the board;

4 (4) has satisfied the board that the applicant is a person who merits
5 the public trust; and

6 (5) has paid the application fee established by the board under K.S.A.
7 65-6618, and amendments thereto.

8 (b) Applications for licensure as a master's addiction counselor shall
9 be made to the board on a form and in the manner prescribed by the board.
10 Each applicant shall furnish evidence satisfactory to the board that the
11 applicant:

12 (1) (A) ~~Has attained the age of 21 years of age;~~

13 (B) (i) has completed at least a master's degree from an addiction
14 counseling program that is part of a college or university approved by the
15 board;

16 (ii) has completed at least a master's degree from a college or
17 university approved by the board. As part of or in addition to the master's
18 degree coursework, such applicant shall also complete a minimum number
19 of semester hours of coursework supporting the diagnosis and treatment of
20 substance use disorders as approved by the board; or

21 (iii) is currently licensed in Kansas as a licensed master social
22 worker, licensed professional counselor, licensed marriage and family
23 therapist or licensed master's level psychologist; ~~and~~

24 (C) has passed an examination approved by the board;

25 (D) has satisfied the board that the applicant is a person who merits
26 the public trust; and

27 (E) has paid the application fee fixed under K.S.A. 65-6618, and
28 amendments thereto; or

29 (2) (A) has met the following requirements on or before July 1, 2016:

30 (i) Holds an active license by the board as an addiction counselor; and

31 (ii) has completed at least a master's degree in a related field from a
32 college or university approved by the board; and

33 (B) has completed six hours of continuing education in the diagnosis
34 and treatment of substance use disorders during the three years
35 immediately preceding the application date.

36 (c) Applications for licensure as a clinical addiction counselor shall
37 be made to the board on a form and in the manner prescribed by the board.
38 Each applicant shall furnish evidence satisfactory to the board that the
39 applicant:

40 (1) ~~Has attained the age of 21 years of age; and~~

41 (2) (A) (i) has completed at least a master's degree from an addiction
42 counseling program that is part of a college or university approved by the
43 board; and

1 (ii) has completed not less than two years of postgraduate supervised
2 professional experience in accordance with a clinical supervision plan
3 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
4 professional experience including at least 1,500 hours of direct client
5 contact conducting substance abuse assessments and treatment with
6 individuals, couples, families or groups and not less than ~~150~~ 100 hours of
7 *face-to-face* clinical supervision, *as defined by the board in rules and*
8 *regulations*, including not less than 50 hours of ~~person-to-person~~
9 individual supervision, *except that the board may waive the requirement*
10 *that such supervision be face-to-face upon a finding of extenuating*
11 *circumstances*, integrating diagnosis and treatment of substance use
12 disorders with use of the diagnostic and statistical manual of mental
13 disorders of the American psychiatric association; ~~or has completed not~~
14 ~~less than one year of postgraduate supervised professional experience in~~
15 ~~accordance with a clinical supervision plan approved by the board of not~~
16 ~~less than 2,000 hours of supervised professional experience including at~~
17 ~~least 750 hours of direct client contact conducting substance abuse~~
18 ~~assessments and treatment with individuals, couples, families or groups~~
19 ~~and not less than 75 hours of clinical supervision, including not less than~~
20 ~~25 hours of person-to-person individual supervision, integrating diagnosis~~
21 ~~and treatment of substance use disorders with use of the diagnostic and~~
22 ~~statistical manual of mental disorders of the American psychiatric~~
23 ~~association, and such person has a doctoral degree in addiction counseling~~
24 ~~or a related field as approved by the board, except that the board may~~
25 ~~wave $\frac{1}{2}$ of the hours required by this clause for an individual who has a~~
26 ~~doctoral degree in addiction counseling or a related field approved by the~~
27 ~~board and who completes the required $\frac{1}{2}$ of the hours in not less than one~~
28 ~~year of supervised professional experience; or~~

29 (B) (i) has completed at least a master's degree from a college or
30 university approved by the board. As part of or in addition to the master's
31 degree coursework, such applicant shall also complete a minimum number
32 of semester hours of coursework supporting the diagnosis and treatment of
33 substance use disorders as approved by the board; and

34 (ii) has completed not less than two years of postgraduate supervised
35 professional experience in accordance with a clinical supervision plan
36 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
37 professional experience including at least 1,500 hours of direct client
38 contact conducting substance abuse assessments and treatment with
39 individuals, couples, families or groups and not less than ~~150~~ 100 hours of
40 *face-to-face* clinical supervision, *as defined by the board in rules and*
41 *regulations*, including not less than 50 hours of ~~person-to-person~~
42 individual supervision, *except that the board may waive the requirement*
43 *that such supervision be face-to-face upon a finding of extenuating*

1 *circumstances*, integrating diagnosis and treatment of substance use
2 disorders with use of the diagnostic and statistical manual of mental
3 disorders of the American psychiatric association; ~~or has completed not~~
4 ~~less than one year of postgraduate supervised professional experience in~~
5 ~~accordance with a clinical supervision plan approved by the board of not~~
6 ~~less than 2,000 hours of supervised professional experience including at~~
7 ~~least 750 hours of direct client contact conducting substance abuse~~
8 ~~assessments and treatment with individuals, couples, families or groups~~
9 ~~and not less than 75 hours of clinical supervision, including not less than~~
10 ~~25 hours of person-to-person individual supervision, integrating diagnosis~~
11 ~~and treatment of substance use disorders with use of the diagnostic and~~
12 ~~statistical manual of mental disorders of the American psychiatric~~
13 ~~association, and such person has a doctoral degree in addiction counseling~~
14 ~~or a related field as approved by the board, except that the board may~~
15 ~~waive 1/2 of the hours required by this clause for an individual who has a~~
16 ~~doctoral degree in addiction counseling or a related field approved by the~~
17 ~~board and who completes the required 1/2 of the hours in not less than one~~
18 ~~year of supervised professional experience; or~~

19 (C) (i) has completed a master's degree from a college or university
20 approved by the board and is licensed by the board as a licensed master's
21 addiction counselor; and

22 (ii) has completed not less than two years of postgraduate supervised
23 professional experience in accordance with a clinical supervision plan
24 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
25 professional experience including at least 1,500 hours of direct client
26 contact conducting substance abuse assessments and treatment with
27 individuals, couples, families or groups and not less than ~~150~~ 100 hours of
28 *face-to-face* clinical supervision, *as defined by the board in rules and*
29 *regulations*, including not less than 50 hours of ~~person-to-person~~
30 individual supervision, *except that the board may waive the requirement*
31 *that such supervision be face-to-face upon a finding of extenuating*
32 *circumstances*, integrating diagnosis and treatment of substance use
33 disorders with use of the diagnostic and statistical manual of mental
34 disorders of the American psychiatric association; ~~or has completed not~~
35 ~~less than one year of postgraduate supervised professional experience in~~
36 ~~accordance with a clinical supervision plan approved by the board of not~~
37 ~~less than 2,000 hours of supervised professional experience including at~~
38 ~~least 750 hours of direct client contact conducting substance abuse~~
39 ~~assessments and treatment with individuals, couples, families or groups~~
40 ~~and not less than 75 hours of clinical supervision, including not less than~~
41 ~~25 hours of person-to-person individual supervision, integrating diagnosis~~
42 ~~and treatment of substance use disorders with use of the diagnostic and~~
43 ~~statistical manual of mental disorders of the American psychiatric~~

1 ~~association, and such person has a doctoral degree in addiction counseling~~
 2 ~~or a related field as approved by the board, except that the board may~~
 3 ~~waive $\frac{1}{2}$ of the hours required by this clause for an individual who has a~~
 4 ~~doctoral degree in addiction counseling or a related field approved by the~~
 5 ~~board and who completes the required $\frac{1}{2}$ of the hours in not less than one~~
 6 ~~year of supervised professional experience; or~~

7 (D) is currently licensed in Kansas as a licensed psychologist,
 8 licensed specialist clinical social worker, licensed clinical professional
 9 counselor, licensed clinical psychotherapist or licensed clinical marriage
 10 and family therapist and provides to the board an attestation from a
 11 professional licensed to diagnose and treat mental disorders, or substance
 12 use disorders, or both, in independent practice or licensed to practice
 13 medicine and surgery stating that the applicant is competent to diagnose
 14 and treat substance use disorders; ~~and~~

15 (3) has passed an examination approved by the board; ~~and~~

16 (4) has satisfied the board that the applicant is a person who merits
 17 the public trust; and

18 (5) has paid the application fee fixed under K.S.A. 65-6618, and
 19 amendments thereto.

20 Sec. 15. K.S.A. 65-6612 is hereby amended to read as follows: 65-
 21 6612. (a) Upon written application and board approval, an individual who
 22 is licensed to engage in the independent clinical practice of addiction
 23 counseling at the clinical level in another jurisdiction ~~and~~, who is in good
 24 standing in that other jurisdiction *and who has engaged in the clinical*
 25 *practice of addiction counseling in that jurisdiction for at least two years*
 26 *immediately preceding application* may engage in the independent practice
 27 of clinical addiction counseling as provided by the addiction counselor
 28 licensure act; in this state for not more than ~~15~~ 30 days per year upon
 29 receipt of a temporary permit to practice issued by the board. *Such*
 30 *individual engaging in such practice shall provide quarterly reports to the*
 31 *board on a form approved by the board detailing the total days of practice*
 32 *in this state.*

33 (b) Any clinical addiction counseling services rendered within any
 34 24-hour period shall count as one entire day of clinical addiction
 35 counseling services.

36 (c) The temporary permit to practice shall be effective on the date of
 37 approval by the board and shall expire ~~December 31 of that year~~ *one year*
 38 *after issuance.* Upon written application ~~and for good cause shown, the~~
 39 ~~board may extend the temporary permit to practice no more than 15~~
 40 ~~additional days not later than 30 days before the expiration of a temporary~~
 41 ~~permit and under emergency circumstances, as defined by the board, the~~
 42 ~~board may extend the temporary permit for not more than one additional~~
 43 ~~year. Such extended temporary permit shall authorize the individual to~~

1 *practice in this state for an additional 30 days during the additional year.*
2 *Such individual engaging in such practice shall provide quarterly reports*
3 *to the board on a form approved by the board detailing the total days of*
4 *practice in this state.*

5 (d) The board shall charge a fee for a temporary permit to practice
6 and a fee for an extension of a temporary permit to practice as fixed under
7 K.S.A. 65-6618, and amendments thereto.

8 (e) A person who holds a temporary permit to practice clinical
9 addiction counseling in this state shall be deemed to have submitted to the
10 jurisdiction of the board and shall be bound by the statutes and regulations
11 that govern the practice of clinical addiction counseling in this state.

12 (f) In accordance with the Kansas administrative procedure act, the
13 board may issue a cease and desist order or assess a fine of up to \$1,000
14 per day, or both, against a person licensed in another jurisdiction who
15 engages in the independent practice of clinical addiction counseling in this
16 state without complying with the provisions of this section.

17 Sec. 16. K.S.A. 65-6615 is hereby amended to read as follows: 65-
18 6615. (a) The board may refuse to issue, renew or reinstate a license, may
19 condition, limit, revoke or suspend a license, may publicly or privately
20 censure a licensee or may impose a fine not to exceed \$1,000 per violation
21 upon a finding that a licensee or an applicant for license:

22 (1) Is incompetent to practice addiction counseling;—~~which.~~
23 *"Incompetent to practice addiction counseling"* means:

24 (A) One or more instances involving failure to adhere to the
25 applicable standard of care to a degree that constitutes gross negligence, as
26 determined by the board;

27 (B) repeated instances involving failure to adhere to the applicable
28 standard of care to a degree that constitutes ordinary negligence, as
29 determined by the board; or

30 (C) a pattern of practice or other behavior that demonstrates a
31 manifest incapacity or incompetence to practice addiction counseling;

32 (2) has been convicted of a felony offense and has not demonstrated
33 to the board's satisfaction that such person has been sufficiently
34 rehabilitated to merit the public trust;

35 (3) has been convicted of a misdemeanor against persons and has not
36 demonstrated to the board's satisfaction that such person has been
37 sufficiently rehabilitated to merit the public trust;

38 (4) is currently listed on a child abuse registry or an adult protective
39 services registry as the result of a substantiated finding of abuse or neglect
40 by any state agency, agency of another state, *the District of Columbia* or
41 the United States, territory of the United States or another country and the
42 applicant or licensee has not demonstrated to the board's satisfaction that
43 such person has been sufficiently rehabilitated to merit the public trust;

1 (5) has violated a provision of the addiction counselor licensure act or
2 one or more of the rules and regulations of the board;

3 (6) has obtained or attempted to obtain a license or license renewal by
4 bribery or fraudulent representation;

5 (7) has knowingly made a false statement on a form required by the
6 board for license or license renewal;

7 (8) has failed to obtain continuing education credits required by rules
8 and regulations of the board;

9 (9) has been found to have engaged in unprofessional conduct as
10 defined by applicable rules and regulations adopted by the board; ~~or~~

11 (10) has had a *professional* registration, license or certificate ~~as an~~
12 ~~addiction counselor~~ revoked, suspended or limited, or has had other
13 disciplinary action taken, or an application for registration, license or
14 certificate denied, by the proper regulatory authority of another state,
15 territory, District of Columbia or another country, a certified copy of the
16 record of the action of the other jurisdiction being conclusive evidence
17 thereof; *or*

18 (11) *has violated any lawful order or directive of the board previously*
19 *entered by the board.*

20 (b) For issuance of a new license or reinstatement of a revoked or
21 suspended license for a licensee or applicant for licensure with a felony
22 conviction, the board may only issue or reinstate such license by a ²/₃
23 majority vote.

24 (c) Administrative proceedings and disciplinary actions regarding
25 licensure under the addiction counselor licensure act shall be conducted in
26 accordance with the Kansas administrative procedure act. Judicial review
27 and civil enforcement of agency actions under the addiction counselor
28 licensure act shall be in accordance with the Kansas judicial review act.

29 Sec. 17. K.S.A. 74-5316a is hereby amended to read as follows: 74-
30 5316a. (a) Upon written application and board approval, an individual who
31 is licensed to engage in the independent practice of psychology in another
32 jurisdiction ~~and~~, who is in good standing in that other jurisdiction *and who*
33 *has engaged in the practice of psychology in that jurisdiction for at least*
34 *two years immediately preceding application* may engage in the
35 independent practice of psychology as provided by K.S.A. 74-5301 et seq.,
36 and amendments thereto, in this state for ~~no~~ *not* more than ~~15~~ *30* days per
37 year upon receipt of a temporary permit to practice issued by the board.
38 *Such individual engaging in such practice in this state shall provide*
39 *quarterly reports to the board on a form approved by the board detailing*
40 *the total days of practice in this state.*

41 (b) Any psychology services rendered within any 24-hour period
42 shall count as one entire day of psychology services.

43 (c) The temporary permit to practice shall be effective on the date of

1 approval by the board and shall expire ~~December 31 of that year~~ *one year*
2 *after issuance*. Upon written application ~~and for good cause shown, the~~
3 ~~board may extend the temporary permit to practice no more than 15~~
4 ~~additional days not later than 30 days before the expiration of a temporary~~
5 ~~permit and under emergency circumstances, as defined by the board, the~~
6 ~~board may extend the temporary permit for not more than one additional~~
7 ~~year. Such extended temporary permit shall authorize the individual to~~
8 ~~practice in this state for an additional 30 days during the additional year.~~
9 ~~Such individual engaging in such practice shall provide quarterly reports~~
10 ~~to the board on a form approved by the board detailing the total days of~~
11 ~~practice in this state.~~

12 (d) The board may charge a fee of a maximum of \$200 for a
13 temporary permit to practice and a fee of a maximum of \$200 for an
14 extension of a temporary permit to practice as established by rules and
15 regulations of the board.

16 (e) A person who holds a temporary permit to practice psychology in
17 this state shall be deemed to have submitted to the jurisdiction of the board
18 and shall be bound by the statutes and regulations that govern the practice
19 of psychology in this state.

20 (f) In accordance with the Kansas administrative ~~procedures~~
21 ~~procedure~~ act, the board may issue a cease and desist order or assess a fine
22 of up to \$1,000 per day, or both, against a person licensed in another
23 jurisdiction who engages in the independent practice of psychology in this
24 state without complying with the provisions of this section.

25 (g) This section shall be *a* part of and supplemental to the licensure of
26 psychologists act.

27 Sec. 18. K.S.A. 74-5324 is hereby amended to read as follows: 74-
28 5324. (a) The board may refuse to issue, renew or reinstate a license, may
29 condition, limit, revoke or suspend a license, may publicly or privately
30 censure a licensee or may impose a fine not to exceed \$1,000 per violation
31 upon a finding that a licensee or an applicant for a license:

32 (1) Is incompetent to practice psychology, ~~which~~. *"Incompetent to*
33 *practice psychology"* means:

34 (A) One or more instances involving failure to adhere to the
35 applicable standard of care to a degree that constitutes gross negligence, as
36 determined by the board;

37 (B) repeated instances involving failure to adhere to the applicable
38 standard of care to a degree that constitutes ordinary negligence, as
39 determined by the board; or

40 (C) a pattern of practice or other behavior that demonstrates a
41 manifest incapacity or incompetence to practice psychology;

42 (2) has been convicted of a felony offense and has not demonstrated
43 to the board's satisfaction that such person has been sufficiently

1 rehabilitated to merit the public trust;

2 (3) has been convicted of a misdemeanor against persons and has not
3 demonstrated to the board's satisfaction that such person has been
4 sufficiently rehabilitated to merit the public trust;

5 (4) is currently listed on a child abuse registry or an adult protective
6 services registry as the result of a substantiated finding of abuse or neglect
7 by any state agency, agency of another state, *the District of Columbia* or
8 the United States, territory of the United States or another country and the
9 applicant or licensee has not demonstrated to the board's satisfaction that
10 such person has been sufficiently rehabilitated to merit the public trust;

11 (5) has violated a provision of the licensure of psychologists act of
12 the state of Kansas or one or more rules and regulations of the board;

13 (6) has obtained or attempted to obtain a license or license renewal by
14 bribery or fraudulent representation;

15 (7) has knowingly made a false statement on a form required by the
16 board for a license or license renewal;

17 (8) has failed to obtain continuing education credits as required by
18 rules and regulations of the board;

19 (9) has been found to have engaged in unprofessional conduct as
20 defined by applicable rules and regulations adopted by the board; ~~or~~

21 (10) has had a *professional* registration, license or certificate ~~as a~~
22 ~~psychologist~~ revoked, suspended or limited, or has had other disciplinary
23 action taken, or an application for registration, license or certificate denied,
24 by the proper regulatory authority of another state, territory, District of
25 Columbia or another country, a certified copy of the record of the action of
26 the other jurisdiction being conclusive evidence thereof; *or*

27 (11) *has violated any lawful order or directive of the board previously*
28 *entered by the board.*

29 (b) For issuance of a new license or reinstatement of a revoked or
30 suspended license for a licensee or applicant for licensure with a felony
31 conviction, the board may only issue or reinstate such license by a ²/₃
32 majority vote.

33 (c) Administrative proceedings and disciplinary actions regarding
34 licensure under the licensure of psychologists act of the state of Kansas
35 shall be conducted in accordance with the Kansas administrative procedure
36 act. Judicial review and civil enforcement of agency actions under the
37 licensure of psychologists of the state of Kansas act shall be in accordance
38 with the Kansas judicial review act.

39 Sec. 19. K.S.A. 74-5363 is hereby amended to read as follows: 74-
40 5363. (a) Any person who desires to be licensed under this act shall apply
41 to the board in writing, on forms prepared and furnished by the board.
42 Each application shall contain appropriate documentation of the particular
43 qualifications required by the board and shall be accompanied by the

1 required fee.

2 (b) The board shall license as a licensed master's level psychologist
3 any applicant for licensure who pays the fee prescribed by the board under
4 K.S.A. 74-5365, and amendments thereto, which shall not be refunded,
5 who has satisfied the board as to such applicant's training and who
6 complies with the provisions of this subsection. An applicant for licensure
7 also shall submit evidence satisfactory to the board that such applicant:

8 (1) Is at least 21 years of age;

9 (2) has satisfied the board that the applicant is a person who merits
10 public trust;

11 (3) has received at least 60 graduate hours including a master's degree
12 in psychology based on a program of studies in psychology from an
13 educational institution having a graduate program in psychology consistent
14 with state universities of Kansas; or until July 1, 2003, has received at least
15 a master's degree in psychology and during such master's or post-master's
16 coursework completed a minimum of 12 semester hours or its equivalent
17 in psychological foundation courses such as, but not limited to, philosophy
18 of psychology, psychology of perception, learning theory, history of
19 psychology, motivation, and statistics and 24 semester hours or its
20 equivalent in professional core courses such as, but not limited to, two
21 courses in psychological testing, psychopathology, two courses in
22 psychotherapy, personality theories, developmental psychology, research
23 methods, social psychology; or has passed comprehensive examinations or
24 equivalent final examinations in a doctoral program in psychology and
25 during such graduate program completed a minimum of 12 semester hours
26 or its equivalent in psychological foundation courses such as, but not
27 limited to, philosophy of psychology, psychology of perception, learning
28 theory, history of psychology, motivation, and statistics and 24 semester
29 hours or its equivalent in professional core courses such as, but not limited
30 to, two courses in psychological testing, psychopathology, two courses in
31 psychotherapy, personality theories, developmental psychology, research
32 methods, social psychology;

33 (4) has completed 750 clock hours of academically supervised
34 practicum in the master's degree program or 1,500 clock hours of
35 postgraduate supervised work experience; *and*

36 (5) has passed an examination approved by the board with a
37 minimum score set by the board by rules and regulations.

38 (c) (1) Applications for licensure as a clinical psychotherapist shall be
39 made to the board on a form and in the manner prescribed by the board.
40 Each applicant shall furnish evidence satisfactory to the board that the
41 applicant:

42 (A) Is licensed by the board as a licensed master's level psychologist
43 or meets all requirements for licensure as a master's level psychologist;

1 (B) has completed 15 credit hours as part of or in addition to the
2 requirements under subsection (b) supporting diagnosis or treatment of
3 mental disorders with use of the American psychiatric association's
4 diagnostic and statistical manual, through identifiable study of:
5 Psychopathology, diagnostic assessment, interdisciplinary referral and
6 collaboration, treatment approaches and professional ethics;

7 (C) has completed a graduate level supervised clinical practicum of
8 supervised professional experience including psychotherapy and
9 assessment with individuals, couples, families or groups, integrating
10 diagnosis and treatment of mental disorders with use of the American
11 psychiatric association's diagnostic and statistical manual, with not less
12 than 350 hours of direct client contact or additional postgraduate
13 supervised experience as determined by the board;

14 (D) has completed not less than two years of postgraduate supervised
15 professional experience in accordance with a clinical supervision plan
16 approved by the board of not less than ~~4,000~~ 3,000 hours of supervised
17 professional experience including at least 1,500 hours of direct client
18 contact conducting psychotherapy and assessments with individuals,
19 couples, families or groups and not less than ~~150~~ 100 hours of *face-to-face*
20 clinical supervision, *as defined by the board in rules and regulations*,
21 including not less than 50 hours of ~~person-to-person~~ individual
22 supervision, *except that the board may waive the requirement that such*
23 *supervision be face-to-face upon a finding of extenuating circumstances*,
24 integrating diagnosis and treatment of mental disorders with use of the
25 American psychiatric association's diagnostic and statistical manual;

26 (E) for persons earning a degree under subsection (b) prior to July 1,
27 2003, in lieu of the education requirements under subparagraphs (B) and
28 (C), has completed the education requirements for licensure as a licensed
29 master's level psychologist in effect on the day immediately preceding the
30 effective date of this act;

31 (F) for persons who apply for and are eligible for a temporary license
32 to practice as a licensed master's level psychologist on the day
33 immediately preceding the effective date of this act, in lieu of the
34 education and training requirements under subparagraphs (B), (C) and (D),
35 has completed the education and training requirements for licensure as a
36 master's level psychologist in effect on the day immediately preceding the
37 effective date of this act;

38 (G) has passed an examination approved by the board with the same
39 minimum passing score as that set by the board for licensed psychologists;
40 and

41 (H) has paid the application fee, if required by the board.

42 (2) A person who was licensed or registered as a master's level
43 psychologist in Kansas at any time prior to the effective date of this act,

1 who has been actively engaged in the practice of master's level psychology
2 as a registered or licensed master's level psychologist within five years
3 prior to the effective date of this act and whose last license or registration
4 in Kansas prior to the effective date of this act was not suspended or
5 revoked, upon application to the board, payment of fees and completion of
6 applicable continuing education requirements, shall be licensed as a
7 licensed clinical psychotherapist by providing demonstration of
8 competence to diagnose and treat mental disorders through at least two of
9 the following areas acceptable to the board:

10 (A) Either: (i) Graduate coursework; or (ii) passing a national,
11 clinical examination;

12 (B) either: (i) Three years of clinical practice in a community mental
13 health center, its contracted affiliate or a state mental hospital; or (ii) three
14 years of clinical practice in other settings with demonstrated experience in
15 diagnosing or treating mental disorders; or

16 (C) attestation from one professional licensed to diagnose and treat
17 mental disorders in independent practice or licensed to practice medicine
18 and surgery that the applicant is competent to diagnose and treat mental
19 disorders.

20 (3) A licensed clinical psychotherapist may engage in the independent
21 practice of master's level psychology and is authorized to diagnose and
22 treat mental disorders specified in the edition of the diagnostic and
23 statistical manual of mental disorders of the American psychiatric
24 association designated by the board by rules and regulations. When a client
25 has symptoms of a mental disorder, a licensed clinical psychotherapist
26 shall consult with the client's primary care physician or psychiatrist to
27 determine if there may be a medical condition or medication that may be
28 causing or contributing to the client's symptoms of a mental disorder. A
29 client may request in writing that such consultation be waived and such
30 request shall be made a part of the client's record. A licensed clinical
31 psychotherapist may continue to evaluate and treat the client until such
32 time that the medical consultation is obtained or waived.

33 (d) The board shall adopt rules and regulations establishing the
34 criteria ~~which~~ that an educational institution shall satisfy in meeting the
35 requirements established under subsection (b)(3). The board may send a
36 questionnaire developed by the board to any educational institution for
37 which the board does not have sufficient information to determine whether
38 the educational institution meets the requirements of subsection (b)(3) and
39 rules and regulations adopted under this section. The questionnaire
40 providing the necessary information shall be completed and returned to the
41 board in order for the educational institution to be considered for approval.
42 The board may contract with investigative agencies, commissions or
43 consultants to assist the board in obtaining information about educational

1 institutions. In entering such contracts the authority to approve educational
2 institutions shall remain solely with the board.

3 Sec. 20. K.S.A. 74-5367a is hereby amended to read as follows: 74-

4 5367a. (a) Upon written application and board approval, an individual who
5 is licensed to engage in the independent clinical practice of masters level
6 psychology at the clinical level in another jurisdiction ~~and~~, who is in good
7 standing in that other jurisdiction *and who has engaged in the clinical*
8 *practice of masters level psychology in that jurisdiction for at least two*
9 *years immediately preceding application* may engage in the independent
10 practice of clinical masters level psychology as provided by K.S.A. 74-
11 5361 et seq., and amendments thereto, in this state for ~~no~~ *not* more than ~~15~~
12 *30* days per year upon receipt of a temporary permit to practice issued by
13 the board. *Such individual engaging in such practice in this state shall*
14 *provide quarterly reports to the board on a form approved by the board*
15 *detailing the total days of practice in this state.*

16 (b) Any clinical masters level psychology services rendered within
17 any 24-hour period shall count as one entire day of clinical masters level
18 psychology services.

19 (c) The temporary permit to practice shall be effective on the date of
20 approval by the board and shall expire ~~December 31 of that year~~ *one year*
21 *after issuance.* Upon written application ~~and for good cause shown, the~~
22 ~~board may extend the temporary permit to practice no more than 15~~
23 ~~additional days not later than 30 days before the expiration of a temporary~~
24 ~~permit and under emergency circumstances, as defined by the board, the~~
25 ~~board may extend the temporary permit for not more than one additional~~
26 ~~year. Such extended temporary permit shall authorize the individual to~~
27 ~~practice in this state for an additional 30 days during the additional year.~~
28 *Such individual engaging in such practice shall provide quarterly reports*
29 *to the board on a form approved by the board detailing the total days of*
30 *practice in this state.*

31 (d) The board may charge a fee of a maximum of \$200 for a
32 temporary permit to practice and a fee of a maximum of \$200 for an
33 extension of a temporary permit to practice as established by rules and
34 regulations of the board.

35 (e) A person who holds a temporary permit to practice clinical
36 masters level psychology in this state shall be deemed to have submitted to
37 the jurisdiction of the board and shall be bound by the statutes and
38 regulations that govern the practice of clinical masters level psychology in
39 this state.

40 (f) In accordance with the Kansas administrative ~~procedures~~
41 ~~procedure~~ act, the board may issue a cease and desist order or assess a fine
42 of up to \$1,000 per day, or both, against a person licensed in another
43 jurisdiction who engages in the independent practice of clinical masters

1 level psychology in this state without complying with the provisions of
2 this section.

3 (g) This act shall be a part of and supplemental to the licensure of
4 masters level psychologists act.

5 Sec. 21. K.S.A. 74-5369 is hereby amended to read as follows: 74-
6 5369. (a) The board may refuse to issue, renew or reinstate a license, may
7 condition, limit, revoke or suspend a license, may publicly or privately
8 censure a licensee or may impose a fine not to exceed \$1,000 per violation
9 upon a finding that a licensee or an applicant for licensure:

10 (1) Is incompetent to practice psychology, ~~which~~. "*Incompetent to*
11 *practice psychology*" means:

12 (A) One or more instances involving failure to adhere to the
13 applicable standard of care to a degree that constitutes gross negligence, as
14 determined by the board;

15 (B) repeated instances involving failure to adhere to the applicable
16 standard of care to a degree that constitutes ordinary negligence, as
17 determined by the board; or

18 (C) a pattern of practice or other behavior that demonstrates a
19 manifest incapacity or incompetence to practice master's level psychology;

20 (2) has been convicted of a felony offense and has not demonstrated
21 to the board's satisfaction that such person has been sufficiently
22 rehabilitated to merit the public trust;

23 (3) has been convicted of a misdemeanor against persons and has not
24 demonstrated to the board's satisfaction that such person has been
25 sufficiently rehabilitated to merit the public trust;

26 (4) is currently listed on a child abuse registry or an adult protective
27 services registry as the result of a substantiated finding of abuse or neglect
28 by any state agency, agency of another state, *the District of Columbia* or
29 the United States, territory of the United States or another country and the
30 applicant or licensee has not demonstrated to the board's satisfaction that
31 such person has been sufficiently rehabilitated to merit the public trust;

32 (5) has violated a provision of the licensure of master's level
33 psychologists act or one or more rules and regulations of the board;

34 (6) has obtained or attempted to obtain a license or license renewal by
35 bribery or fraudulent representation;

36 (7) has knowingly made a false statement on a form required by the
37 board for a license or license renewal;

38 (8) has failed to obtain continuing education credits as required by
39 rules and regulations adopted by the board;

40 (9) has been found to have engaged in unprofessional conduct as
41 defined by applicable rules and regulations of the board; ~~or~~

42 (10) has had a *professional* registration, license or certificate ~~as a~~
43 ~~master's level psychologist~~ revoked, suspended or limited, or has had other

1 disciplinary action taken, or an application for a registration, license or
2 certificate denied, by the proper regulatory authority of another state,
3 territory, District of Columbia or another country, a certified copy of the
4 record of the action of the other jurisdiction being conclusive evidence
5 thereof; *or*

6 *(11) has violated any lawful order or directive of the board previously*
7 *entered by the board.*

8 (b) For issuance of a new license or reinstatement of a revoked or
9 suspended license for a licensee or applicant for licensure with a felony
10 conviction, the board may only issue or reinstate such license by a ²/₃
11 majority vote.

12 (c) Administrative proceedings and disciplinary actions regarding
13 licensure under the licensure of master's level psychologists act shall be
14 conducted in accordance with the Kansas administrative procedure act.
15 Judicial review and civil enforcement of agency actions under the
16 licensure of master's level psychologists act shall be in accordance with the
17 Kansas judicial review act.

18 Sec. 22. K.S.A. 65-5804a, 65-5807a, 65-5808, 65-5809, 65-6309a,
19 65-6311, 65-6314, 65-6404, 65-6405a, 65-6408, 65-6610, 65-6612, 65-
20 6615, 74-5316a, 74-5324, 74-5363, 74-5367a and 74-5369 and K.S.A.
21 2020 Supp. 65-6306 and 65-6411 are hereby repealed.

22 Sec. 23. This act shall take effect and be in force from and after its
23 publication in the statute book.