

**SENATE BILL No. 386**

By Committee on Public Health and Welfare

2-6

1 AN ACT concerning the behavioral sciences regulatory board; relating to  
2 professional counselors; licensure; educational requirements; amending  
3 K.S.A. 2017 Supp. 65-5804a and 65-5807 and repealing the existing  
4 sections.

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

7 Section 1. K.S.A. 2017 Supp. 65-5804a is hereby amended to read as  
8 follows: 65-5804a. (a) Applications for licensure as a professional  
9 counselor shall be made to the board on a form and in the manner  
10 prescribed by the board. Each application shall be accompanied by the fee  
11 fixed under K.S.A. 65-5808, and amendments thereto.

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

14 (1) Is at least 21 years of age;  
15 (2) has completed 60 graduate semester hours including a graduate  
16 degree in counseling *or a related field* from a college or university  
17 approved by the board and ~~which~~ *that* includes 45 graduate semester hours  
18 *of counseling coursework* distributed among each of the following areas:

19 (A) Counseling theory and practice;  
20 (B) the helping relationship;  
21 (C) group dynamics, processing and counseling;  
22 (D) human growth and development;  
23 (E) life-style and career development;  
24 (F) appraisal of individuals;  
25 (G) social and cultural foundations;  
26 (H) research and evaluation;  
27 (I) professional orientation; *and*  
28 (J) supervised practicum and internship;  
29 (3) has passed an examination required by the board; and  
30 (4) has satisfied the board that the applicant is a person who merits  
31 the public trust.

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

36 (A) Is licensed by the board as a licensed professional counselor or

1 meets all requirements for licensure as a licensed professional counselor;

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

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

16 (D) has completed not less than two years of postgraduate supervised  
17 professional experience in accordance with a clinical supervision plan  
18 approved by the board of not less than 4,000 hours of supervised  
19 professional experience, including at least 1,500 hours of direct client  
20 contact conducting psychotherapy and assessments with individuals,  
21 couples, families or groups and not less than 150 hours of clinical  
22 supervision, including not less than 50 hours of person-to-person  
23 individual supervision, integrating diagnosis and treatment of mental  
24 disorders with use of the American psychiatric association's diagnostic and  
25 statistical manual, except that one-half of the requirement of this ~~part (D)~~  
26 *subparagraph* may be waived for persons with a doctor's degree in  
27 professional counseling or a related field acceptable to the board;

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

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

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

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

43 (2) A person who was licensed or registered as a professional

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

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

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

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

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

35 (4) ~~On and after January 1, 2002,~~ A licensed professional counselor  
36 may diagnose and treat mental disorders specified in the edition of the  
37 diagnostic and statistical manual of mental disorders of the American  
38 psychiatric association designated by the board by rules and regulations  
39 only under the direction of a licensed clinical professional counselor,  
40 licensed psychologist, person licensed to practice medicine and surgery or  
41 person licensed to provide mental health services as an independent  
42 practitioner and whose licensure allows for the diagnosis and treatment of  
43 mental disorders. When a client has symptoms of a mental disorder, a

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

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

21 (e) A person who is waiting to take the examination required by the  
22 board may apply to the board for a temporary license to practice as a  
23 licensed professional counselor by: (1) Paying an application fee of no  
24 more than \$150; and (2) meeting the application requirements as stated in  
25 subsections ~~(b)(1), (2) and (4)~~ of K.S.A. 65-5804a *(b)(1), (2) and (4)*, and  
26 amendments thereto.

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

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

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

43 (h) No person may practice professional counseling under a

1 temporary license except under the supervision of a person licensed by the  
2 behavioral sciences regulatory board at the independent level.

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

10 Sec. 2. K.S.A. 2017 Supp. 65-5807 is hereby amended to read as  
11 follows: 65-5807. (a) The board may issue a license to an individual who  
12 is currently registered, certified or licensed to practice professional  
13 counseling in another jurisdiction if the board determines that:

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

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

19 (A) Registration, certification or licensure to practice professional  
20 counseling for at least 60 of the last 66 months immediately preceding the  
21 application with at least the minimum professional experience as  
22 established by rules and regulations of the board;

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

25 (C) a master's degree in counseling *or a related field* from a  
26 regionally accredited university or college.

27 (b) Applicants for licensure as a clinical professional counselor shall  
28 additionally demonstrate competence to diagnose and treat mental  
29 disorders through meeting the requirements of either subsection (a)(1) or  
30 (a)(2) and at least two of the following areas acceptable to the board:

31 (1) Either graduate coursework as established by rules and  
32 regulations of the board or passing a national clinical examination  
33 approved by the board;

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

36 (3) attestation from a professional licensed to diagnose and treat  
37 mental disorders in independent practice or licensed to practice medicine  
38 and surgery stating that the applicant is competent to diagnose and treat  
39 mental disorders.

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

43 Sec. 3. K.S.A. 2017 Supp. 65-5804a and 65-5807 are hereby

1 repealed.

2       Sec. 4. This act shall take effect and be in force from and after its  
3 publication in the statute book.