

SENATE BILL No. 449

By Committee on Public Health and Welfare

2-11

1 AN ACT concerning the behavioral sciences regulatory board; amending
2 K.S.A. 65-5806, 65-5808, 65-6314, 65-6407, 65-6408, 65-6411, 74-
3 5311, 74-5318, 74-5361, 74-5362, 74-5363, 74-5365 and 74-5370 and
4 K.S.A. 2015 Supp. 65-5807, 65-5809, 65-6309, 65-6311, 65-6313, 65-
5 6405, 65-6406, 65-6607, 65-6608, 65-6609, 65-6610, 65-6611, 65-
6 6612, 65-6613, 65-6614, 65-6615, 65-6616, 65-6617, 65-6618, 65-
7 6620, 74-5310, 74-5315, 74-5316, 74-5324, 74-5367, 74-5369, 74-
8 5375, 74-5376, 74-7507 and 74-7508 and repealing the existing
9 sections; also repealing K.S.A. 74-5319, 74-5320, 74-5321, 74-5325,
10 74-5326, 74-5327, 74-5328, 74-5332, 74-5333, 74-5334, 74-5336 and
11 74-5338 and K.S.A. 2015 Supp. 65-5815, 65-6412, 65-6619 and 74-
12 5337.

13

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

15 New Section 1. (a) As part of an original application for or
16 reinstatement of any license, registration, permit or certificate or in
17 connection with any investigation of any holder of a license, registration,
18 permit or certificate, the behavioral sciences regulatory board may require
19 a person to be fingerprinted and submit to a state and national criminal
20 history record check. The fingerprints shall be used to identify the person
21 and to determine whether the person has a record of criminal history in this
22 state or another jurisdiction. The behavioral sciences regulatory board is
23 authorized to submit the fingerprints to the Kansas bureau of investigation
24 and the federal bureau of investigation for a state and national criminal
25 history record check. The behavioral sciences regulatory board may use
26 the information obtained from fingerprinting and the criminal history for
27 purposes of verifying the identification of the person and in the official
28 determination of the qualifications and fitness of the person to be issued or
29 to maintain a license, registration, permit or certificate.

30 (b) Local and state law enforcement officers and agencies shall assist
31 the behavioral sciences regulatory board in the taking and processing of
32 fingerprints of applicants for and holders of any license, registration,
33 permit or certificate and shall release all records of adult convictions and
34 nonconvictions and adult convictions or adjudications of another state or
35 country to the behavioral sciences regulatory board.

36 (c) The behavioral sciences regulatory board may fix and collect a fee

1 as may be required by the board in an amount equal to the cost of
2 fingerprinting and the criminal history record check. Any moneys
3 collected under this subsection shall be deposited in the state treasury and
4 credited to the behavioral sciences regulatory board fee fund. The
5 behavioral sciences regulatory board shall remit all moneys received by or
6 for it from fees, charges or penalties to the state treasurer in accordance
7 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
8 receipt of each such remittance, the state treasurer shall deposit the entire
9 amount in the state treasury to the credit of the behavioral sciences
10 regulatory board fee fund.

11 Sec. 2. K.S.A. 65-5806 is hereby amended to read as follows: 65-
12 5806. (a) An applicant who meets the requirements for licensure pursuant
13 to this act, has paid the license fee provided for by K.S.A. 65-5808, and
14 amendments thereto, and has otherwise complied with the provisions of
15 this act shall be licensed by the board.

16 (b) Licenses issued pursuant to this act shall expire 24 months from
17 the date of issuance unless revoked prior to that time. A license may be
18 renewed upon application and payment of the fee provided for by K.S.A.
19 65-5808, and amendments thereto. The application for renewal shall be
20 accompanied by evidence satisfactory to the board that the applicant has
21 completed during the previous 24 months the continuing education
22 required by rules and regulations of the board. As part of such continuing
23 education, a licensee shall complete not less than six continuing education
24 hours relating to diagnosis and treatment of mental disorders and not less
25 than three continuing education hours of professional ethics.

26 (c) A person whose license has been suspended or revoked may make
27 written application to the board requesting reinstatement of the license
28 upon termination of the period of suspension or revocation in a manner
29 prescribed by the board, which application shall be accompanied by the
30 fee provided for by K.S.A. 65-5808, and amendments thereto.

31 (d) *Within 30 days after any change of permanent address, a licensee*
32 *shall notify the board of such change.*

33 Sec. 3. K.S.A. 2015 Supp. 65-5807 is hereby amended to read as
34 follows: 65-5807. (a) The board may issue a license to an individual who
35 is currently registered, certified or licensed to practice professional
36 counseling in another jurisdiction if the board determines that:

37 (1) The standards for registration, certification or licensure to practice
38 professional counseling in the other jurisdiction are substantially
39 equivalent to the requirements of this state; or

40 (2) the applicant demonstrates on forms provided by the board
41 compliance with the following standards as adopted by the board:

42 (A) ~~Continuous~~—Registration, certification or licensure to practice
43 professional counseling ~~during the five years for at least 60 of the last 66~~

1 *months* immediately preceding the application with at least the minimum
2 professional experience as established by rules and regulations of the
3 board;

4 (B) the absence of disciplinary actions of a serious nature brought by
5 a registration, certification or licensing board or agency; and

6 (C) a ~~masters~~ *master's* degree in counseling from a regionally
7 accredited university or college.

8 (b) Applicants for licensure as a clinical professional counselor shall
9 additionally demonstrate competence to diagnose and treat mental
10 disorders through meeting the requirements of either ~~paragraph (1) or (2)~~
11 ~~of~~ subsection (a)(1) or (a)(2) and at least two of the following areas
12 acceptable to the board:

13 (1) Either graduate coursework as established by rules and
14 regulations of the board or passing a national clinical examination
15 approved by the board;

16 (2) three years of clinical practice with demonstrated experience in
17 diagnosing or treating mental disorders; or

18 (3) attestation from a professional licensed to diagnose and treat
19 mental disorders in independent practice or licensed to practice medicine
20 and surgery stating that the applicant is competent to diagnose and treat
21 mental disorders.

22 (c) An applicant for a license under this section shall pay an
23 application fee established by the board under K.S.A. 65-5808, and
24 amendments thereto, *if required by the board.*

25 Sec. 4. K.S.A. 65-5808 is hereby amended to read as follows: 65-
26 5808. (a) The board ~~shall~~ *may* fix ~~by rules and regulations~~ the following
27 fees, *and any such fees shall be established by rules and regulations*
28 *adopted by the board:*

29 (1) For application for licensure *as a professional counselor*, not more
30 than \$100;

31 (2) for an original license *as a professional counselor*, not more than
32 \$175;

33 (3) for ~~examination~~ *a temporary license as a professional counselor*,
34 not more than \$175;

35 (4) for renewal ~~of a license~~ *for licensure as a professional counselor*,
36 not more than \$150;

37 (5) ~~for reinstatement of a license~~, not more than \$175;

38 ~~(6) for replacement of a license~~, not more than \$20;

39 ~~(7)~~ for application for licensure as a clinical professional counselor,
40 not more than \$175;

41 (6) *for licensure as a clinical professional counselor*, not more than
42 \$175;

43 ~~(8)~~ (7) for renewal for licensure as a clinical professional counselor,

1 not more than \$175;

2 ~~(9) (8) for late renewal penalty, an amount equal to the fee for~~
3 ~~renewal of a license; and~~

4 ~~(10) for exchange of a license in lieu of registration pursuant to~~
5 ~~subsection (b) of K.S.A. 65-5811 and amendments thereto, not to exceed~~
6 ~~\$150~~

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

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

9 ~~(11) for a wallet card license, not more than \$5.~~

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

11 Sec. 5. K.S.A. 2015 Supp. 65-5809 is hereby amended to read as
12 follows: 65-5809. (a) The board may refuse to issue, suspend, limit, refuse
13 to renew, condition or revoke any license granted under the professional
14 counselors licensure act for any of the following reasons:

15 ~~(a) Use of drugs or alcohol, or both, to an extent that impairs the~~
16 ~~individual's ability to engage in the practice of professional counseling;~~

17 ~~(b) the individual has been convicted of a felony and, after~~
18 ~~investigation, the board finds that the individual has not been sufficiently~~
19 ~~rehabilitated to merit the public trust;~~

20 ~~(c) use of fraud, deception, misrepresentation or bribery in securing~~
21 ~~any license issued pursuant to the provisions of the professional counselors~~
22 ~~licensure act or in obtaining permission to take any examination given or~~
23 ~~required pursuant to the provisions of the professional counselors licensure~~
24 ~~act;~~

25 ~~(d) obtaining or attempting to obtain any fee, charge, tuition or other~~
26 ~~compensation by fraud, deception or misrepresentation;~~

27 ~~(e) incompetence, misconduct, fraud, misrepresentation or dishonesty~~
28 ~~in the performance of the functions or duties of a professional counselor or~~
29 ~~clinical professional counselor;~~

30 ~~(f) violation of, or assisting or enabling any individual to violate, any~~
31 ~~provision of the professional counselors licensure act or any rule and~~
32 ~~regulation adopted under such act;~~

33 ~~(g) impersonation of any individual holding a license or allowing any~~
34 ~~individual to use a license or diploma from any school of a person licensed~~
35 ~~under the professional counselors licensure act or a diploma from any~~
36 ~~school of an applicant for licensure under the professional counselors~~
37 ~~licensure act;~~

38 ~~(h) revocation or suspension of a license or other authorization to~~
39 ~~practice counseling granted by another state, territory, federal agency or~~
40 ~~country upon grounds for which revocation or suspension is authorized by~~
41 ~~the professional counselors licensure act;~~

42 ~~(i) the individual is mentally ill or physically disabled to an extent~~
43 ~~that impairs the individual's ability to engage in the practice of~~

1 professional counseling;

2 ~~(j) assisting or enabling any person to hold oneself out to the public~~
3 ~~or offer to hold oneself out to the public as a licensed professional~~
4 ~~counselor or a licensed clinical professional counselor who is not licensed~~
5 ~~under the provisions of the professional counselors licensure act;~~

6 ~~(k) the issuance of the license was based upon a material mistake of~~
7 ~~fact;~~

8 ~~(l) violation of any professional trust or confidence;~~

9 ~~(m) use of any advertisement or solicitation which is false,~~
10 ~~misleading or deceptive to the general public or persons to whom the~~
11 ~~advertisement or solicitation is primarily directed;~~

12 ~~(n) unprofessional conduct as defined by rules and regulations~~
13 ~~adopted by the board; or~~

14 ~~(o) the licensee renew or reinstate a license, may condition, limit,~~
15 ~~revoke or suspend a license, may publicly or privately censure a licensee~~
16 ~~or may impose a fine not to exceed \$1,000 per violation upon a finding~~
17 ~~that a licensee or an applicant for licensure:~~

18 *(1) Is incompetent to practice professional counseling, which means:*

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

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

25 *(C) a pattern of practice or other behavior that demonstrates a*
26 *manifest incapacity or incompetence to practice professional counseling;*

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

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

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

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

41 *(6) has obtained or attempted to obtain a license or license renewal*
42 *by bribery or fraudulent representation;*

43 *(7) has knowingly made a false statement on a form required by the*

1 board for a license or license renewal;

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

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

6 (10) has had a registration, license or certificate as a professional
7 counselor revoked, suspended or limited, or has had other disciplinary
8 action taken, or an application for a registration, license or certificate
9 denied, by the proper regulatory authority of another state, territory,
10 District of Columbia, or other country, a certified copy of the record of the
11 action of the other jurisdiction being conclusive evidence thereof.

12 (b) *Administrative proceedings and disciplinary actions regarding*
13 *licensure under the professional counselors licensure act shall be*
14 *conducted in accordance with the Kansas administrative procedure act.*
15 *Judicial review and civil enforcement of agency actions under the*
16 *professional counselors licensure act shall be in accordance with the*
17 *Kansas judicial review act.*

18 New Sec. 6. On and after July 1, 2017, all licensees providing
19 postgraduate clinical supervision for those working toward clinical
20 licensure must be board-approved clinical supervisors.

21 (a) Applications for a board-approved clinical supervisor shall be
22 made to the board on a form and in the manner prescribed by the board.
23 Each application shall be accompanied by the fee fixed under K.S.A. 65-
24 5808, and amendments thereto.

25 (b) Each applicant for board-approved clinical supervisor shall
26 furnish evidence satisfactory to the board that the applicant:

27 (1) (A) Is currently licensed as a clinical professional counselor and
28 has practiced as a clinical professional counselor for two years beyond the
29 supervisor's licensure date; or

30 (B) is a person who is licensed at the graduate level to practice in one
31 of the behavioral sciences, and whose authorized scope of practice permits
32 the independent practice of counseling, therapy, or psychotherapy and has
33 practiced at least two years of clinical practice beyond the date of licensure
34 at this level;

35 (2) does not have any disciplinary action that would prohibit
36 providing clinical supervision; and

37 (3) (A) has completed the minimum number of semester hours of
38 coursework related to the enhancement of supervision skills approved by
39 the board; or

40 (B) has completed the minimum number of continuing education
41 hours related to the enhancement of supervision skills approved by the
42 board.

43 (c) Each board-approved clinical supervisor shall complete, as part of

1 the continuing education required under K.S.A. 65-5806, and amendments
2 thereto, at least three hours of continuing education related to the
3 enhancement of supervisory skills, and at least one such hour must focus
4 on ethics in supervision.

5 Sec. 7. K.S.A. 2015 Supp. 65-6309 is hereby amended to read as
6 follows: 65-6309. (a) Except as provided in subsections (b) and (c), an
7 applicant shall be exempted from the requirement for any examination
8 provided for herein if:

9 (1) The applicant proves to the board that the applicant is licensed or
10 registered under the laws of a state or territory of the United States that
11 imposes substantially the same requirements as this act as determined by
12 the board; and

13 (2) pursuant to the laws of any such state or territory, the applicant
14 has taken and passed an examination similar to that for which exemption is
15 sought, as determined by the board.

16 (b) The board may issue a license to an individual who is currently
17 licensed to practice social work at the clinical level in another jurisdiction
18 if the board determines that:

19 (1) The standards for licensure to practice social work at the clinical
20 level in the other jurisdiction are substantially equivalent to the
21 requirements of this state for licensure at the clinical level; or

22 (2) the applicant demonstrates on forms provided by the board
23 compliance with the following standards as adopted by the board:

24 (A) ~~Continuous~~-Licensure to practice social work at the clinical level
25 ~~during the five years for at least 60 of the last 66 months~~ immediately
26 preceding the application with at least the minimum professional
27 experience as established by rules and regulations of the board;

28 (B) the absence of disciplinary actions of a serious nature brought by
29 a licensing board or agency; and

30 (C) a ~~masters~~ *master's* or doctoral degree in social work from a
31 regionally accredited university or college and from an accredited graduate
32 social work program recognized and approved by the board pursuant to
33 rules and regulations adopted by the board.

34 (c) Applicants for licensure as a clinical specialist social worker shall
35 additionally demonstrate competence to diagnose and treat mental
36 disorders through meeting the following requirements:

37 (1) Passing a national clinical examination approved by the board or,
38 in the absence of the national examination, continuous licensure to practice
39 as a clinical social worker during the 10 years immediately preceding the
40 application; and

41 (2) three years of clinical practice with demonstrated experience in
42 diagnosing or treating mental disorders.

43 (d) An applicant for a license under this section shall pay an

1 application fee established by the board under K.S.A. 65-6314, and
 2 amendments thereto, *if required by the board.*

3 (e) Upon application, the board shall issue temporary licenses to
 4 persons who have submitted documentation and met all qualifications for
 5 licensure under provisions of this act, except passage of the required
 6 examination, and who have paid the required fee.

7 ~~(f) Such persons shall take the license examination within six months~~
 8 ~~subsequent to the date of issuance of the temporary license unless there are~~
 9 ~~extenuating circumstances approved by the board.~~

10 ~~(g)~~—Absent extenuating circumstances approved by the board, a
 11 temporary license issued by the board shall expire upon the date the board
 12 issues or denies a license to practice social work or six months after the
 13 date of issuance of the temporary license. No temporary license will be
 14 renewed or issued again on any subsequent applications for the same
 15 license level. The preceding provisions in no way limit the number of
 16 times an applicant may take the examination.

17 ~~(h)~~ (g) No person may work under a temporary license except under
 18 the supervision of a licensed social worker.

19 ~~(i)~~ (h) Nothing in this section shall affect any temporary license to
 20 practice issued under this section prior to the effective date of this act and
 21 in effect on the effective date of this act. Such temporary license shall be
 22 subject to the provisions of this section in effect at the time of its issuance
 23 and shall continue to be effective until the date of expiration of the license
 24 as provided under this section at the time of issuance of such temporary
 25 license.

26 ~~(j)~~ (i) Any individual employed by a hospital and working in the area
 27 of hospital social services to patients of such hospital on July 1, 1974, is
 28 exempt from the provisions of this act.

29 ~~(k) If an applicant is denied licensure, the board shall provide the~~
 30 ~~applicant with a written explanation of the denial within 10 days after the~~
 31 ~~decision of the board, excluding Saturdays, Sundays and legal holidays.~~

32 Sec. 8. K.S.A. 2015 Supp. 65-6311 is hereby amended to read as
 33 follows: 65-6311. (a) The board may suspend, limit, revoke, condition or
 34 refuse to issue or renew a license of any social worker upon proof that the
 35 social worker:

36 (1) Has been convicted of a felony and, after investigation, the board
 37 finds that the licensee has not been sufficiently rehabilitated to merit the
 38 public trust;

39 (2) ~~has been found guilty of fraud or deceit in connection with~~
 40 ~~services rendered as a social worker or in establishing needed~~
 41 ~~qualifications under this act;~~

42 (3) ~~has knowingly aided or abetted a person, not a licensed social~~
 43 ~~worker, in representing such person as a licensed social worker in this~~

1 state;

2 ~~(4) has been found guilty of unprofessional conduct as defined by~~
3 ~~rules established by the board;~~

4 ~~(5) has been found to have engaged in diagnosis as authorized under~~
5 ~~K.S.A. 65-6319, and amendments thereto, even though not authorized to~~
6 ~~engage in such diagnosis under K.S.A. 65-6319, and amendments thereto;~~

7 ~~(6) has been found guilty of negligence or wrongful actions in the~~
8 ~~performance of duties; or~~

9 ~~(7) refuse to issue, renew or reinstate a license, may condition, limit,~~
10 ~~revoke or suspend a license, may publicly or privately censure a licensee~~
11 ~~or may impose a fine not to exceed \$1,000 per violation upon a finding~~
12 ~~that a licensee or an applicant for license:~~

13 *(1) Is incompetent to practice social work, which means:*

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

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

20 *(C) a pattern of practice or other behavior that demonstrates a*
21 *manifest incapacity or incompetence to practice social work;*

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

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

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

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

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

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

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

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

1 (10) has had a license, *registration or certificate* to practice social
2 work revoked, suspended or limited, or has had other disciplinary action
3 taken, or an application for a license, *registration or certificate* denied, by
4 the proper ~~licensing~~ *regulatory* authority of another state, territory, District
5 of Columbia, or other country, a certified copy of the record of the action
6 of the other jurisdiction being conclusive evidence thereof.

7 ~~(b) Proceedings to consider the suspension, revocation or refusal to~~
8 ~~renew a license shall be conducted in accordance with the provisions of~~
9 ~~the Kansas administrative procedure act~~ *Administrative proceedings and*
10 *disciplinary actions regarding licensure under the social workers*
11 *licensure act shall be conducted in accordance with the Kansas*
12 *administrative procedure act. Judicial review and civil enforcement of*
13 *agency actions under the social workers licensure act shall be in*
14 *accordance with the Kansas judicial review act.*

15 Sec. 9. K.S.A. 2015 Supp. 65-6313 is hereby amended to read as
16 follows: 65-6313. (a) All licenses issued shall be effective upon the date
17 issued and shall expire at the end of 24 months from the date of issuance.

18 (b) (1) Except as otherwise provided in K.S.A. 65-6311, and
19 amendments thereto, a license may be renewed by the payment of the
20 renewal fee set forth in K.S.A. 65-6314, and amendments thereto, and the
21 execution and submission of a signed statement, on a form to be provided
22 by the board, attesting that the applicant's license has been neither revoked
23 nor currently suspended and that applicant has met the requirements for
24 continuing education established by the board including not less than three
25 continuing education hours of professional ethics.

26 (2) An applicant for renewal of a license as a master social worker or
27 a specialist clinical social worker, as part of such continuing education,
28 shall complete not less than six continuing education hours relating to
29 diagnosis and treatment of mental disorders.

30 ~~(3) On and after January 1, 2011,~~ An applicant for first time licensure
31 renewal as a baccalaureate social worker, master social worker or
32 specialist clinical social worker, as part of such continuing education, shall
33 complete not less than six hours of social worker safety awareness
34 training. If the applicant for first time licensure renewal has already taken
35 such training, as part of a previous level of social work licensure renewal,
36 then the applicant is not required to complete an additional six hours of
37 social worker safety training.

38 (c) The application for renewal shall be made on or before the date of
39 the expiration of the license or on or before the date of the termination of
40 the period of suspension.

41 (d) If the application for renewal, including payment of the required
42 renewal fee, is not made on or before the date of the expiration of the
43 license, the license is void, and no license shall be reinstated except upon

1 payment of the required renewal fee established under K.S.A. 65-6314,
2 and amendments thereto, plus a penalty equal to the renewal fee, and proof
3 satisfactory to the board of the completion of 40 hours of continuing
4 education within two years prior to application for reinstatement. Upon
5 receipt of such payment and proof, the board shall reinstate the license. A
6 license shall be reinstated under this subsection, upon receipt of such
7 payment and proof, at any time after the expiration of such license.

8 (e) In case of a lost or destroyed license, and upon satisfactory proof
9 of the loss or destruction thereof, the board may issue a duplicate license
10 and shall charge a fee as set forth in K.S.A. 65-6314, and amendments
11 thereto, for such duplicate license.

12 (f) *Within 30 days after any change of permanent address, a licensee*
13 *shall notify the board of such change.*

14 Sec. 10. K.S.A. 65-6314 is hereby amended to read as follows: 65-
15 6314. (a) The following fees ~~shall may~~ be established by the board ~~by rules~~
16 ~~and regulations~~ in accordance with the following limitations, *and any such*
17 *fees shall be established by rules and regulations adopted by the board:*

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

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

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

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

26 ~~(5) Examination fee for a license as a baccalaureate social worker, for~~
27 ~~a license as a master social worker or for a license in a social work~~
28 ~~specialty shall be not more than \$200. If an applicant fails an examination,~~
29 ~~such applicant may be admitted to subsequent examinations upon payment~~
30 ~~of an additional fee prescribed by the board of not more than \$200.~~

31 ~~(6) Replacement fee for reissuance of a license certificate due to loss~~
32 ~~or name change shall be not more than \$20.~~

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

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

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

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

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

43 (C) application fees for single program providers shall be not more

1 than \$50 for each separately offered continuing education activity for
2 which prior approval is sought.

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

4 New Sec. 11. On and after July 1, 2017, all licensees providing
5 postgraduate clinical supervision for those working toward clinical
6 licensure must be board-approved clinical supervisors.

7 (a) Applications for board-approved clinical supervisor shall be made
8 to the board on a form and in the manner prescribed by the board. Each
9 application shall be accompanied by the fee fixed under K.S.A. 65-6314,
10 and amendments thereto.

11 (b) Each applicant for board-approved clinical supervisor shall
12 furnish evidence satisfactory to the board that the applicant:

13 (1) Is currently licensed as a specialist clinical social worker;

14 (2) has practiced as a specialist clinical social worker for two years
15 beyond the supervisor's licensure date;

16 (3) does not have any disciplinary action that would prohibit
17 providing clinical supervision; and

18 (4) (A) has completed the minimum number of semester hours of
19 coursework related to the enhancement of supervision skills approved by
20 the board; or

21 (B) has completed the minimum number of continuing education
22 hours related to the enhancement of supervision skills approved by the
23 board.

24 (c) Each board-approved clinical supervisor shall complete, as part of
25 the continuing education required under K.S.A. 65-6313, and amendments
26 thereto, at least three hours of continuing education related to the
27 enhancement of supervisory skills, and at least one such hour must focus
28 on ethics in supervision.

29 New Sec. 12. K.S.A. 65-6301 through 65-6320, section 11, and this
30 section, and amendments thereto, shall be known and may be cited as the
31 social workers licensure act.

32 Sec. 13. K.S.A. 2015 Supp. 65-6405 is hereby amended to read as
33 follows: 65-6405. (a) A person who is waiting to take the examination
34 required by the board may apply to the board for a temporary license to
35 practice as a licensed marriage and family therapist by:

36 (1) Paying an application fee of no more than \$150, as established by
37 the board under K.S.A. 65-6411, and amendments thereto; and

38 (2) meeting the application requirements as stated in ~~subsections (a)~~
39 ~~(1), (2) and (4) of~~ K.S.A. 65-6404(a)(1), (a)(2) and (a)(4), and
40 amendments thereto.

41 (b) (1) A temporary license may be issued by the board after the
42 application has been reviewed and approved by the board and the applicant
43 has paid the appropriate fee set by the board for issuance of new licenses.

1 (2) Absent extenuating circumstances approved by the board, a
2 temporary license issued by the board shall expire upon the date the board
3 issues or denies the person a license to practice marriage and family
4 therapy or 12 months after the date of issuance of the temporary license.

5 ~~(3) A temporary licensee shall take the license examination within six~~
6 ~~months subsequent to the date of issuance of the temporary license unless~~
7 ~~there are extenuating circumstances approved by the board or if the~~
8 ~~temporary licensee does not take the license examination within six~~
9 ~~months subsequent to the date of issuance of the temporary license and no~~
10 ~~extenuating circumstances have been approved by the board, the~~
11 ~~temporary license will expire after the first six months.~~

12 ~~(4)~~ No temporary license will be renewed or issued again on any
13 subsequent application for the same license level. The preceding provision
14 in no way limits the number of times an applicant may take the
15 examination.

16 (c) A person practicing marriage and family therapy with a temporary
17 license may not use the title "licensed marriage and family therapist" or the
18 initials "LMFT" independently. The word "licensed" may be used only
19 when followed by the words "by temporary license" such as licensed
20 marriage and family therapist by temporary license, or marriage and
21 family therapist, temporarily licensed.

22 (d) No person may practice marriage and family therapy under a
23 temporary license except under the supervision of a person licensed by the
24 behavioral sciences regulatory board at the independent level.

25 (e) Nothing in this section shall affect any temporary license to
26 practice issued under this section prior to the effective date of this act and
27 in effect on the effective date of this act. Such temporary license shall be
28 subject to the provisions of this section in effect at the time of its issuance
29 and shall continue to be effective until the date of expiration of the license
30 as provided under this section at the time of issuance of such temporary
31 license.

32 Sec. 14. K.S.A. 2015 Supp. 65-6406 is hereby amended to read as
33 follows: 65-6406. (a) The board may issue a license to an individual who
34 is currently registered, certified or licensed to practice marriage and family
35 therapy in another jurisdiction if the board determines that:

36 (1) The standards for registration, certification or licensure to practice
37 marriage and family therapy in the other jurisdiction are substantially the
38 equivalent of the requirements of the marriage and family therapists
39 licensure act and rules and regulations of the board;

40 (2) the applicant demonstrates on forms provided by the board
41 compliance with the following standards as adopted by the board:

42 (A) ~~Continuous~~ Registration, certification or licensure to practice
43 marriage and family therapy ~~during the five years for at least 60 of the last~~

1 66 months immediately preceding the application with at least the
2 minimum professional experience as established by rules and regulations
3 of the board;

4 (B) the absence of disciplinary actions of a serious nature brought by
5 a registration, certification or licensing board or agency; and

6 (C) completion of a ~~masters~~ *master's* degree in marriage and family
7 therapy from a regionally accredited university.

8 (b) Applicants for licensure as a clinical marriage and family therapist
9 shall additionally demonstrate competence to diagnose and treat mental
10 disorders through meeting the requirements of either ~~paragraph (1) or (2)~~
11 ~~of~~ subsection (a)(1) or (a)(2) and at least two of the following areas
12 acceptable to the board:

13 (1) Either graduate coursework as established by rules and
14 regulations of the board or passing a national clinical examination
15 approved by the board;

16 (2) three years of clinical practice with demonstrated experience in
17 diagnosing or treating mental disorders; or

18 (3) attestation from a professional licensed to diagnose and treat
19 mental disorders in independent practice or licensed to practice medicine
20 and surgery stating that the applicant is competent to diagnose and treat
21 mental disorders.

22 (c) An applicant for a license under this section shall pay an
23 application fee established by the board under K.S.A. 65-6411, and
24 amendments thereto, *if required by the board.*

25 Sec. 15. K.S.A. 65-6407 is hereby amended to read as follows: 65-
26 6407. (a) An applicant who meets the requirements for licensure pursuant
27 to this act, has paid the license fee provided for by K.S.A. 65-6411, and
28 amendments thereto, and has otherwise complied with the provisions of
29 this act shall be licensed by the board.

30 (b) Licenses issued pursuant to this act shall expire 24 months from
31 the date of issuance unless revoked prior to that time. A license may be
32 renewed upon application and payment of the fee provided for by K.S.A.
33 65-6411, and amendments thereto. The application for renewal shall be
34 accompanied by evidence satisfactory to the board that the applicant has
35 completed during the previous 24 months the continuing education
36 required by rules and regulations of the board. As part of such continuing
37 education, the applicant shall complete not less than six continuing
38 education hours relating to diagnosis and treatment of mental disorders
39 and not less than three continuing education hours of professional ethics.

40 (c) A person whose license has been suspended or revoked may make
41 written application to the board requesting reinstatement of the license
42 upon termination of the period of suspension or revocation in a manner
43 prescribed by the board, which application shall be accompanied by the

1 fee provided for by K.S.A. 65-6411, and amendments thereto.

2 (d) *Within 30 days after any change of permanent address, a licensee*
 3 *shall notify the board of such change.*

4 Sec. 16. K.S.A. 65-6408 is hereby amended to read as follows: 65-
 5 6408. The board may refuse to grant licensure to, or may suspend, revoke,
 6 condition, limit, qualify or restrict the licensure of any individual who the
 7 board, after a hearing, determines 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 license:

11 (1) Is incompetent to practice marriage and family therapy, or is
 12 found to engage in the practice of marriage and family therapy in a manner
 13 harmful or dangerous to a client or to the public which means:

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

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

20 (C) *a pattern of practice or other behavior that demonstrates a*
 21 *manifest incapacity or incompetence to practice marriage and family*
 22 *therapy;*

23 (2) ~~is has been convicted by a court of competent jurisdiction of a~~
 24 ~~crime that the board determines is of a nature to render the convicted~~
 25 ~~person unfit to practice marriage and family therapy felony offense and~~
 26 ~~has not demonstrated to the board's satisfaction that such person has been~~
 27 ~~sufficiently rehabilitated to merit the public trust;~~

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

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

37 ~~(5)~~ (5) *has violated a provision of the marriage and family therapists*
 38 *licensure act or one or more of the rules and regulations of the board;*

39 ~~(4)~~ (6) *has obtained or attempted to obtain a license or license*
 40 *renewal by bribery or fraudulent representation;*

41 ~~(5)~~ (7) *has knowingly made a false statement on a form required by*
 42 *the board for license or license renewal;*

43 ~~(6)~~ (8) *has failed to obtain continuing education credits required by*

1 rules and regulations of the board;

2 ~~(7) (9)~~ has been found ~~guilty of~~ *to have engaged in* unprofessional
3 conduct as defined by *applicable* rules and regulations ~~established~~ *adopted*
4 by the board; or

5 ~~(8) (10)~~ has had a registration, license or certificate as a marriage and
6 family therapist revoked, suspended or limited, or has had other
7 disciplinary action taken, or an application for registration, license or
8 certificate denied, by the proper regulatory authority of another state,
9 territory, District of Columbia or another country, a certified copy of the
10 record of the action of the other jurisdiction being conclusive evidence
11 thereof.

12 *(b) Administrative proceedings and disciplinary actions regarding*
13 *licensure under the marriage and family therapists licensure act shall be*
14 *conducted in accordance with the Kansas administrative procedure act.*
15 *Judicial review and civil enforcement of agency actions under the*
16 *marriage and family therapists licensure act shall be in accordance with*
17 *the Kansas judicial review act.*

18 Sec. 17. K.S.A. 65-6411 is hereby amended to read as follows: 65-
19 6411. (a) The board ~~shall may fix by rules and regulations and shall collect~~
20 the following fees, ~~and any such fees shall be established by rules and~~
21 ~~regulations adopted by the board:~~

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

24 (2) for original licensure *as a marriage and family therapist,* not to
25 exceed \$175;

26 ~~(3) for examination, not to exceed \$275;~~

27 ~~(4) for renewal of a license for licensure as a marriage and family~~
28 ~~therapist,~~ not to exceed \$175;

29 ~~(5) (4)~~ for application for licensure as a clinical marriage and family
30 therapist, not to exceed \$175;

31 ~~(5) (4)~~ for application for licensure as a clinical marriage and family
32 therapist, not to exceed \$175;

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

35 (7) for reinstatement of a license, not to exceed \$175;

36 (8) for replacement of a license, not to exceed \$20; ~~and~~

37 ~~(9) for late charges, not to exceed \$5 for each 30 days of delay~~
38 ~~beyond the date the renewal application was to be made~~ *renewal penalty,*
39 *an amount equal to the renewal of license; and*

40 ~~(10) for a wallet card license, not to exceed \$5.~~

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

42 New Sec. 18. On and after July 1, 2017, all licensees providing
43 postgraduate clinical supervision for those working toward clinical

1 licensure must be board-approved clinical supervisors.

2 (a) Applications for board-approved clinical supervisor shall be made
3 to the board on a form and in the manner prescribed by the board. Each
4 application shall be accompanied by the fee fixed under K.S.A. 65-6411,
5 and amendments thereto.

6 (b) Each applicant for board-approved clinical supervisor shall
7 furnish evidence satisfactory to the board that the applicant:

8 (1) (A) Is currently licensed as a clinical marriage and family
9 therapist and has practiced as a clinical marriage and family therapist for
10 two years beyond the supervisor's licensure date; or

11 (B) be a person who is licensed at the graduate level to practice in one
12 of the behavioral sciences, and whose authorized scope of practice permits
13 the diagnosis and treatment of mental disorders and shall have at least two
14 years of professional experience in the independent practice of clinical
15 marriage and family therapy beyond the date of licensure at this level;

16 (2) does not have any disciplinary action that would prohibit
17 providing clinical supervision; and

18 (3) (A) has completed the minimum number of semester hours of
19 coursework related to the enhancement of supervision skills approved by
20 the board; or

21 (B) has completed the minimum number of continuing education
22 hours related to the enhancement of supervision skills approved by the
23 board.

24 (c) Each board-approved clinical supervisor shall complete, as part of
25 the continuing education required under K.S.A. 65-6407, and amendments
26 thereto, at least three hours of continuing education related to the
27 enhancement of supervisory skills, and at least one such hour must focus
28 on ethics in supervision.

29 Sec. 19. K.S.A. 2015 Supp. 65-6607 is hereby amended to read as
30 follows: 65-6607. K.S.A. 2015 Supp. 65-6607 through 65-6620, and
31 amendments thereto, shall be known and may be cited as the ~~addictions~~
32 *addiction* counselor licensure act.

33 Sec. 20. K.S.A. 2015 Supp. 65-6608 is hereby amended to read as
34 follows: 65-6608. As used in the ~~addictions~~ *addiction* counselor licensure
35 act:

36 (a) "Board" means the behavioral sciences regulatory board created
37 under K.S.A. 74-7501, and amendments thereto.

38 (b) "Addiction counseling" means the utilization of special skills to
39 assist persons with addictions, and to assist such persons' families and
40 friends to achieve resolution of addiction through the exploration of the
41 disease and its ramifications, the examination of attitudes and feelings, the
42 consideration of alternative solutions and decision making, as these relate
43 specifically to addiction. Evaluation and assessment, treatment including

1 treatment plan development, crisis intervention, referral, record keeping
2 and clinical consultation specifically related to addiction are within the
3 scope of addiction counseling. Additionally, at the clinical level of
4 licensure, addiction counseling includes independent practice and the
5 diagnosis and treatment of substance use disorders.

6 (c) "Licensed addiction counselor" means a person who engages in
7 the practice of addiction counseling limited to substance use disorders and
8 who is licensed under this act. Such person shall engage in the practice of
9 addiction counseling in a state-licensed or certified alcohol and other drug
10 treatment program or in completing a Kansas domestic violence offender
11 assessment for participants in a certified batterer intervention program
12 pursuant to K.S.A. 2015 Supp. 75-7d01 through 75-7d13, and amendments
13 thereto, unless otherwise exempt for licensure under ~~subsection (m) of~~
14 K.S.A. 59-29b46(m), and amendments thereto.

15 (d) *"Licensed master's addiction counselor" means a person who*
16 *engages in the practice of addiction counseling limited to substance use*
17 *disorders and who is licensed under this act. Such person may diagnose*
18 *substance use disorders only under the direction of a licensed clinical*
19 *addiction counselor, a licensed psychologist, a person licensed to practice*
20 *medicine and surgery or a person licensed to provide mental health*
21 *services as an independent practitioner and whose licensure allows for the*
22 *diagnosis and treatment of substance abuse disorders or mental disorders.*

23 (e) "Licensed clinical addiction counselor" means a person who
24 engages in the independent practice of addiction counseling and diagnosis
25 and treatment of substance use disorders specified in the edition of the
26 American psychiatric association's diagnostic and statistical manual of
27 mental disorders (DSM) designated by the board by rules and regulations
28 and is licensed under this act.

29 Sec. 21. K.S.A. 2015 Supp. 65-6609 is hereby amended to read as
30 follows: 65-6609. (a) ~~On and after September 1, 2011,~~ No person shall
31 engage in the practice of addiction counseling or represent that such
32 person is a licensed addiction counselor or is an addiction counselor or a
33 substance abuse counselor or an alcohol and drug counselor without
34 having first obtained a license as an addiction counselor under the
35 ~~additions~~ addiction counselor licensure act.

36 (b) *On and after September 1, 2016, no person shall engage in the*
37 *practice of addiction counseling or represent that such person is a*
38 *licensed master's addiction counselor, master's addiction counselor,*
39 *master's substance abuse counselor or a master's alcohol and drug*
40 *counselor without having first obtained a license as a master's addiction*
41 *counselor under the addiction counselor licensure act.*

42 (c) ~~On and after September 1, 2011,~~ No person shall engage in the
43 practice of addiction counseling as a clinical addiction counselor or

1 represent that such person is a licensed clinical addiction counselor ~~or is~~, a
 2 clinical addiction counselor ~~or~~, a clinical substance abuse counselor or a
 3 clinical alcohol and drug counselor without having first obtained a license
 4 as a clinical addiction counselor under the addiction counselor licensure
 5 act.

6 ~~(e)~~ (d) Violation of this section is a class B misdemeanor.

7 Sec. 22. K.S.A. 2015 Supp. 65-6610 is hereby amended to read as
 8 follows: 65-6610. (a) An applicant for licensure as an addiction counselor
 9 shall furnish evidence that the applicant:

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

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

14 (B) has completed at least a baccalaureate degree from a college or
 15 university approved by the board ~~in a related field that includes~~. *As part of*
 16 *or in addition to the baccalaureate degree coursework, such applicant*
 17 *shall also complete* a minimum number of semester hours of coursework
 18 on substance use disorders as approved by the board; or

19 ~~(C) has completed at least a baccalaureate degree from a college or~~
 20 ~~university approved by the board in a related field with additional~~
 21 ~~coursework in addiction counseling from a college or university approved~~
 22 ~~by the board, and such degree program and the additional coursework~~
 23 ~~includes a minimum number of semester hours of coursework on~~
 24 ~~substance use disorders as approved by the board; or~~

25 ~~(D)~~ is currently licensed in Kansas as a licensed baccalaureate social
 26 worker and has completed a minimum number of semester hours of
 27 coursework on substance use disorders as approved by the board; ~~or and~~

28 ~~(E)~~ is currently licensed in Kansas as a licensed master social worker,
 29 licensed professional counselor, licensed marriage and family therapist or
 30 licensed masters level psychologist; ~~and~~

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

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. 2015 Supp. 65-6618, and amendments thereto.

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

40 (1) (A) *Has attained the age of 21;*

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

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

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

7 (D) *has satisfied the board that the applicant is a person who merits*
8 *the public trust; and*

9 (E) *has paid the application fee fixed under K.S.A. 2015 Supp. 65-*
10 *6618, and amendments thereto; or*

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

12 (i) *holds an active license by the board as an addiction counselor;*
13 *and*

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

16 (B) *has completed six hours of continuing education in the diagnosis*
17 *and treatment of substance use disorders during the three years*
18 *immediately preceding the application date.*

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

23 (1) Has attained the age of 21; and

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

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

1 diagnosis and treatment of substance use disorders with use of the
2 diagnostic and statistical manual of mental disorders of the American
3 psychiatric association, and such person has a doctoral degree in addiction
4 counseling or a related field as approved by the board; or

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

11 (ii) has completed not less than two years of postgraduate supervised
12 professional experience in accordance with a clinical supervision plan
13 approved by the board of not less than 4,000 hours of supervised
14 professional experience including at least 1,500 hours of direct client
15 contact conducting substance abuse assessments and treatment with
16 individuals, couples, families or groups and not less than 150 hours of
17 clinical supervision, including not less than 50 hours of person-to-person
18 individual supervision, integrating diagnosis and treatment of substance
19 use disorders with use of the diagnostic and statistical manual of mental
20 disorders of the American psychiatric association; or has completed not
21 ~~less than two years~~ *one year* of postgraduate supervised professional
22 experience in accordance with a clinical supervision plan approved by the
23 board of not less than 2,000 hours of supervised professional experience
24 including at least 750 hours of direct client contact conducting substance
25 abuse assessments and treatment with individuals, couples, families or
26 groups and not less than 75 hours of clinical supervision, including not less
27 than 25 hours of person-to-person individual supervision, integrating
28 diagnosis and treatment of substance use disorders with use of the
29 diagnostic and statistical manual of mental disorders of the American
30 psychiatric association, and such person has a doctoral degree in addiction
31 counseling or a related field as approved by the board; or

32 (C) (i) ~~has completed a master's degree from a college or university~~
33 ~~approved by the board in a related field with additional coursework in~~
34 ~~addiction counseling from a college or university approved by the board~~
35 ~~and such degree program and additional coursework includes a minimum~~
36 ~~number of semester hours of coursework supporting the diagnosis and~~
37 ~~treatment of substance use disorders as approved by the board; and~~

38 (ii) ~~has completed not less than two years of postgraduate supervised~~
39 ~~professional experience in accordance with a clinical supervision plan~~
40 ~~approved by the board of not less than 4,000 hours of supervised~~
41 ~~professional experience including at least 1,500 hours of direct client~~
42 ~~contact conducting substance abuse assessments and treatment with~~
43 ~~individuals, couples, families or groups and not less than 150 hours of~~

1 clinical supervision, including not less than 50 hours of person-to-person
2 individual supervision, integrating diagnosis and treatment of substance
3 use disorders with use of the diagnostic and statistical manual of mental
4 disorders of the American psychiatric association; or has completed not
5 less than two years of postgraduate supervised professional experience in
6 accordance with a clinical supervision plan approved by the board of not
7 less than 2,000 hours of supervised professional experience including at
8 least 750 hours of direct client contact conducting substance abuse
9 assessments and treatment with individuals, couples, families or groups
10 and not less than 75 hours of clinical supervision, including not less than
11 25 hours of person-to-person individual supervision, integrating diagnosis
12 and treatment of substance use disorders with use of the diagnostic and
13 statistical manual of mental disorders of the American psychiatric
14 association, and such person has a doctoral degree in addiction counseling
15 or a related field as approved by the board; or

16 (D) (i) ~~has completed a master's degree in a related field from a~~
17 college or university approved by the board and is licensed by the board as
18 a licensed *master's* addiction counselor; and

19 (ii) has completed not less than two years of postgraduate supervised
20 professional experience in accordance with a clinical supervision plan
21 approved by the board of not less than 4,000 hours of supervised
22 professional experience including at least 1,500 hours of direct client
23 contact conducting substance abuse assessments and treatment with
24 individuals, couples, families or groups and not less than 150 hours of
25 clinical supervision, including not less than 50 hours of person-to-person
26 individual supervision, integrating diagnosis and treatment of substance
27 use disorders with use of the diagnostic and statistical manual of mental
28 disorders of the American psychiatric association; or has completed not
29 less than ~~two years~~ *one year* of postgraduate supervised professional
30 experience in accordance with a clinical supervision plan approved by the
31 board of not less than 2,000 hours of supervised professional experience
32 including at least 750 hours of direct client contact conducting substance
33 abuse assessments and treatment with individuals, couples, families or
34 groups and not less than 75 hours of clinical supervision, including not less
35 than 25 hours of person-to-person individual supervision, integrating
36 diagnosis and treatment of substance use disorders with use of the
37 diagnostic and statistical manual of mental disorders of the American
38 psychiatric association, and such person has a doctoral degree in addiction
39 counseling or a related field as approved by the board; or

40 (E) is currently licensed in Kansas as a licensed psychologist,
41 licensed specialist clinical social worker, licensed clinical professional
42 counselor, licensed clinical psychotherapist or licensed clinical marriage
43 and family therapist and provides to the board an attestation from a

1 professional licensed to diagnose and treat mental disorders, or substance
2 use disorders, or both, in independent practice or licensed to practice
3 medicine and surgery stating that the applicant is competent to diagnose
4 and treat substance use disorders; and

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

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

8 (5) has paid the application fee fixed under K.S.A. 2015 Supp. 65-
9 6618, and amendments thereto.

10 ~~(e)~~ (d) *Prior to July 1, 2017*, a person who was registered by the
11 behavioral sciences regulatory board as an alcohol and other drug
12 counselor or credentialed by the Kansas department for aging and
13 disability services as an alcohol and drug credentialed counselor or
14 credentialed by the Kansas association of addiction professionals as an
15 alcohol and other drug abuse counselor in Kansas at any time prior to the
16 effective date of this act, who was registered in Kansas as an alcohol and
17 other drug counselor, an alcohol and drug credentialed counselor or a
18 credentialed alcohol and other drug abuse counselor within three years
19 prior to the effective date of this act and whose last registration or
20 credential in Kansas prior to the effective date of this act was not
21 suspended or revoked, upon application to the board, payment of fees and
22 completion of applicable continuing education requirements, shall be
23 licensed as a licensed addiction counselor by providing demonstration
24 acceptable to the board of competence to perform the duties of an
25 addiction counselor.

26 ~~(e)~~ (e) *Prior to July 1, 2017*, any person who was registered by the
27 behavioral sciences regulatory board as an alcohol and other drug
28 counselor or credentialed by the department of social and rehabilitation
29 services as an alcohol and drug credentialed counselor or credentialed by
30 the Kansas association of addiction professionals as an alcohol and other
31 drug abuse counselor in Kansas at any time prior to the effective date of
32 this act, and who is also licensed to practice independently as a mental
33 health practitioner or person licensed to practice medicine and surgery, and
34 who was registered or credentialed in Kansas as an alcohol and other drug
35 counselor within three years prior to the effective date of this act and
36 whose last registration or credential in Kansas prior to the effective date of
37 this act was not suspended or revoked, upon application to the board,
38 payment of fees and completion of applicable continuing education
39 requirements, shall be licensed as a licensed clinical addiction counselor
40 and may engage in the independent practice of addiction counseling and is
41 authorized to diagnose and treat substance use disorders specified in the
42 edition of the diagnostic and statistical manual of mental disorders of the
43 American psychiatric association designated by the board by rules and

1 regulations.

2 (e) (f) *Prior to July 1, 2017, any person who was credentialed by the*
3 *department of social and rehabilitation services as an alcohol and drug*
4 *counselor and has been actively engaged in the practice, supervision or*
5 *administration of addiction counseling in Kansas for not less than four*
6 *years and holds a master's degree in a related field from a college or*
7 *university approved by the board and whose last registration or credential*
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 *clinical addiction counselor and may engage in the independent practice of*
12 *addiction counseling and is authorized to diagnose and treat substance use*
13 *disorders specified in the edition of the diagnostic and statistical manual of*
14 *mental disorders of the American psychiatric association designated by the*
15 *board by rules and regulations.*

16 ~~(f) A licensed addiction counselor shall engage in the practice of~~
17 ~~addiction counseling only in a state licensed or certified alcohol and other~~
18 ~~drug treatment program, unless otherwise exempt from licensure under~~
19 ~~subsection (m) of K.S.A. 59-29b46, and amendments thereto.~~

20 Sec. 23. K.S.A. 2015 Supp. 65-6611 is hereby amended to read as
21 follows: 65-6611. (a) A person who is waiting to take the examination for
22 licensure as an addiction counselor may apply to the board for a temporary
23 license to practice as a licensed addiction counselor by: (1) Paying an
24 application fee for a temporary license fixed under K.S.A. 2015 Supp. 65-
25 6618, and amendments thereto; and (2) meeting the application
26 requirements as stated in ~~subsections (a)(1), (2) and (4) of K.S.A. 2015~~
27 ~~Supp. 65-6610(a)(1), (a)(2) and (a)(4), and amendments thereto.~~

28 (b) *A person who is waiting to take the examination for licensure as a*
29 *master's addiction counselor may apply to the board for a temporary*
30 *license to practice as a licensed master's addiction counselor by: (1)*
31 *Paying an application fee for a temporary license fixed under K.S.A. 2015*
32 *Supp. 65-6618, and amendments thereto; and (2) meeting the application*
33 *requirements as stated in K.S.A 2015 Supp. 65-6610(b)(1), (b)(2) and (b)*
34 *(4), and amendments thereto.*

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

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 the person a license to practice addiction counseling or 12
41 months after the date of issuance of the temporary license.

42 (3) No temporary license will be renewed or issued again on any
43 subsequent application for the same license level. The preceding provision

1 in no way limits the number of times an applicant may take the
2 examination.

3 (e) (d) A person practicing addiction counseling with a temporary
4 license may not use the title "licensed addiction counselor" or "*licensed*
5 *master's addiction counselor*" or use the initials "LAC" or "LMAC"
6 independently. The word "licensed" may be used only when followed by
7 the words "by temporary license" such as licensed addiction counselor by
8 temporary license, or addiction counselor, temporarily licensed.

9 (d) (e) No person may practice addiction counseling under a
10 temporary license except in a licensed or certified alcohol and other drug
11 abuse program, under the direction of a person licensed by the behavioral
12 sciences regulatory board at the clinical level or a person licensed to
13 practice medicine and surgery.

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

20 Sec. 24. K.S.A. 2015 Supp. 65-6612 is hereby amended to read as
21 follows: 65-6612. (a) Upon written application and board approval, an
22 individual who is licensed to engage in the independent clinical practice of
23 addiction counseling at the clinical level in another jurisdiction and who is
24 in good standing in that other jurisdiction may engage in the independent
25 practice of clinical addiction counseling as provided by the ~~additions-~~
26 *addiction* counselor licensure act, in this state for not more than 15 days
27 per year upon receipt of a temporary permit to practice issued by the
28 board.

29 (b) Any clinical addiction counseling services rendered within any
30 24-hour period shall count as one entire day of clinical addiction
31 counseling services.

32 (c) The temporary permit to practice shall be effective on the date of
33 approval by the board and shall expire December 31 of that year. Upon
34 written application and for good cause shown, the board may extend the
35 temporary permit to practice no more than 15 additional days.

36 (d) The board shall charge a fee for a temporary permit to practice
37 and a fee for an extension of a temporary permit to practice as fixed under
38 K.S.A. 2015 Supp. 65-6618, and amendments thereto.

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

43 (f) In accordance with the Kansas administrative procedure act, the

1 board may issue a cease and desist order or assess a fine of up to \$1,000
 2 per day, or both, against a person licensed in another jurisdiction who
 3 engages in the independent practice of clinical addiction counseling in this
 4 state without complying with the provisions of this section.

5 Sec. 25. K.S.A. 2015 Supp. 65-6613 is hereby amended to read as
 6 follows: 65-6613. (a) The board may issue a license to an individual who
 7 is currently registered, certified or licensed to practice addiction
 8 counseling in another jurisdiction if the board determines that:

9 (1) The standards for registration, certification or licensure to practice
 10 addiction counseling in the other jurisdiction are substantially the
 11 equivalent of the requirements of the ~~addictions~~ *addiction* counselor
 12 licensure act and rules and regulations of the board; or

13 (2) the applicant demonstrates on forms provided by the board
 14 compliance with the following standards as adopted by the board:

15 (A) ~~Continuous~~ Registration, certification or licensure to practice *as*
 16 ~~an addiction counseling during the five years~~ *counselor for at least 60 of*
 17 *the last 66 months* immediately preceding the application with at least the
 18 minimum professional experience as established by rules and regulations
 19 of the board; ~~and~~

20 (B) the absence of disciplinary actions of a serious nature brought by
 21 a registration, certification or licensing board or agency; and

22 (C) completion of ~~at least a baccalaureate or master's degree in~~
 23 ~~addiction counseling~~ from a college or university approved by the board ~~or~~
 24 ~~completion of a baccalaureate or master's degree in a related field that~~
 25 ~~includes all required addiction coursework.~~

26 (b) *The board may issue a license to an individual who is currently*
 27 *registered, certified or licensed to practice addiction counseling at the*
 28 *master's level in another jurisdiction if the board determines that:*

29 (1) (A) *The standards for registration, certification or licensure to*
 30 *practice addiction counseling at the master's level in the other jurisdiction*
 31 *are substantially the equivalent of the requirements of the addiction*
 32 *counselor licensure act and rules and regulations of the board; and*

33 (B) *completion of at least a master's degree from a college or*
 34 *university approved by the board; or*

35 (2) *the applicant demonstrates on forms provided by the board*
 36 *compliance with the following standards as adopted by the board:*

37 (A) *Registration, certification or licensure to practice addiction*
 38 *counseling at the master's level for at least 60 of the last 66 months*
 39 *immediately preceding the application with at least the minimum*
 40 *professional experience as established by rules and regulations of the*
 41 *board;*

42 (B) *the absence of disciplinary actions of a serious nature brought by*
 43 *a registration, certification or licensing board or agency; and*

1 (C) completion of at least a master's degree from a college or
2 university approved by the board.

3 (c) The board may issue a license to an individual who is currently
4 registered, certified or licensed to practice ~~clinical~~ addiction counseling at
5 the clinical level in another jurisdiction if the board determines that:

6 (1) (A) The standards for registration, certification or licensure to
7 practice ~~clinical~~ addiction counseling at the clinical level in the other
8 jurisdiction are substantially the equivalent of the requirements of the
9 ~~addictions~~ addiction counselor licensure act and rules and regulations of
10 the board; ~~or and~~

11 (B) the applicant demonstrates completion of at least a master's
12 degree from a college or university approved by the board; or

13 (2) the applicant demonstrates on forms provided by the board
14 compliance with the following standards as adopted by the board:

15 (A) ~~Continuous~~ Registration, certification or licensure to practice
16 ~~clinical~~ addiction counseling ~~during the five years~~ at the clinical level for
17 at least 60 of the last 66 months immediately preceding the application
18 with at least the minimum professional experience as established by rules
19 and regulations of the board; ~~and~~

20 (B) the absence of disciplinary actions of a serious nature brought by
21 a registration, certification or licensing board or agency; ~~and~~

22 (C) ~~(i)~~ completion of at least a master's degree in ~~clinical addiction~~
23 ~~counseling~~ from a college or university approved by the board; ~~or~~

24 ~~(ii)~~ completion of at least a master's degree from a college or
25 university approved by the board in a related field that includes a
26 minimum number of semester hours of coursework supporting the
27 diagnosis and treatment of substance use disorders as approved by the
28 board; ~~or~~

29 ~~(iii)~~ completion of at least a master's degree from a college or
30 university approved by the board in a related field with additional
31 coursework in addiction counseling from a college or university approved
32 by the board and such degree program and additional coursework includes
33 a minimum number of semester hours of coursework supporting the
34 diagnosis and treatment of substance use disorders as approved by the
35 board; ~~and~~

36 (D) at least two of the following areas acceptable to the board:

37 (i) Either coursework as established by rules and regulations of the
38 board or passing a national clinical examination approved by the board; ~~or~~

39 (ii) three years of clinical practice with demonstrated experience
40 supporting diagnosing or treating substance use disorders; or

41 (iii) attestation from a professional licensed to diagnose and treat
42 mental disorders, or substance use disorders, or both, in independent
43 practice or licensed to practice medicine and surgery stating that the

1 applicant is competent to diagnose and treat substance use disorders.

2 (e) (d) An applicant for a license under this section shall pay an
3 application fee established by the board under K.S.A. 2015 Supp. 65-6618,
4 and amendments thereto, *if required by the board.*

5 Sec. 26. K.S.A. 2015 Supp. 65-6614 is hereby amended to read as
6 follows: 65-6614. (a) An applicant who meets the requirements for
7 licensure pursuant to this act, has paid the license fee provided for by
8 K.S.A. 2015 Supp. 65-6618, and amendments thereto, and has otherwise
9 complied with the provisions of this act shall be licensed by the board.

10 (b) Licenses issued pursuant to this act shall expire 24 months from
11 the date of issuance unless revoked prior to that time. A license may be
12 renewed upon application and payment of the fee provided for by K.S.A.
13 2015 Supp. 65-6618, and amendments thereto. The application for renewal
14 shall be accompanied by evidence satisfactory to the board that the
15 applicant has completed during the previous 24 months the continuing
16 education required by rules and regulations of the board, *including not less*
17 *than three hours in ethics. In addition,* as part of such continuing
18 education, the *master's addiction counselor applicant and the clinical*
19 *addiction counselor applicant shall complete not less than six continuing*
20 *education hours relating to diagnosis and treatment of substance use*
21 *disorders. Both the clinical addiction counselor applicant and the addiction*
22 *counselor applicant shall complete not less than three continuing education*
23 *hours of professional ethics.*

24 (c) A person whose license has been suspended or revoked may make
25 written application to the board requesting reinstatement of the license
26 upon termination of the period of suspension or revocation in a manner
27 prescribed by the board, which application shall be accompanied by the
28 fee provided for by K.S.A. 2015 Supp. 65-6618, and amendments thereto.

29 (d) *Within 30 days after any change of permanent address, a licensee*
30 *shall notify the board of such change.*

31 Sec. 27. K.S.A. 2015 Supp. 65-6615 is hereby amended to read as
32 follows: 65-6615. (a) The board may refuse to ~~grant licensure to, or may~~
33 ~~suspend, revoke, condition, limit, qualify or restrict the licensure issued~~
34 ~~under this act of any individual who the board, after the opportunity for a~~
35 ~~hearing, determines:~~

36 (a) *issue, renew or reinstate a license, may condition, limit, revoke or*
37 *suspend a license, may publicly or privately censure a licensee or may*
38 *impose a fine not to exceed \$1,000 per violation upon a finding that a*
39 *licensee or an applicant for license:*

40 (1) ~~Is incompetent to practice addiction counseling, or is found to~~
41 ~~engage in the practice of addiction counseling in a manner harmful or~~
42 ~~dangerous to a client or to the public, which means:~~

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

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

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

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

8 ~~(b) (2) is has been convicted by a court of competent jurisdiction of a~~
 9 ~~felony, misdemeanor crimes against persons or substantiation of abuse~~
 10 ~~against a child, adult or resident of a care facility, even if not practice~~
 11 ~~related offense and has not demonstrated to the board's satisfaction that~~
 12 ~~such person has been sufficiently rehabilitated to merit the public trust;~~

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

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

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

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

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

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

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

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

39 (b) Administrative proceedings and disciplinary actions regarding
 40 licensure under the addiction counselor licensure act shall be conducted
 41 in accordance with the Kansas administrative procedure act. Judicial
 42 review and civil enforcement of agency actions under the addiction
 43 counselor licensure act shall be in accordance with the Kansas judicial

1 *review act.*

2 Sec. 28. K.S.A. 2015 Supp. 65-6616 is hereby amended to read as
3 follows: 65-6616. Nothing in the ~~addictions~~ *addiction* counselor licensure
4 act shall be construed:

5 (a) To prevent addiction counseling practice by students or interns or
6 individuals preparing for the practice of addiction counseling to practice
7 under qualified supervision of a professional, recognized and approved by
8 the board, in an educational institution or agency so long as they are
9 designated by titles such as "student," "trainee," "intern" or other titles
10 clearly indicating training status;

11 (b) to authorize the practice of psychology, medicine and surgery,
12 professional counseling, marriage and family therapy, master's level
13 psychology or social work or other professions licensed by the behavioral
14 sciences regulatory board;

15 (c) to apply to the activities and services of a rabbi, priest, minister,
16 clergy person or organized ministry of any religious denomination or sect,
17 including a Christian-Science practitioner, unless such person or individual
18 who is a part of the organized ministry is a licensed addiction counselor;

19 (d) to apply to the activities and services of qualified members of
20 other professional groups including, but not limited to, attorneys,
21 physicians, psychologists, master's level psychologists, marriage and
22 family therapists, professional counselors, or other professions licensed by
23 the behavioral sciences regulatory board, registered nurses or social
24 workers performing services consistent with the laws of this state, their
25 training and the code of ethics of their profession, so long as they do not
26 represent themselves as being an addiction counselor; or

27 (e) to prevent qualified persons from doing work within the standards
28 and ethics of their respective professions and callings provided they do not
29 hold themselves out to the public by any title or description of services as
30 being an addiction counselor.

31 Sec. 29. K.S.A. 2015 Supp. 65-6617 is hereby amended to read as
32 follows: 65-6617. (a) A person licensed under the ~~addictions~~ *addiction*
33 counselor licensure act and employees and professional associates of the
34 person shall not be required to disclose any information that the person,
35 employee or associate may have acquired in rendering addiction
36 counseling services, unless:

37 (1) Disclosure is required by other state laws;

38 (2) failure to disclose the information presents a clear and present
39 danger to the health or safety of an individual;

40 (3) the person, employee or associate is a party defendant to a civil,
41 criminal or disciplinary action arising from the therapy, in which case a
42 waiver of the privilege accorded by this section is limited to that action;

43 (4) the client is a defendant in a criminal proceeding and the use of

1 the privilege would violate the defendant's right to a compulsory process
 2 or the right to present testimony and witnesses in that person's behalf; or

3 (5) a client agrees to a waiver of the privilege accorded by this
 4 section, and in circumstances where more than one person in a family is
 5 receiving therapy, each such family member agrees to the waiver. Absent a
 6 waiver from each family member, an addiction counselor shall not disclose
 7 information received from a family member.

8 (b) Nothing in this section or in this act shall be construed to prohibit
 9 any person licensed under the ~~addictions~~ *addiction* counselor licensure act
 10 from testifying in court hearings concerning matters of adult abuse,
 11 adoption, child abuse, child neglect or other matters pertaining to the
 12 welfare of children or from seeking collaboration or consultation with
 13 professional colleagues or administrative superiors, or both, on behalf of a
 14 client. There is no privilege under this section for information which is
 15 required to be reported to a public official.

16 Sec. 30. K.S.A. 2015 Supp. 65-6618 is hereby amended to read as
 17 follows: 65-6618. (a) The board ~~shall may fix by rules and regulations and~~
 18 ~~shall collect~~ the following fees, *and any such fees shall be established by*
 19 *rules and regulations adopted by the board:*

20 (1) For application for licensure as an addiction counselor, not to
 21 exceed \$150;

22 (2) for original licensure as an addiction counselor, not to exceed
 23 \$150;

24 (3) for renewal ~~of a license~~ *for licensure* as an addiction counselor,
 25 not to exceed \$150;

26 (4) for a temporary license ~~as an addiction counselor~~, not to exceed
 27 \$100;

28 (5) *for application for licensure as a master's addiction counselor,*
 29 *not to exceed \$150,*

30 (6) *for original licensure as a master's addiction counselor, not to*
 31 *exceed \$150;*

32 (7) *for renewal for licensure as a master's addiction counselor, not to*
 33 *exceed \$150;*

34 (8) for application for licensure as a clinical addiction counselor, not
 35 to exceed \$150;

36 ~~(6)~~ (9) for original licensure as a clinical addiction counselor, not to
 37 exceed \$150;

38 ~~(7)~~ (10) for renewal for licensure as a clinical addiction counselor, not
 39 to exceed \$150;

40 ~~(8)~~ (11) for a temporary permit to practice clinical addiction
 41 counseling, not to exceed \$200;

42 ~~(9)~~ (12) for extension of a temporary permit to practice clinical
 43 addiction counseling, not to exceed \$200;

- 1 ~~(10)~~ (13) for reinstatement of a license, not to exceed \$150;
2 ~~(11)~~ (14) for replacement of a license, not to exceed \$20; ~~and~~
3 ~~(12)~~ (15) for late renewal penalty, an amount equal to the fee for
4 renewal; *and*
5 (16) *for a wallet license, not more than \$5.*

6 (b) The board shall require that fees paid for any examination under
7 the ~~addictions~~ *addiction* counselor licensure act be paid directly to the
8 examination services by the person taking the examination.

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

10 Sec. 31. K.S.A. 2015 Supp. 65-6620 is hereby amended to read as
11 follows: 65-6620. A licensee under the ~~addictions~~ *addiction* counselor
12 licensure act, at the beginning of a client-therapist relationship, shall
13 inform the client of the level of such licensee's training and the title or
14 titles and license or licenses of such licensee. As a part of such obligation,
15 such licensee shall disclose whether such licensee has a baccalaureate,
16 master's degree or a doctoral degree. If such licensee has a doctoral degree,
17 such licensee shall disclose whether or not such doctoral degree is a doctor
18 of medicine degree or some other doctoral degree. If such licensee does
19 not have a medical doctor's degree, such licensee shall disclose that the
20 licensee is not authorized to practice medicine and surgery and is not
21 authorized to prescribe drugs. As a part of such disclosure, such licensee
22 shall advise the client that certain mental disorders can have medical or
23 biological origins, and that the client should consult with a physician.
24 Documentation of such disclosures to a client shall be made in the client's
25 record.

26 Sec. 32. K.S.A. 2015 Supp. 74-5310 is hereby amended to read as
27 follows: 74-5310. (a) The board shall issue a license as a psychologist to
28 any person who pays an application fee prescribed by the board, *if*
29 *required by the board*, not in excess of \$225 and, *if required by the board*,
30 an original license fee not in excess of \$150, which shall not be refunded,
31 who either satisfies the board as to such person's training and experience
32 after a thorough review of such person's credentials and who passes a
33 satisfactory examination in psychology. Any person paying the fee must
34 also submit evidence verified by oath and satisfactory to the board that
35 such person:

- 36 (1) Is at least 21 years of age;
37 (2) is of good moral character;
38 (3) has received the doctor's degree based on a program of studies in
39 content primarily psychological from an educational institution having a
40 graduate program with standards consistent with those of the state
41 universities of Kansas, or the substantial equivalent of such program in
42 both subject matter and extent of training; and
43 (4) has had at least two years of supervised experience, a significant

1 portion of which shall have been spent in rendering psychological services
 2 satisfying the board's approved standards for the psychological service
 3 concerned.

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

18 Sec. 33. K.S.A. 74-5311 is hereby amended to read as follows: 74-
 19 5311. ~~Examinations for applicants under this act shall be held by the board~~
 20 ~~from time to time but not less than once each year.~~ The board shall adopt
 21 rules and regulations governing the subject, scope, and form of ~~the~~
 22 *examinations for applicants under this act* or shall contract with a national
 23 testing service to provide an examination approved by the board. ~~The~~
 24 ~~board shall prescribe an initial examination fee not to exceed \$350. If an~~
 25 ~~applicant fails the first examination, such applicant may be admitted to any~~
 26 ~~subsequent examination upon payment of an additional fee prescribed by~~
 27 ~~the board not to exceed \$350. The examination fees prescribed by the~~
 28 ~~board under this section shall be fixed by rules and regulations of the~~
 29 ~~board.~~

30 Sec. 34. K.S.A. 2015 Supp. 74-5315 is hereby amended to read as
 31 follows: 74-5315. (a) The board may grant a license to any person who, at
 32 the time of application, is registered, certified or licensed as a psychologist
 33 at the doctoral level in another jurisdiction if the board determines that:

34 (1) The requirements of such jurisdiction for such certification or
 35 licensure are substantially the equivalent of the requirements of this state;
 36 or

37 (2) the applicant demonstrates on forms provided by the board
 38 compliance with the following standards as adopted by the board:

39 (A) ~~Continuous~~—Registration, certification or licensure as a
 40 psychologist at the doctoral level ~~during the five years~~ *for at least 60 of*
 41 *the last 66 months* immediately preceding the application with at least the
 42 minimum professional experience as established by rules and regulations
 43 of the board;

1 (B) the absence of disciplinary actions of a serious nature brought by
2 a registration, certification or licensing board or agency; and

3 (C) a doctoral degree in psychology from a regionally accredited
4 university or college.

5 (b) An applicant for a license under this section shall pay an
6 application fee established by the board under K.S.A. 74-5310, and
7 amendments thereto, *if required by the board*.

8 Sec. 35. K.S.A. 2015 Supp. 74-5316 is hereby amended to read as
9 follows: 74-5316. (a) Upon application, the board may issue temporary
10 licenses to persons who have met all qualifications for licensure under
11 provisions of the licensure of psychologists act of the state of Kansas,
12 except passage of the required examination, pursuant to K.S.A. 74-5310,
13 and amendments thereto, who must wait for completion of the next
14 examination, who have paid the required application, examination and
15 temporary license fees and who have submitted documentation as required
16 by the board, under the following:

17 ~~(1) The temporary license shall expire upon receipt and recording of~~
18 ~~the temporary licensee's second examination score by the board if such~~
19 ~~temporary licensee fails the examination after two attempts or upon the~~
20 ~~date the board issues or denies the temporary licensee a license to practice~~
21 ~~psychology if such temporary licensee passes the examination;~~

22 ~~(2)~~—Such temporary licensee shall take the next license examination
23 subsequent to the date of issuance of the temporary license unless there are
24 extenuating circumstances approved by the board;

25 ~~(3)~~ (2) the board shall adopt rules and regulations prescribing
26 continuing education requirements for temporary licensees, including, but
27 not limited to, a requirement that temporary licensees shall complete a
28 minimum of 25 contact hours of continuing education during the two-year
29 period of temporary licensure, which shall include a minimum of three
30 hours in psychology ethics;

31 ~~(4)~~ (3) no person may work under a temporary license except under
32 the supervision of a licensed psychologist as prescribed in rules and
33 regulations adopted by the board; and

34 ~~(5)~~ (4) the fee for such temporary license ~~shall~~ *may* be fixed by rules
35 ~~and regulations adopted~~ by the board and shall not exceed \$200, *and any*
36 *such fee shall be established by rules and regulations adopted by the*
37 *board*.

38 (b) Upon application, the board may issue temporary licenses not to
39 exceed two years to persons who have *completed all requirements for a*
40 *doctoral degree approved by the board but have not received such degree*
41 *conferral or who have* met all qualifications for licensure under provisions
42 of such act, except completion of the postdoctoral supervised work
43 experience pursuant to ~~subsection (a)(4) of~~ K.S.A. 74-5310(a)(4), and

1 amendments thereto, who have paid the required application and
2 temporary license fees and who have submitted documentation as required
3 by the board, under the following:

4 (1) The temporary license shall expire at the end of the two-year
5 period after issuance or if such temporary licensee is denied a license to
6 practice psychology;

7 (2) the temporary license may be renewed for one additional two-year
8 period after expiration;

9 (3) temporary licensees shall take the license examination pursuant to
10 ~~subsection (a)(4) of K.S.A. 74-5310(a)(4)~~, and amendments thereto,
11 subsequent to the date of issuance and prior to expiration of the temporary
12 license unless there are extenuating circumstances approved by the board;

13 (4) temporary licensees shall be working toward the completion of
14 the postdoctoral supervised work experience prescribed in ~~subsection (a)~~
15 ~~(4) of K.S.A. 74-5310(a)(4)~~, and amendments thereto;

16 (5) the board shall adopt rules and regulations prescribing continuing
17 education requirements for temporary licensees, including, but not limited to,
18 a requirement that temporary licensees shall complete a minimum of 25
19 contact hours of continuing education during the two-year period of
20 temporary licensure, which shall include a minimum of three hours in
21 psychology ethics;

22 (6) no temporary licensee may work under a temporary license except
23 under the supervision of a licensed psychologist as prescribed in rules and
24 regulations adopted by the board; and

25 (7) the fee for a renewal of the temporary license ~~shall~~ *may* be fixed
26 ~~by rules and regulations adopted~~ by the board and shall not exceed \$200
27 per issuance, *and any such fee shall be established by rules and*
28 *regulations adopted by the board.*

29 (c) A person practicing psychology with a temporary license may not
30 use the title "licensed psychologist" or the initials "LP" independently.
31 The word "licensed" may be used only when preceded by the word
32 "temporary" such as temporary licensed psychologist, or the initials "TLP."

33 (d) This section shall be part of and supplemental to the provisions of
34 article 53 of chapter 74 of the Kansas Statutes Annotated, and amendments
35 thereto.

36 (e) As used in this section, "temporary licensee" means any person
37 practicing psychology with a temporary license pursuant to subsection (b)
38 or (c) ~~of this section~~.

39 Sec. 36. K.S.A. 74-5318 is hereby amended to read as follows: 74-
40 5318. ~~On or before the first day of April of alternate years, the board shall~~
41 ~~mail to every psychologist licensed in Kansas an application blank for~~
42 ~~renewal, which shall contain space for insertion of information as required~~
43 ~~for the application blank under K.S.A. 74-5317 and amendments thereto,~~

1 ~~addressing the same to the post office address given at the last previous~~
2 ~~renewal. In addition, The~~ (a) An application for renewal shall be
3 accompanied by evidence satisfactory to the board that the applicant has
4 completed, during the previous 24 months, the continuing education
5 required by rules and regulations of the board. As part of such continuing
6 education, a licensed psychologist shall complete not less than six
7 continuing education hours relating to diagnosis and treatment of mental
8 disorders and not less than three continuing education hours of
9 professional ethics.

10 (b) A licensee shall submit the application to the board with a
11 renewal fee fixed by rules and regulations of the board not to exceed \$200.
12 Upon receipt of such application and fee, the board shall issue a renewal
13 license for the period commencing on the date on which the license is
14 issued and expiring on June 30 of the next even-numbered year. Initial
15 licenses shall be for the current biennium of registration.

16 (c) Applications for renewal of a license shall be made biennially on
17 or before July 1 and, if not so made, an additional fee equal to the renewal
18 fee shall be added to the regular renewal fee.

19 (d) Any psychologist who has failed to renew a license and continues
20 to represent oneself as a psychologist after July 1 shall be in violation of
21 the licensure of psychologists act of the state of Kansas. The board may
22 suspend or revoke such psychologist's license under the provisions of
23 K.S.A. 74-5324, and amendments thereto.

24 (e) Within 30 days after any change of permanent address, a licensee
25 shall notify the board of such change.

26 Sec. 37. K.S.A. 2015 Supp. 74-5324 is hereby amended to read as
27 follows: 74-5324. ~~(a) The board may suspend, limit, revoke, condition or~~
28 ~~refuse to issue or renew a license of any psychologist upon proof that the~~
29 ~~psychologist: (a) Has been convicted of a felony involving moral~~
30 ~~turpitude; or (b) has been guilty of fraud or deceit in connection with~~
31 ~~services rendered as a psychologist or in establishing qualifications under~~
32 ~~this act; or (c) has aided or abetted a person, not a licensed psychologist, in~~
33 ~~representing such person as a psychologist in this state; or (d) has been~~
34 ~~guilty of unprofessional conduct as defined by rules and regulations~~
35 ~~established by the board; or (e) has been guilty of negligence or wrongful~~
36 ~~actions in the performance of duties; or (f) has knowingly submitted a~~
37 ~~misleading, deceptive, untrue or fraudulent misrepresentation on a claim~~
38 ~~form, bill or statement or (g) refuse to issue, renew or reinstate a license,~~
39 ~~may condition, limit, revoke or suspend a license, may publicly or~~
40 ~~privately censure a licensee or may impose a fine not to exceed \$1,000 per~~
41 ~~violation upon a finding that a licensee or an applicant for a license:~~

42 (1) Is incompetent to practice psychology, which means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 Sec. 38. K.S.A. 74-5361 is hereby amended to read as follows: 74-
43 5361. As used in this act:

1 (a) "Practice of psychology" shall have the meaning ascribed thereto
2 in K.S.A. 74-5302 and amendments thereto.

3 (b) "Board" means the behavioral sciences regulatory board created
4 by K.S.A. 74-7501 and amendments thereto.

5 (c) "~~Licensed masters~~ *master's* level psychologist" means a person
6 licensed by the board under the provisions of this act.

7 (d) "Licensed clinical psychotherapist" means a person licensed by
8 the board under this act who engages in the independent practice of
9 ~~masters master's~~ level psychology including the diagnosis and treatment of
10 mental disorders specified in the edition of the diagnostic and statistical
11 manual of mental disorders of the American psychiatric association
12 designated by the board by rules and regulations.

13 (e) "~~Masters~~ *Master's* level psychology" means the practice of
14 psychology pursuant to the restrictions set out in K.S.A. 74-5362 and
15 amendments thereto and includes the diagnosis and treatment of mental
16 disorders as authorized under K.S.A. 74-5361 et seq., *and amendments*
17 *thereto*.

18 Sec. 39. K.S.A. 74-5362 is hereby amended to read as follows: 74-
19 5362. (a) Any person who is licensed under the provisions of this act as a
20 licensed ~~masters master's~~ level psychologist shall have the right to practice
21 psychology ~~only insofar as such practice is part of the duties of such~~
22 ~~person's paid position and is performed solely on behalf of the employer,~~
23 so long as such practice is under the direction of a licensed clinical
24 psychotherapist, a licensed psychologist, a person licensed to practice
25 medicine and surgery or a person licensed to provide mental health
26 services as an independent practitioner and whose licensure allows for the
27 diagnosis and treatment of mental disorders. When a client has symptoms
28 of a mental disorder, a ~~licensed masters level psychologist licensee under~~
29 ~~the licensure of master's level psychologists act~~ shall consult with the
30 client's primary care physician or psychiatrist to determine if there may be
31 a medical condition or medication that may be causing or contributing to
32 the client's symptoms of a mental disorder. A client may request in writing
33 that such consultation be waived and such request shall be made a part of
34 the client's record. A licensed ~~masters master's~~ level psychologist may
35 continue to evaluate and treat the client until such time that the medical
36 consultation is obtained or waived.

37 (b) A licensed ~~masters master's~~ level psychologist may use the title
38 licensed ~~masters master's~~ level psychologist and the abbreviation LMLP
39 but may not use the title licensed psychologist or psychologist. A licensed
40 clinical psychotherapist may use the title licensed clinical psychotherapist
41 and the abbreviation LCP but may not use the title licensed psychologist or
42 psychologist.

43 Sec. 40. K.S.A. 74-5363 is hereby amended to read as follows: 74-

1 5363. (a) Any person who desires to be licensed under this act shall apply
2 to the board in writing, on forms prepared and furnished by the board.
3 Each application shall contain appropriate documentation of the particular
4 qualifications required by the board and shall be accompanied by the
5 required fee.

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

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

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

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

38 (4) has completed 750 clock hours of academically supervised
39 practicum in the master's degree program or 1,500 clock hours of
40 postgraduate supervised work experience;

41 (5) has passed an examination approved by the board with a
42 minimum score set by the board by rules and regulations ~~at 10 percentage~~
43 ~~points below the score set by the board for licensed psychologists.~~

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

5 (A) Is licensed by the board as a licensed ~~masters~~ *master's* level
6 psychologist or meets all requirements for licensure as a ~~masters~~ *master's*
7 level psychologist;

8 (B) has completed 15 credit hours as part of or in addition to the
9 requirements under subsection (b) 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 with individuals, couples, families or groups, integrating
18 diagnosis and treatment of mental disorders with use of the American
19 psychiatric association's diagnostic and statistical manual, with not less
20 than 350 hours of direct client contact or additional postgraduate
21 supervised experience as determined by the board;

22 (D) has completed not less than two years of postgraduate supervised
23 professional experience in accordance with a clinical supervision plan
24 approved by the board of not less than 4,000 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 150 hours of clinical
28 supervision, including not less than 50 hours of person-to-person
29 individual supervision, integrating diagnosis and treatment of mental
30 disorders with use of the American psychiatric association's diagnostic and
31 statistical manual;

32 (E) for persons earning a degree under subsection (b) prior to July 1,
33 2003, in lieu of the education requirements under ~~parts subparagraphs~~ (B)
34 and (C) ~~of this subsection~~, has completed the education requirements for
35 licensure as a licensed ~~masters~~ *master's* level psychologist in effect on the
36 day immediately preceding the effective date of this act;

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

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

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

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

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

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

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

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

40 (d) The board shall adopt rules and regulations establishing the
41 criteria which an educational institution shall satisfy in meeting the
42 requirements established under ~~item (3)~~ of subsection (b)(3). The board
43 may send a questionnaire developed by the board to any educational

1 institution for which the board does not have sufficient information to
2 determine whether the educational institution meets the requirements of
3 ~~item (3)~~ of subsection (b)(3) and rules and regulations adopted under this
4 section. The questionnaire providing the necessary information shall be
5 completed and returned to the board in order for the educational institution
6 to be considered for approval. The board may contract with investigative
7 agencies, commissions or consultants to assist the board in obtaining
8 information about educational institutions. In entering such contracts the
9 authority to approve educational institutions shall remain solely with the
10 board.

11 Sec. 41. K.S.A. 74-5365 is hereby amended to read as follows: 74-
12 5365. (a) ~~The application, issuance of a new license and renewal fee for~~
13 ~~licensure under this act shall~~ *following fees may be fixed by the board by*
14 ~~rules and regulations in an amount not to exceed \$200.~~ *for licensure under*
15 *the licensure of master's level psychologists act: For application, issuance*
16 *of a new license and renewal of a license, an amount not to exceed \$200;*
17 *for replacement of a license, an amount not to exceed \$20; and for a*
18 *wallet card license, an amount not to exceed \$5. Any such fees required by*
19 *the board shall be established by rules and regulations adopted by the*
20 *board.*

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

22 (c) The application for renewal shall be accompanied by evidence
23 satisfactory to the board that the applicant has completed, during the
24 previous 24 months, the continuing education required by rules and
25 regulations of the board. As part of such continuing education, a licensed
26 ~~masters~~ *master's* level psychologist and a licensed clinical psychotherapist
27 shall complete not less than six continuing education hours relating to
28 diagnosis and treatment of mental disorders and not less than three
29 continuing education hours of professional ethics.

30 (d) *Within 30 days after any change of permanent address, a licensee*
31 *shall notify the board of such change.*

32 Sec. 42. K.S.A. 2015 Supp. 74-5367 is hereby amended to read as
33 follows: 74-5367. (a) The board may issue a temporary license to practice
34 as a licensed ~~masters~~ *master's* level psychologist to any person who pays a
35 fee prescribed by the board under this section, which shall not be refunded,
36 and who meets all the requirements for licensure under K.S.A. 74-5361 et
37 seq., and amendments thereto, as a licensed ~~masters~~ *master's* level
38 psychologist except the requirement of postgraduate supervised work
39 experience or passing the licensing examination, or both.

40 (b) ~~(1)~~ Absent extenuating circumstances approved by the board, a
41 temporary license issued by the board shall expire upon the date the board
42 issues or denies a license to practice ~~masters~~ *master's* level psychology or
43 24 months after the date of issuance of the temporary license. No

1 temporary license issued by the board will be renewed or issued again on
 2 any subsequent applications for the same license level. The preceding
 3 provision in no way limits the number of times an applicant may take the
 4 examination.

5 ~~(2) A temporary licensee shall take the examination within the first 12~~
 6 ~~months subsequent to the issuance of the temporary license unless there~~
 7 ~~are extenuating circumstances approved by the board or if the temporary~~
 8 ~~licensee does not take the examination within the first 12 months~~
 9 ~~subsequent to the issuance of the temporary license and no extenuating~~
 10 ~~circumstances have been approved by the board, the temporary license will~~
 11 ~~expire after the first 12 months.~~

12 (c) The board ~~shall~~ *may* fix by rules and regulations a fee for the
 13 application of the temporary license. The application fee shall not exceed
 14 \$100. *Any such fee shall be established by rules and regulations adopted*
 15 *by the board.*

16 (d) A person practicing ~~masters~~ *master's* level psychology with a
 17 temporary license may not use the title "licensed ~~masters~~ *master's* level
 18 psychologist" or the initials "LMLP" independently. The word "licensed"
 19 may be used only when followed by the words "by temporary license"
 20 such as licensed ~~masters~~ *master's* level psychologist by temporary license,
 21 or ~~masters~~ *master's* level psychologist licensed by temporary license.

22 (e) No person may work under a temporary license except under the
 23 supervision of a person licensed to practice psychology or ~~masters~~
 24 *master's* level psychology in Kansas.

25 (f) The application for a temporary license may be denied or a
 26 temporary license which has been issued may be suspended or revoked on
 27 the same grounds as provided for suspension or revocation of a license
 28 under K.S.A. 74-5369, and amendments thereto.

29 (g) Nothing in this section shall affect any temporary license to
 30 practice issued under this section prior to the effective date of this act and
 31 in effect on the effective date of this act. Such temporary license shall be
 32 subject to the provisions of this section in effect at the time of its issuance
 33 and shall continue to be effective until the date of expiration of the license
 34 as provided under this section at the time of issuance of such temporary
 35 license.

36 Sec. 43. K.S.A. 2015 Supp. 74-5369 is hereby amended to read as
 37 follows: 74-5369. ~~An application for licensure under K.S.A. 74-5361 to~~
 38 ~~74-5371, inclusive, and amendments thereto, may be denied or a license~~
 39 ~~granted under this act may be suspended, limited, revoked, have a~~
 40 ~~condition placed on it or not renewed by the board upon proof that the~~
 41 ~~applicant or licensee:~~

42 (a) ~~Has been convicted of a felony involving moral turpitude;~~

43 (b) ~~has been found guilty of fraud or deceit in connection with the~~

1 rendering of professional services or in establishing such person's
2 qualifications under this act;

3 ~~(e) has aided or abetted a person not licensed as a psychologist,
4 licensed under this act or an uncertified assistant, to hold oneself out as a
5 psychologist in this state;~~

6 ~~(d) has been guilty of unprofessional conduct as defined by rules and
7 regulations of the board;~~

8 ~~(e) has been guilty of neglect or wrongful duties in the performance
9 of duties; or~~

10 ~~(f) (a) The board may refuse to issue, renew or reinstate a license, may
11 condition, limit, revoke or suspend a license, may publicly or privately
12 censure a licensee or may impose a fine not to exceed \$1,000 per violation
13 upon a finding that a licensee or an applicant for licensure:~~

14 ~~(1) Is incompetent to practice psychology, which means:~~

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

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

21 ~~(C) a pattern of practice or other behavior that demonstrates a
22 manifest incapacity or incompetence to practice master's level
23 psychology;~~

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

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

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

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

38 ~~(6) has obtained or attempted to obtain a license or license renewal
39 by bribery or fraudulent representation;~~

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

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

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

3 (10) has had a registration, license or certificate as a ~~masters~~ *master's*
4 level psychologist revoked, suspended or limited, or has had other
5 disciplinary action taken, or an application for a registration, license or
6 certificate denied, by the proper regulatory authority of another state,
7 territory, District of Columbia or another country, a certified copy of the
8 record of the action of the other jurisdiction being conclusive evidence
9 thereof.

10 (b) Administrative proceedings under ~~K.S.A. 74-5361 to 74-5371,~~
11 ~~inclusive, and amendments thereto, and disciplinary actions regarding~~
12 ~~licensure under the licensure of master's level psychologists act~~ shall be
13 conducted in accordance with the Kansas administrative procedure act.
14 Judicial review and civil enforcement of agency actions under ~~K.S.A. 74-~~
15 ~~5361 to 74-5371, inclusive, and amendments thereto, the licensure of~~
16 ~~master's level psychologists act~~ shall be in accordance with the Kansas
17 judicial review act.

18 Sec. 44. K.S.A. 74-5370 is hereby amended to read as follows: 74-
19 5370. The board may adopt rules and regulations to administer the
20 provisions of K.S.A. 74-5361 to ~~74-5371~~ 74-5375, inclusive, and
21 amendments thereto.

22 Sec. 45. K.S.A. 2015 Supp. 74-5375 is hereby amended to read as
23 follows: 74-5375. (a) The behavioral sciences regulatory board may issue
24 a license to an individual who is currently registered, certified or licensed
25 to practice psychology at the ~~masters~~ *master's* level in another jurisdiction
26 if the board determines that:

27 (1) The standards for registration, certification or licensure to practice
28 psychology at the ~~masters~~ *master's* level in the other jurisdiction are
29 substantially equivalent to the requirements of this state; or

30 (2) the applicant demonstrates, on forms provided by the board,
31 compliance with the following standards adopted by the board:

32 (A) ~~Continuous~~ Registration, certification or licensure to practice
33 psychology at the ~~masters~~ *master's* level ~~during the five years for at least~~
34 ~~60 of the last 66 months~~ immediately preceding the application with at
35 least the minimum professional experience as established by rules and
36 regulations of the board;

37 (B) the absence of disciplinary actions of a serious nature brought by
38 a registration, certification or licensing board or agency; and

39 (C) a ~~masters~~ *master's* degree in psychology from a regionally
40 accredited university or college.

41 (b) Applicants for licensure as a clinical psychotherapist shall
42 additionally demonstrate competence to diagnose and treat mental
43 disorders through meeting the requirements of either ~~paragraph (1) or (2)~~

1 of subsection (a)(1) or (a)(2) and at least two of the following areas
 2 acceptable to the board:

3 (1) Either graduate coursework as established by rules and
 4 regulations of the board or passing a national clinical examination
 5 approved by the board;

6 (2) three years of clinical practice with demonstrated experience in
 7 diagnosing or treating mental disorders; or

8 (3) attestation from a professional licensed to diagnose and treat
 9 mental disorders in independent practice or licensed to practice medicine
 10 and surgery stating that the applicant is competent to diagnose and treat
 11 mental disorders.

12 (c) An applicant for a license under this section shall pay an
 13 application fee established by the board under K.S.A. 74-5365, and
 14 amendments thereto, *if required by the board*.

15 Sec. 46. K.S.A. 2015 Supp. 74-5376 is hereby amended to read as
 16 follows: 74-5376. K.S.A. 74-5361 through ~~74-5375~~ 74-5374 and K.S.A.
 17 2015 Supp. 74-5375, and amendments thereto, shall be known and may be
 18 cited as the licensure of ~~masters~~ *master's* level psychologists act.

19 Sec. 47. K.S.A. 2015 Supp. 74-7507 is hereby amended to read as
 20 follows: 74-7507. (a) The behavioral sciences regulatory board shall have
 21 the following powers, duties and functions:

22 (1) Recommend to the appropriate district or county attorneys
 23 prosecution for violations of this act, the licensure of psychologists act of
 24 the state of Kansas, the professional counselors licensure act, ~~K.S.A. 65-~~
 25 ~~6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to~~
 26 ~~74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments~~
 27 ~~thereto~~ *the social workers licensure act, the licensure of master's level*
 28 *psychologists act, the applied behavior analysis licensure act, the marriage*
 29 *and family therapists licensure act or the ~~addictions~~ addiction counselor*
 30 *licensure act;*

31 (2) compile and publish annually a list of the names and addresses of
 32 all persons who are licensed under this act, are licensed under the licensure
 33 of psychologists act of the state of Kansas, ~~are licensed under the~~
 34 ~~professional counselors licensure act, are licensed under K.S.A. 65-6301 to~~
 35 ~~65-6320, inclusive, and amendments thereto, are licensed under K.S.A. 74-~~
 36 ~~5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and~~
 37 ~~amendments thereto~~ *the social workers licensure act, the licensure of*
 38 *master's level psychologists act, the applied behavior analysis licensure*
 39 *act, ~~are licensed under the marriage and family therapists licensure act or~~*
 40 *are licensed under the ~~addictions~~ addiction counselor licensure act;*

41 (3) prescribe the form and contents of examinations required under
 42 this act, the licensure of psychologists act of the state of Kansas, the
 43 professional counselors licensure act, ~~K.S.A. 65-6301 to 65-6320,~~

1 ~~inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive,~~
2 ~~and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ *the social*
3 *workers licensure act, the licensure of master's level psychologists act, the*
4 *applied behavior analysis licensure act, the marriage and family therapists*
5 *licensure act or the* ~~additions~~ *addiction counselor licensure act;*

6 (4) enter into contracts necessary to administer this act, the licensure
7 of psychologists act of the state of Kansas, the professional counselors
8 licensure act, ~~K.S.A. 65-6301 to 65-6320, inclusive, and amendments~~
9 ~~thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-~~
10 ~~5375, and amendments thereto~~ *the social workers licensure act, the*
11 *licensure of master's level psychologists act, the applied behavior analysis*
12 *licensure act, the marriage and family therapists licensure act or the*
13 ~~additions~~ *addiction counselor licensure act;*

14 (5) adopt an official seal;

15 (6) adopt and enforce rules and regulations for professional conduct
16 of persons licensed under the licensure of psychologists act of the state of
17 Kansas, ~~licensed under the professional counselors licensure act, licensed~~
18 ~~under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto,~~
19 ~~licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015~~
20 ~~Supp. 74-5375, and amendments thereto~~ *the social workers licensure act,*
21 *the licensure of master's level psychologists act, the applied behavior*
22 *analysis licensure act,* ~~licensed under the marriage and family therapists~~
23 *licensure act or* ~~licensed under the~~ ~~additions~~ *addiction counselor licensure*
24 *act;*

25 (7) adopt and enforce rules and regulations establishing requirements
26 for the continuing education of persons licensed under the licensure of
27 psychologists act of the state of Kansas, ~~licensed under the professional~~
28 ~~counselors licensure act, licensed under K.S.A. 65-6301 to 65-6320,~~
29 ~~inclusive, and amendments thereto, licensed under K.S.A. 74-5361 to 74-~~
30 ~~5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~
31 *the social workers licensure act, the licensure of master's level*
32 *psychologists act, the applied behavior analysis licensure act,* ~~licensed~~
33 ~~under the marriage and family therapists licensure act or~~ ~~licensed under the~~
34 ~~additions~~ *addiction counselor licensure act;*

35 (8) adopt rules and regulations establishing classes of social work
36 specialties which will be recognized for licensure under K.S.A. 65-6301 to
37 65-6318, inclusive, and amendments thereto;

38 (9) adopt rules and regulations establishing procedures for
39 examination of candidates for licensure under the licensure of
40 psychologists act of the state of Kansas, ~~for licensure under the~~
41 ~~professional counselors licensure act, for licensure under K.S.A. 65-6301~~
42 ~~to 65-6320, inclusive, and amendments thereto, for licensure under K.S.A.~~
43 ~~74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and~~

1 ~~amendments thereto~~ *the social workers licensure act, the licensure of*
2 *master's level psychologists act, the applied behavior analysis licensure*
3 *act,* ~~for licensure under the marriage and family therapists licensure act,~~
4 ~~for licensure under the~~ *addictions addiction counselor licensure act* and for
5 issuance of such certificates and such licenses;

6 (10) adopt rules and regulations as may be necessary for the
7 administration of this act, the licensure of psychologists act of the state of
8 Kansas, the professional counselors licensure act, ~~K.S.A. 65-6301 to 65-~~
9 ~~6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374,~~
10 ~~inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ *the*
11 *social workers licensure act, the licensure of master's level psychologists*
12 *act, the applied behavior analysis licensure act, the marriage and family*
13 *therapists licensure act and the* ~~addictions~~ *addiction counselor licensure act*
14 and to carry out the purposes thereof;

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

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

19 (b) ~~The behavioral sciences regulatory board, in addition to any other~~
20 ~~penalty, may assess an administrative penalty, after notice and an~~
21 ~~opportunity to be heard, against a licensee or registrant for a violation of~~
22 ~~any of the provisions of the licensure of psychologists act of the state of~~
23 ~~Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-~~
24 ~~6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374,~~
25 ~~inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the~~
26 ~~marriage and family therapists licensure act or the~~ ~~addictions counselor~~
27 ~~licensure act in an amount not to exceed \$1,000. All fines assessed and~~
28 ~~collected under this section shall be remitted to the state treasurer in~~
29 ~~accordance with the provisions of K.S.A. 75-4215, and amendments~~
30 ~~thereto. Upon receipt of each such remittance, the state treasurer shall~~
31 ~~deposit the entire amount in the state treasury to the credit of the state~~
32 ~~general fund.~~

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

40 Sec. 48. K.S.A. 2015 Supp. 74-7508 is hereby amended to read as
41 follows: 74-7508. (a) In connection with any investigation, based upon a
42 written complaint or other reasonably reliable written information, by the
43 behavioral sciences regulatory board, the board or its duly authorized

1 agents or employees shall at all reasonable times have access to, for the
2 purpose of examination, and the right to copy any document, report, record
3 or other physical evidence of any person being investigated, or any
4 document, report, record or other evidence maintained by and in
5 possession of any clinic or office of a practitioner of the behavioral
6 sciences, or other public or private agency if such document, report, record
7 or other physical evidence relates to practices which may be grounds for
8 disciplinary action.

9 (b) In all matters pending before the behavioral sciences regulatory
10 board, the board shall have the power to administer oaths and take
11 testimony. For the purpose of all investigations and proceedings conducted
12 by the behavioral sciences regulatory board:

13 (1) The board may issue subpoenas compelling the attendance and
14 testimony of witnesses or the production for examination or copying of
15 documents, reports, records or any other physical evidence if such
16 documents, reports, records or other physical evidence relates to practices
17 which may be grounds for disciplinary action. Within five days after the
18 service of the subpoena on any person requiring the production of any
19 documents, reports, records or other physical evidence in the person's
20 possession or under the person's control, such person may petition the
21 board to revoke, limit or modify the subpoena. The board shall revoke,
22 limit or modify such subpoena if in its opinion the documents, reports,
23 records or other physical evidence required does not relate to practices
24 which may be grounds for disciplinary action, is not relevant to the
25 allegation which is the subject matter of the proceeding or investigation, or
26 does not describe with sufficient particularity the documents, reports,
27 records or other physical evidence which is required to be produced. Any
28 member of the board, or any agent designated by the board, may
29 administer oaths or affirmations, examine witnesses and receive such
30 documents, reports, records or other physical evidence.

31 (2) The district court, upon application by the board or by the person
32 subpoenaed, shall have jurisdiction to issue an order:

33 (A) Requiring such person to appear before the board or the board's
34 duly authorized agent to produce documents, reports, records or other
35 physical evidence relating to the matter under investigation; or

36 (B) revoking, limiting or modifying the subpoena if in the court's
37 opinion the evidence demanded does not relate to practices which may be
38 grounds for disciplinary action, is not relevant to the allegation which is
39 the subject matter of the hearing or investigation or does not describe with
40 sufficient particularity the documents, reports, records or other physical
41 evidence which is required to be produced.

42 (3) (A) If the board determines that an individual has practiced
43 without a valid license a profession regulated by the board for which the

1 practitioners of the profession are required by law to be licensed in order
2 to practice the profession, in addition to any other penalties imposed by
3 law, the board, in accordance with the Kansas administrative procedure
4 act, may issue a cease and desist order against such individual.

5 (B) Whenever in the judgment of the behavioral sciences regulatory
6 board any person has engaged, or is about to engage, in any acts or
7 practices which constitute, or will constitute, a violation of K.S.A. 65-6301
8 to 65-6320, inclusive, and amendments thereto, 74-5361 to 74-5374,
9 inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the
10 licensure of psychologists act, the marriage and family therapists licensure
11 act or the alcohol and other drug abuse counselor registration act, or any
12 valid rule or regulation of the board, the board may make application to
13 any court of competent jurisdiction for an order enjoining such acts or
14 practices, and upon a showing by the board that such person has engaged,
15 or is about to engage in any such acts or practices, an injunction,
16 restraining order, or such other order as may be appropriate shall be
17 granted by such court without bond.

18 (c) Any complaint or report, record or other information relating to a
19 complaint which is received, obtained or maintained by the behavioral
20 sciences regulatory board shall be confidential and shall not be disclosed
21 by the board or its employees in a manner which identifies or enables
22 identification of the person who is the subject or source of the information
23 except the information may be disclosed:

24 (1) In any proceeding conducted by the board under the law or in an
25 appeal of an order of the board entered in a proceeding, or to any party to a
26 proceeding or appeal or the party's attorney;

27 (2) to the person who is the subject of the information or to any
28 person or entity when requested by the person who is the subject of the
29 information, but the board may require disclosure in such a manner that
30 will prevent identification of any other person who is the subject or source
31 of the information; or

32 (3) to a state or federal licensing, regulatory or enforcement agency
33 with jurisdiction over the subject of the information or to an agency with
34 jurisdiction over acts or conduct similar to acts or conduct which would
35 constitute grounds for action under this act. Any confidential complaint or
36 report, record or other information disclosed by the board as authorized by
37 this section shall not be redisclosed by the receiving agency except as
38 otherwise authorized by law.

39 (d) Nothing in this section or any other provision of law making
40 communications between a practitioner of one of the behavioral sciences
41 and the practitioner's client or patient a privileged or confidential
42 communication shall apply to investigations or proceedings conducted
43 pursuant to this section. The behavioral sciences regulatory board and its

1 employees, agents and representatives shall keep in confidence the content
2 and the names of any clients or patients whose records are reviewed during
3 the course of investigations and proceedings pursuant to this section.

4 (e) In all matters pending before the behavioral sciences regulatory
5 board, the board shall have the power to revoke the license or registration
6 of any licensee or registrant who voluntarily surrenders such person's
7 license or registration pending investigation of misconduct or while
8 charges of misconduct against the licensee are pending or anticipated.

9 ~~(f) In all matters pending before the behavioral sciences regulatory~~
10 ~~board, the board shall have the option to censure the licensee or registrant~~
11 ~~in lieu of other disciplinary action.~~

12 Sec. 49. K.S.A. 65-5806, 65-5808, 65-6314, 65-6407, 65-6408, 65-
13 6411, 74-5311, 74-5318, 74-5319, 74-5320, 74-5321, 74-5325, 74-5326,
14 74-5327, 74-5328, 74-5332, 74-5333, 74-5334, 74-5336, 74-5338, 74-
15 5361, 74-5362, 74-5363, 74-5365 and 74-5370 and K.S.A. 2015 Supp. 65-
16 5807, 65-5809, 65-5815, 65-6309, 65-6311, 65-6313, 65-6405, 65-6406,
17 65-6412, 65-6607, 65-6608, 65-6609, 65-6610, 65-6611, 65-6612, 65-
18 6613, 65-6614, 65-6615, 65-6616, 65-6617, 65-6618, 65-6619, 65-6620,
19 74-5310, 74-5315, 74-5316, 74-5324, 74-5337, 74-5367, 74-5369, 74-
20 5375, 74-5376, 74-7507 and 74-7508 are hereby repealed.

21 Sec. 50. This act shall take effect and be in force from and after its
22 publication in the statute book.