

Substitute for SENATE BILL No. 238

By Committee on Public Health and Welfare

3-1

1 AN ACT concerning health and healthcare; relating to credentialing of
2 health professions and facilities; certification and funding of certified
3 community behavioral health clinics; prescribing powers, duties and
4 functions of the Kansas department for aging and disability services
5 and the department of health and environment related thereto;
6 authorizing the issuance of telemedicine waivers for out-of-state
7 healthcare providers; relating to professions regulated by the behavioral
8 sciences regulatory board; reducing certain licensing requirements;
9 expanding temporary practice permits and the board's grounds for
10 discipline; amending K.S.A. 65-5804a, 65-5807a, 65-5808, 65-5809,
11 65-6309a, 65-6311, 65-6404, 65-6405a, 65-6408, 65-6610, 65-6612,
12 65-6615, 74-5316a, 74-5324, 74-5363, 74-5367a and 74-5369 and
13 K.S.A. 2020 Supp. 65-6306 and 65-6411 and repealing the existing
14 sections.
15

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

17 New Section 1. (a) The Kansas department for aging and disability
18 services shall establish a process for certification of and funding for
19 certified community behavioral health clinics in accordance with this
20 section.

21 (b) The Kansas department for aging and disability services shall
22 certify as a certified community behavioral health clinic any community
23 mental health center licensed by the department that provides the
24 following services: Crisis services; screening, assessment and diagnosis,
25 including risk assessment; person-centered treatment planning; outpatient
26 mental health and substance use services; primary care screening and
27 monitoring of key indicators of health risks; targeted case management;
28 psychiatric rehabilitation services; peer support and family supports;
29 medication-assisted treatment; assertive community treatment; and
30 community-based mental healthcare for military servicemembers and
31 veterans.

32 (c) (1) The department of health and environment shall establish a
33 prospective payment system under the medical assistance program for
34 funding certified community behavioral health clinics. Such system shall
35 permit payment by either daily or monthly rates.

36 (2) The department of health and environment shall submit to the

1 United States centers for medicare and medicaid services any approval
2 request necessary to implement this subsection.

3 (d) The secretary for aging and disability services and the secretary of
4 health and environment may adopt rules and regulations as necessary to
5 implement and administer this section.

6 (e) The Kansas department for aging and disability services and the
7 department of health and environment shall implement this section not
8 later than July 1, 2022.

9 New Sec. 2. (a) Notwithstanding any other provision of law, a
10 physician holding a license issued by the applicable licensing agency of
11 another state or who otherwise meets the requirements of this section may
12 practice telemedicine to treat patients located in the state of Kansas, if such
13 physician receives a telemedicine waiver issued by the state board of
14 healing arts. The state board of healing arts shall issue such a waiver
15 within 15 days from receipt of a complete application, if the physician:

16 (1) Submits a complete application that may include evidence in the
17 form of an affidavit from an authorized third party that the applicant meets
18 the requirements of this section in a manner determined by the state board
19 of healing arts and pays a fee not to exceed \$100; and

20 (2) holds an unrestricted license to practice medicine and surgery in
21 another state or meets the qualifications required under Kansas law for a
22 license to practice medicine and surgery and is not the subject of any
23 investigation or disciplinary action by the applicable licensing agency.

24 (b) A physician practicing telemedicine in accordance with this
25 subsection shall conduct an appropriate assessment and evaluation of the
26 patient's current condition and document the appropriate medical
27 indication for any prescription issued.

28 (c) Nothing in this section shall supersede or otherwise affect the
29 provisions of K.S.A. 65-4a10, and amendments thereto, or K.S.A. 2020
30 Supp. 40-2,210 et seq., and amendments thereto.

31 (d) Any person who receives a telemedicine waiver under the
32 provisions of this section shall be subject to all rules and regulations
33 pertaining to the practice of the licensed profession in this state and shall
34 be considered a licensee for the purposes of the professional practice acts
35 administered by the state board of healing arts.

36 (e) A waiver issued under this section shall expire on the date of
37 expiration established by the state board of healing arts unless renewed in
38 the manner established by the state board of healing arts, including
39 payment of an annual renewal fee not to exceed \$100 and evidence that the
40 applicant continues to meet the qualifications described in this section.

41 (f) Notwithstanding any other provision of law to the contrary, a
42 physician holding a license issued by the applicable licensing agency of
43 another state may provide, without limitation, consultation through remote

1 technology to a physician licensed in the state of Kansas.

2 (g) An applicable healthcare licensing agency of this state may adopt
3 procedures consistent with this section to allow other healthcare
4 professionals licensed and regulated by such licensing agency to practice
5 telemedicine within the scope of practice defined by Kansas law for such
6 healthcare profession as deemed by such licensing agency to be consistent
7 with ensuring patient safety.

8 (h) Nothing in this section shall be construed to prohibit a licensing
9 agency from denying an application for a waiver under this section if the
10 licensing body determines that granting the application may endanger the
11 health and safety of the public.

12 (i) As used in this subsection, "telemedicine" means the delivery of
13 healthcare services by a healthcare provider while the patient is at a
14 different physical location.

15 Sec. 3. K.S.A. 65-5804a is hereby amended to read as follows: 65-
16 5804a. (a) Applications for licensure as a professional counselor shall be
17 made to the board on a form and in the manner prescribed by the board.
18 Each application shall be accompanied by the fee fixed under K.S.A. 65-
19 5808, and amendments thereto.

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

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

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

27 (A) Counseling theory and practice;

28 (B) the helping relationship;

29 (C) group dynamics, processing and counseling;

30 (D) human growth and development;

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

32 (F) appraisal of individuals;

33 (G) social and cultural foundations;

34 (H) research and evaluation;

35 (I) professional orientation; and

36 (J) supervised practicum and internship;

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

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

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

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

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

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

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

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

40 (F) for persons who apply for and are eligible for a temporary permit
41 to practice as a licensed professional counselor on the day immediately
42 preceding the effective date of this act, in lieu of the education and training
43 requirements under subparagraphs (B), (C) and (D), has completed the

1 education and training requirements for licensure as a professional
2 counselor in effect on the day immediately preceding the effective date of
3 this act;

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

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

7 (2) A person who was licensed or registered as a professional
8 counselor in Kansas at any time prior to the effective date of this act, who
9 has been actively engaged in the practice of professional counseling as a
10 registered or licensed professional counselor within five years prior to the
11 effective date of this act and whose last license or registration in Kansas
12 prior to the effective date of this act was not suspended or revoked, upon
13 application to the board, payment of fees *pursuant to K.S.A. 65-5808, and*
14 *amendments thereto*, and completion of applicable continuing education
15 requirements, shall be licensed as a licensed clinical professional
16 counselor by providing demonstration of competence to diagnose and treat
17 mental disorders through at least two of the following areas acceptable to
18 the board:

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

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

25 (C) attestation from one professional licensed to diagnose and treat
26 mental disorders in independent practice or licensed to practice medicine
27 and surgery that the applicant is competent to diagnose and treat mental
28 disorders.

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

43 (4) A licensed professional counselor may diagnose and treat mental

1 disorders specified in the edition of the diagnostic and statistical manual of
2 mental disorders of the American psychiatric association designated by the
3 board by rules and regulations only under the direction of a licensed
4 clinical professional counselor, licensed psychologist, person licensed to
5 practice medicine and surgery or person licensed to provide mental health
6 services as an independent practitioner and whose licensure allows for the
7 diagnosis and treatment of mental disorders. When a client has symptoms
8 of a mental disorder, a licensed professional counselor shall consult with
9 the client's primary care physician or psychiatrist to determine if there may
10 be a medical condition or medication that may be causing or contributing
11 to the client's symptoms of a mental disorder. A client may request in
12 writing that such consultation be waived and such request shall be made a
13 part of the client's record. A licensed professional counselor may continue
14 to evaluate and treat the client until such time that the medical consultation
15 is obtained or waived.

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

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

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

32 (2) meeting the application requirements as stated in K.S.A. 65-
33 5804a(b)(1), (2) and (4), and amendments thereto.

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

38 (2) Absent extenuating circumstances approved by the board, a
39 temporary license issued by the board shall expire upon the date the board
40 issues or denies a license to practice professional counseling or ~~six~~ 12
41 months after the date of issuance of the temporary license. No temporary
42 license will be renewed or issued again on any subsequent application for
43 the same license level. The preceding provisions in no way limit the

1 number of times an applicant may take the examination.

2 (g) A person practicing professional counseling with a temporary
3 license may not use the title "licensed professional counselor" or the
4 initials "LPC" independently. The word "licensed" may be used only when
5 followed by the words "by temporary license," such as licensed
6 professional counselor by temporary license, or professional counselor
7 licensed by temporary license.

8 (h) No person may practice professional counseling under a
9 temporary license except under the supervision of a person licensed by the
10 behavioral sciences regulatory board at the independent level.

11 (i) Nothing in this section shall affect any temporary license to
12 practice issued under this section prior to the effective date of this act and
13 in effect on the effective date of this act. Such temporary license shall be
14 subject to the provisions of this section in effect at the time of its issuance
15 and shall continue to be effective until the date of expiration of the
16 temporary license provided under this section at the time of issuance of
17 such temporary license.

18 Sec. 4. K.S.A. 65-5807a is hereby amended to read as follows: 65-
19 5807a. (a) Upon written application and board approval, an individual who
20 is licensed to engage in the independent clinical practice of professional
21 counseling at the clinical level in another jurisdiction ~~and~~, who is in good
22 standing in that other jurisdiction *and who has engaged in the clinical*
23 *practice of professional counseling in that jurisdiction for at least two*
24 *years immediately preceding application* may engage in the independent
25 practice of clinical professional counseling as provided by K.S.A. 65-5801
26 et seq., and amendments thereto, in this state for ~~no~~ *not* more than ~~15~~ *30*
27 days per year upon receipt of a temporary permit to practice issued by the
28 board. *Such individual engaging in such practice in this state shall provide*
29 *quarterly reports to the board on a form approved by the board detailing*
30 *the total days of practice in this state.*

31 (b) Any clinical professional counseling services rendered within any
32 24-hour period shall count as one entire day of clinical professional
33 counseling services.

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

1 *to the board on a form approved by the board detailing the total days of*
2 *practice in this state.*

3 (d) The board may charge a fee of a maximum of \$200 for a
4 temporary permit to practice and a fee of a maximum of \$200 for an
5 extension of a temporary permit to practice as established by rules and
6 regulations of the board.

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

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

18 (g) This section shall be *a* part of and supplemental to the
19 professional counselors licensure act.

20 Sec. 5. K.S.A. 65-5808 is hereby amended to read as follows: 65-
21 5808. (a) The board may fix the following fees, and any such fees shall be
22 established by rules and regulations adopted by the board:

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

25 (2) for an original license as a professional counselor, not more than
26 \$175;

27 (3) for a temporary license as a professional counselor, not more than
28 \$175;

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

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

33 (6) for licensure as a clinical professional counselor, not more than
34 \$175;

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

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

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

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

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

42 (12) *for application as a board-approved clinical supervisor; not*
43 *more than \$50.*

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

2 Sec. 6. K.S.A. 65-5809 is hereby amended to read as follows: 65-
3 5809. (a) The board may refuse to issue, renew or reinstate a license, may
4 condition, limit, revoke or suspend a license, may publicly or privately
5 censure a licensee or may impose a fine not to exceed \$1,000 per violation
6 upon a finding that a licensee or an applicant for licensure:

7 (1) Is incompetent to practice professional counseling,—which.
8 "*Incompetent to practice professional counseling*" means:

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

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

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

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

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

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

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

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

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

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

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

39 (10) has had a *professional* registration, license or certificate ~~as a~~
40 ~~professional counselor~~ revoked, suspended or limited, or has had other
41 disciplinary action taken, or an application for a registration, license or
42 certificate denied, by the proper regulatory authority of another state,
43 territory, District of Columbia, or other country, a certified copy of the

1 record of the action of the other jurisdiction being conclusive evidence
2 thereof; *or*

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

5 (b) For issuance of a new license or reinstatement of a revoked or
6 suspended license for a licensee or applicant for licensure with a felony
7 conviction, the board may only issue or reinstate such license by a $\frac{2}{3}$
8 majority vote.

9 (c) Administrative proceedings and disciplinary actions regarding
10 licensure under the professional counselors licensure act shall be
11 conducted in accordance with the Kansas administrative procedure act.
12 Judicial review and civil enforcement of agency actions under the
13 professional counselors licensure act shall be in accordance with the
14 Kansas judicial review act.

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

18 (1) ~~Has~~—A baccalaureate degree from an accredited college or
19 university, including completion of a social work program recognized and
20 approved by the board, pursuant to rules and regulations adopted by the
21 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 (b) The board shall issue a license as a master social worker to an
27 applicant who *has*:

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

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

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

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

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

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

1 (3) ~~has~~ passed an examination approved by the board for this
2 purpose; and

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

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

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

8 (B) has completed 15 credit hours as part of or in addition to the
9 requirements under subsection (c) supporting diagnosis or treatment of
10 mental disorders with use of the American psychiatric association's
11 diagnostic and statistical manual, through identifiable study of the
12 following content areas: Psychopathology, diagnostic assessment,
13 interdisciplinary referral and collaboration, treatment approaches and
14 professional ethics;

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

21 (D) has completed as part of or in addition to the requirements of
22 subsection (c) 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 3,000 hours of supervised
25 professional experience including at least 1,500 hours of direct client
26 contact conducting psychotherapy and assessments with individuals,
27 couples, families or groups and not less than 100 hours of *face-to-face*
28 clinical supervision, *as defined by the board in rules and regulations,*
29 including not less than ~~75~~ 50 hours of ~~person-to-person~~ individual
30 supervision, *except that the board may waive the requirement that such*
31 *supervision be face-to-face upon a finding of extenuating circumstances,*
32 integrating diagnosis and treatment of mental disorders with use of the
33 American psychiatric association's diagnostic and statistical manual;

34 (E) for persons earning a degree under subsection (c) prior to July 1,
35 2003, in lieu of the education and training requirements under ~~parts~~
36 ~~subparagraphs~~ (B) and (C) ~~of this subsection~~, has completed the education
37 requirements for licensure as a specialist clinical social worker in effect on
38 the day immediately preceding the effective date of this act;

39 (F) for persons who apply for and are eligible for a temporary license
40 to practice as a specialist clinical social worker on the day immediately
41 preceding the effective date of this act, in lieu of the education and training
42 requirements under ~~parts~~ ~~subparagraphs~~ (B), (C) and (D) ~~of this~~
43 ~~subsection~~, has completed the education and training requirements for

1 licensure as a specialist clinical social worker in effect on the day
2 immediately preceding the effective date of this act;

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

4 (H) has paid the application fee.

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

18 (3) Notwithstanding any other provision of this subsection, a licensed
19 master social worker who has provided to the board an acceptable clinical
20 supervision plan for licensure as a specialist clinical social worker prior to
21 the effective date of this act shall be licensed as a specialist clinical social
22 worker under this act upon completion of the requirements in effect for
23 licensure as a specialist clinical social worker at the time the acceptable
24 training plan is submitted to the board.

25 (4) A person licensed as a specialist clinical social worker on the day
26 immediately preceding the effective date of this act shall be deemed to be
27 a licensed specialist clinical social worker under this act. Such person shall
28 not be required to file an original application for licensure as a specialist
29 clinical social worker under this act.

30 (e) The board shall adopt rules and regulations establishing the
31 criteria which a social work program of a college or university shall satisfy
32 to be recognized and approved by the board under this section. The board
33 may send a questionnaire developed by the board to any college or
34 university conducting a social work program for which the board does not
35 have sufficient information to determine whether the program should be
36 recognized and approved by the board and whether the program meets the
37 rules and regulations adopted under this section. The questionnaire
38 providing the necessary information shall be completed and returned to the
39 board in order for the program to be considered for recognition and
40 approval. The board may contract with investigative agencies,
41 commissions or consultants to assist the board in obtaining information
42 about a social work program of a college or university. In entering such
43 contracts the authority to recognize and approve a social work program of

1 a college or university shall remain solely with the board.

2 Sec. 8. K.S.A. 65-6309a is hereby amended to read as follows: 65-
3 6309a. (a) Upon written application and board approval, an individual who
4 is licensed to engage in the independent clinical practice of social work at
5 the clinical level in another jurisdiction ~~and~~, who is in good standing in
6 that other jurisdiction *and who has engaged in the clinical practice of*
7 *social work in that jurisdiction* may engage in the independent practice of
8 clinical social work as provided by K.S.A. 65-6308, and amendments
9 thereto, in this state for ~~no~~ *not* more than ~~15~~ 30 days per year upon receipt
10 of a temporary permit to practice issued by the board. *Such individual*
11 *engaging in such practice in this state shall provide quarterly reports to*
12 *the board on a form approved by the board detailing the total days of*
13 *practice in this state.*

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

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

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

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

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

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

43 Sec. 9. K.S.A. 65-6311 is hereby amended to read as follows: 65-

1 6311. (a) The board may refuse to issue, renew or reinstate a license, may
2 condition, limit, revoke or suspend a license, may publicly or privately
3 censure a licensee or may impose a fine not to exceed \$1,000 per violation
4 upon a finding that a licensee or an applicant for license:

5 (1) Is incompetent to practice social work, ~~which~~. "*Incompetent to*
6 *practice social work*" means:

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

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

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

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

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

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

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

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

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

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

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

37 (10) has had a *professional* license, registration or certificate ~~to~~
38 ~~practice social work~~ revoked, suspended or limited, or has had other
39 disciplinary action taken, or an application for a license, registration or
40 certificate denied, by the proper regulatory authority of another state,
41 territory, District of Columbia, or other country, a certified copy of the
42 record of the action of the other jurisdiction being conclusive evidence
43 thereof; *or*

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

3 (b) For issuance of a new license or reinstatement of a revoked or
4 suspended license for a licensee or applicant for licensure with a felony
5 conviction, the board may only issue or reinstate such license by a $\frac{2}{3}$
6 majority vote.

7 (c) Administrative proceedings and disciplinary actions regarding
8 licensure under the social workers licensure act shall be conducted in
9 accordance with the Kansas administrative procedure act. Judicial review
10 and civil enforcement of agency actions under the social workers licensure
11 act shall be in accordance with the Kansas judicial review act.

12 Sec. 10. K.S.A. 65-6404 is hereby amended to read as follows: 65-
13 6404. (a) An applicant for licensure as a marriage and family therapist
14 shall furnish evidence that the applicant *has*:

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

16 (2) (A) ~~has~~ completed a master's or doctoral degree from a marriage
17 and family therapy program, in an educational institution with standards
18 approved by the board; ~~or~~ (B) has completed a master's or doctoral degree
19 from an educational institution in a related field for which the course work
20 is considered by the board to be equivalent to that provided in ~~clause (2)~~
21 *subparagraph (A) of this paragraph* and consists of a minimum of nine
22 semester hours in human development, nine semester hours in theories of
23 marriage and family functioning, nine semester hours of marital and
24 family assessment and therapy, three semester hours in professional
25 studies and three semester hours in research; or (C) completed a master's
26 or doctoral degree from an educational institution in a related field with
27 additional work from an educational program in marriage and family
28 therapy approved by the board and such degree program and additional
29 work includes the course work requirements provided in ~~clause (2)~~
30 *subparagraph (B) of this paragraph*;

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

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

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

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

40 (A) Is licensed by the board as a licensed marriage and family
41 therapist or meets all requirements for licensure as a marriage and family
42 therapist;

43 (B) has completed 15 credit hours as part of or in addition to the

1 requirements under subsection (a) supporting diagnosis or treatment of
2 mental disorders with use of the American psychiatric association's
3 diagnostic and statistical manual, through identifiable study of the
4 following content areas: Psychopathology, diagnostic assessment,
5 interdisciplinary referral and collaboration, treatment approaches and
6 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 except that ~~one-half~~ *the board may waive 1/2 of the requirement of hours*
27 *required by this part (D) may be waived subparagraph for persons with an*
28 *individual who has a doctor's degree in marriage and family therapy or a*
29 *related field acceptable to the board and who completes the required 1/2 of*
30 *the hours in not less than one year of supervised professional experience;*

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

36 (F) for persons who apply for and are eligible for a temporary permit
37 to practice as a licensed marriage and family therapist on the day
38 immediately preceding the effective date of this act, in lieu of the
39 education and training requirements under ~~parts subparagraphs~~ (B), (C)
40 and (D) ~~of this subsection~~, has completed the education and training
41 requirements for licensure as a marriage and family therapist in effect on
42 the day immediately preceding the effective date of this act;

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

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

3 (2) A person who was licensed or registered as a marriage and family
4 therapist in Kansas at any time prior to the effective date of this act, who
5 has been actively engaged in the practice of marriage and family therapy
6 as a registered or licensed marriage and family therapist within five years
7 prior to the effective date of this act and whose last license or registration
8 in Kansas prior to the effective date of this act was not suspended or
9 revoked, upon application to the board, payment of fees and completion of
10 applicable continuing education requirements, shall be licensed as a
11 licensed clinical marriage and family therapist by providing demonstration
12 of competence to diagnose and treat mental disorders through at least two
13 of the following areas acceptable to the board:

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

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

20 (C) attestation from one professional licensed to diagnose and treat
21 mental disorders in independent practice or licensed to practice medicine
22 and surgery that the applicant is competent to diagnose and treat mental
23 disorders.

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

38 (4) On and after January 1, 2002, a licensed marriage and family
39 therapist may diagnose and treat mental disorders ~~specified in the edition~~
40 ~~of the diagnostic and statistical manual of mental disorders~~ specified in the
41 edition of the diagnostic and statistical manual of mental disorders of the
42 American psychiatric association designated by the board by rules and
43 regulations only under the direction of a licensed clinical marriage and

1 family therapist, licensed psychologist, person licensed to practice
2 medicine and surgery or person licensed to provide mental health services
3 as an independent practitioner and whose licensure allows for the
4 diagnosis and treatment of mental disorders. When a client has symptoms
5 of a mental disorder, a licensed marriage and family therapist shall consult
6 with the client's primary care physician or psychiatrist to determine if there
7 may be a medical condition or medication that may be causing or
8 contributing to the client's symptoms of a mental disorder. A client may
9 request in writing that such consultation be waived and such request shall
10 be made a part of the client's record. A licensed marriage and family
11 therapist may continue to evaluate and treat the client until such time that
12 the medical consultation is obtained or waived.

13 Sec. 11. K.S.A. 65-6405a is hereby amended to read as follows: 65-
14 6405a. (a) Upon written application and board approval, an individual who
15 is licensed to engage in the independent clinical practice of marriage and
16 family therapy at the clinical level in another jurisdiction ~~and~~, who is in
17 good standing in that other jurisdiction *and who has engaged in the*
18 *clinical practice of marriage and family therapy in that jurisdiction for at*
19 *least two years immediately preceding application* may engage in the
20 independent practice of clinical marriage and family therapy as provided
21 by K.S.A. 65-6401 et seq., and amendments thereto, in this state for ~~no~~ *not*
22 ~~more than 15~~ 30 days per year upon receipt of a temporary permit to
23 practice issued by the board. *Such individual engaging in such practice in*
24 *this state shall provide quarterly reports to the board on a form approved*
25 *by the board detailing the total days of practice in this state.*

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

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

41 (d) The board may charge a fee of a maximum of \$200 for a
42 temporary permit to practice and a fee of a maximum of \$200 for an
43 extension of a temporary permit to practice as established by rules and

1 regulations of the board.

2 (e) A person who holds a temporary permit to practice clinical
3 marriage and family therapy in this state shall be deemed to have
4 submitted to the jurisdiction of the board and shall be bound by the statutes
5 and regulations that govern the practice of clinical marriage and family
6 therapy in this state.

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

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

14 Sec. 12. K.S.A. 65-6408 is hereby amended to read as follows: 65-
15 6408. (a) The board may refuse to issue, renew or reinstate a license, may
16 condition, limit, revoke or suspend a license, may publicly or privately
17 censure a licensee or may impose a fine not to exceed \$1,000 per violation
18 upon a finding that a licensee or an applicant for license:

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

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

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

27 (C) a pattern of practice or other behavior that demonstrates a
28 manifest incapacity or incompetence to practice marriage and family
29 therapy;

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

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

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

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

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

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

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

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

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

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

18 (b) For issuance of a new license or reinstatement of a revoked or
19 suspended license for a licensee or applicant for licensure with a felony
20 conviction, the board may only issue or reinstate such license by a $\frac{2}{3}$
21 majority vote.

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

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

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

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

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

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

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

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

43 (7) for renewal for licensure as a clinical marriage and family

- 1 therapist, not to exceed \$175;
2 (8) for reinstatement of a license, not to exceed \$175;
3 (9) for replacement of a license, not to exceed \$20;
4 (10) for renewal penalty, an amount equal to the renewal of license;
5 ~~and~~
6 (11) for a wallet card license, not to exceed \$5; *and*
7 (12) *for application for approval as a board-approved clinical*
8 *supervisor; not to exceed \$50.*

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

10 Sec. 14. K.S.A. 65-6610 is hereby amended to read as follows: 65-
11 6610. (a) An applicant for licensure as an addiction counselor shall furnish
12 evidence that the applicant:

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

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

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

22 (C) is currently licensed in Kansas as a licensed baccalaureate social
23 worker and has completed a minimum number of semester hours of
24 coursework on substance use disorders as approved by the board; ~~and~~

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

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

28 (5) has paid the application fee established by the board under K.S.A.
29 65-6618, and amendments thereto.

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

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

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

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

43 (iii) is currently licensed in Kansas as a licensed master social

1 worker, licensed professional counselor, licensed marriage and family
2 therapist or licensed master's level psychologist; ~~and~~

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (ii) has completed 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 ~~4,000~~ 3,000 hours of supervised
16 professional experience including at least 1,500 hours of direct client
17 contact conducting substance abuse assessments and treatment with
18 individuals, couples, families or groups and not less than ~~150~~ 100 hours of
19 ~~face-to-face~~ clinical supervision, ~~as defined by the board in rules and~~
20 ~~regulations, including not less than 50 hours of person-to-person~~
21 ~~individual supervision, except that the board may waive the requirement~~
22 ~~that such supervision be face-to-face upon a finding of extenuating~~
23 ~~circumstances, integrating diagnosis and treatment of substance use~~
24 ~~disorders with use of the diagnostic and statistical manual of mental~~
25 ~~disorders of the American psychiatric association; or has completed not~~
26 ~~less than one year of postgraduate supervised professional experience in~~
27 ~~accordance with a clinical supervision plan approved by the board of not~~
28 ~~less than 2,000 hours of supervised professional experience including at~~
29 ~~least 750 hours of direct client contact conducting substance abuse~~
30 ~~assessments and treatment with individuals, couples, families or groups~~
31 ~~and not less than 75 hours of clinical supervision, including not less than~~
32 ~~25 hours of person-to-person individual supervision, integrating diagnosis~~
33 ~~and treatment of substance use disorders with use of the diagnostic and~~
34 ~~statistical manual of mental disorders of the American psychiatric~~
35 ~~association, and such person has a doctoral degree in addiction counseling~~
36 ~~or a related field as approved by the board, except that the board may~~
37 ~~waive $\frac{1}{2}$ of the hours required by this clause for an individual who has a~~
38 ~~doctoral degree in addiction counseling or a related field approved by the~~
39 ~~board and who completes the required $\frac{1}{2}$ of the hours in not less than one~~
40 ~~year of supervised professional experience; or~~

41 (C) (i) has completed a master's degree from a college or university
42 approved by the board and is licensed by the board as a licensed master's
43 addiction counselor; 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 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 1/2 of the hours in not less than one~~
28 ~~year of supervised professional experience; or~~

29 (D) is currently licensed in Kansas as a licensed psychologist,
30 licensed specialist clinical social worker, licensed clinical professional
31 counselor, licensed clinical psychotherapist or licensed clinical marriage
32 and family therapist and provides to the board an attestation from a
33 professional licensed to diagnose and treat mental disorders, or substance
34 use disorders, or both, in independent practice or licensed to practice
35 medicine and surgery stating that the applicant is competent to diagnose
36 and treat substance use disorders; ~~and~~

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

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

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

42 Sec. 15. K.S.A. 65-6612 is hereby amended to read as follows: 65-
43 6612. (a) Upon written application and board approval, an individual who

1 is licensed to engage in the independent clinical practice of addiction
2 counseling at the clinical level in another jurisdiction ~~and~~, who is in good
3 standing in that other jurisdiction *and who has engaged in the clinical*
4 *practice of addiction counseling in that jurisdiction for at least two years*
5 *immediately preceding application* may engage in the independent practice
6 of clinical addiction counseling as provided by the addiction counselor
7 licensure act; in this state for not more than ~~15~~ 30 days per year upon
8 receipt of a temporary permit to practice issued by the board. *Such*
9 *individual engaging in such practice shall provide quarterly reports to the*
10 *board on a form approved by the board detailing the total days of practice*
11 *in this state.*

12 (b) Any clinical addiction counseling services rendered within any
13 24-hour period shall count as one entire day of clinical addiction
14 counseling services.

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

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

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

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

39 Sec. 16. K.S.A. 65-6615 is hereby amended to read as follows: 65-
40 6615. (a) The board may refuse to issue, renew or reinstate a license, may
41 condition, limit, revoke or suspend a license, may publicly or privately
42 censure a licensee or may impose a fine not to exceed \$1,000 per violation
43 upon a finding that a licensee or an applicant for license:

1 (1) Is incompetent to practice addiction counseling,—which.
2 "*Incompetent to practice addiction counseling*" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (b) For issuance of a new license or reinstatement of a revoked or
43 suspended license for a licensee or applicant for licensure with a felony

1 conviction, the board may only issue or reinstate such license by a ²/₃
2 majority vote.

3 (c) Administrative proceedings and disciplinary actions regarding
4 licensure under the addiction counselor licensure act shall be conducted in
5 accordance with the Kansas administrative procedure act. Judicial review
6 and civil enforcement of agency actions under the addiction counselor
7 licensure act shall be in accordance with the Kansas judicial review act.

8 Sec. 17. K.S.A. 74-5316a is hereby amended to read as follows: 74-

9 5316a. (a) Upon written application and board approval, an individual who
10 is licensed to engage in the independent practice of psychology in another
11 jurisdiction ~~and~~, who is in good standing in that other jurisdiction *and who*
12 *has engaged in the practice of psychology in that jurisdiction for at least*
13 *two years immediately preceding application* may engage in the
14 independent practice of psychology as provided by K.S.A. 74-5301 et seq.,
15 and amendments thereto, in this state for ~~no~~ *not* more than ~~15~~ 30 days per
16 year upon receipt of a temporary permit to practice issued by the board.
17 *Such individual engaging in such practice in this state shall provide*
18 *quarterly reports to the board on a form approved by the board detailing*
19 *the total days of practice in this state.*

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

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

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

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

42 (f) In accordance with the Kansas administrative ~~procedures~~
43 *procedure* act, the board may issue a cease and desist order or assess a fine

1 of up to \$1,000 per day, or both, against a person licensed in another
2 jurisdiction who engages in the independent practice of psychology in this
3 state without complying with the provisions of this section.

4 (g) This section shall be a part of and supplemental to the licensure of
5 psychologists act.

6 Sec. 18. K.S.A. 74-5324 is hereby amended to read as follows: 74-
7 5324. (a) The board may refuse to issue, renew or reinstate a license, may
8 condition, limit, revoke or suspend a license, may publicly or privately
9 censure a licensee or may impose a fine not to exceed \$1,000 per violation
10 upon a finding that a licensee or an applicant for a license:

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

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

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

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

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

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

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

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

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

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

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

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

43 (10) has had a *professional* registration, license or certificate ~~as a~~

1 psychologist revoked, suspended or limited, or has had other disciplinary
2 action taken, or an application for registration, license or certificate denied,
3 by the proper regulatory authority of another state, territory, District of
4 Columbia or another country, a certified copy of the record of the action of
5 the other jurisdiction being conclusive evidence 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 psychologists act of the state of Kansas
14 shall be conducted in accordance with the Kansas administrative procedure
15 act. Judicial review and civil enforcement of agency actions under the
16 licensure of psychologists of the state of Kansas act shall be in accordance
17 with the Kansas judicial review act.

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

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

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

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

33 (3) has received at least 60 graduate hours including a master's degree
34 in psychology based on a program of studies in psychology from an
35 educational institution having a graduate program in psychology consistent
36 with state universities of Kansas; or until July 1, 2003, has received at least
37 a master's degree in psychology and during such master's or post-master's
38 coursework completed a minimum of 12 semester hours or its equivalent
39 in psychological foundation courses such as, but not limited to, philosophy
40 of psychology, psychology of perception, learning theory, history of
41 psychology, motivation, and statistics and 24 semester hours or its
42 equivalent in professional core courses such as, but not limited to, two
43 courses in psychological testing, psychopathology, two courses in

1 psychotherapy, personality theories, developmental psychology, research
2 methods, social psychology; or has passed comprehensive examinations or
3 equivalent final examinations in a doctoral program in psychology and
4 during such graduate program completed a minimum of 12 semester hours
5 or its equivalent in psychological foundation courses such as, but not
6 limited to, philosophy of psychology, psychology of perception, learning
7 theory, history of psychology, motivation, and statistics and 24 semester
8 hours or its equivalent in professional core courses such as, but not limited
9 to, two courses in psychological testing, psychopathology, two courses in
10 psychotherapy, personality theories, developmental psychology, research
11 methods, social psychology;

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

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

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

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

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

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

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

1 supervision, *except that the board may waive the requirement that such*
2 *supervision be face-to-face upon a finding of extenuating circumstances,*
3 integrating diagnosis and treatment of mental disorders with use of the
4 American psychiatric association's diagnostic and statistical manual;

5 (E) for persons earning a degree under subsection (b) prior to July 1,
6 2003, in lieu of the education requirements under subparagraphs (B) and
7 (C), has completed the education requirements for licensure as a licensed
8 master's level psychologist in effect on the day immediately preceding the
9 effective date of this act;

10 (F) for persons who apply for and are eligible for a temporary license
11 to practice as a licensed master's level psychologist on the day
12 immediately preceding the effective date of this act, in lieu of the
13 education and training requirements under subparagraphs (B), (C) and (D),
14 has completed the education and training requirements for licensure as a
15 master's level psychologist in effect on the day immediately preceding the
16 effective date of this act;

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

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

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

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

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

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

42 (3) A licensed clinical psychotherapist may engage in the independent
43 practice of master's level psychology and is authorized to diagnose and

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

12 (d) The board shall adopt rules and regulations establishing the
13 criteria ~~which~~ *that* an educational institution shall satisfy in meeting the
14 requirements established under subsection (b)(3). The board may send a
15 questionnaire developed by the board to any educational institution for
16 which the board does not have sufficient information to determine whether
17 the educational institution meets the requirements of subsection (b)(3) and
18 rules and regulations adopted under this section. The questionnaire
19 providing the necessary information shall be completed and returned to the
20 board in order for the educational institution to be considered for approval.
21 The board may contract with investigative agencies, commissions or
22 consultants to assist the board in obtaining information about educational
23 institutions. In entering such contracts the authority to approve educational
24 institutions shall remain solely with the board.

25 Sec. 20. K.S.A. 74-5367a is hereby amended to read as follows: 74-
26 5367a. (a) Upon written application and board approval, an individual who
27 is licensed to engage in the independent clinical practice of masters level
28 psychology at the clinical level in another jurisdiction ~~and~~, who is in good
29 standing in that other jurisdiction *and who has engaged in the clinical*
30 *practice of masters level psychology in that jurisdiction for at least two*
31 *years immediately preceding application* may engage in the independent
32 practice of clinical masters level psychology as provided by K.S.A. 74-
33 5361 et seq., and amendments thereto, in this state for ~~no~~ *not* more than ~~15~~
34 *30* days per year upon receipt of a temporary permit to practice issued by
35 the board. *Such individual engaging in such practice in this state shall*
36 *provide quarterly reports to the board on a form approved by the board*
37 *detailing the total days of practice in this state.*

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

41 (c) The temporary permit to practice shall be effective on the date of
42 approval by the board and shall expire ~~December 31 of that year~~ *one year*
43 *after issuance.* Upon written application ~~and for good cause shown, the~~

1 ~~board may extend the temporary permit to practice no more than 15~~
2 ~~additional days not later than 30 days before the expiration of a temporary~~
3 ~~permit and under emergency circumstances, as defined by the board, the~~
4 ~~board may extend the temporary permit for not more than one additional~~
5 ~~year. Such extended temporary permit shall authorize the individual to~~
6 ~~practice in this state for an additional 30 days during the additional year.~~
7 ~~Such individual engaging in such practice shall provide quarterly reports~~
8 ~~to the board on a form approved by the board detailing the total days of~~
9 ~~practice in this state.~~

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

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

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

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

27 Sec. 21. K.S.A. 74-5369 is hereby amended to read as follows: 74-
28 5369. (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 licensure:

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 master's level 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 master's level
12 psychologists act 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 adopted by the board;

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

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

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

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

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

40 Sec. 22. K.S.A. 65-5804a, 65-5807a, 65-5808, 65-5809, 65-6309a,
41 65-6311, 65-6404, 65-6405a, 65-6408, 65-6610, 65-6612, 65-6615, 74-
42 5316a, 74-5324, 74-5363, 74-5367a and 74-5369 and K.S.A. 2020 Supp.
43 65-6306 and 65-6411 are hereby repealed.

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