

SESSION OF 2019

SUPPLEMENTAL NOTE ON SENATE BILL NO. 193

As Amended by Senate Committee on Public
Health and Welfare

Brief*

SB 193, as amended, would provide for licensure by reciprocity for social workers at baccalaureate, master's, and specialist clinical levels and amend the requirements for licensure by reciprocity for other professions regulated by the Behavioral Sciences Regulatory Board (Board). The bill would allow applicants who are deficient in the qualifications or in the quality of educational experience required for licensure to obtain provisional licenses to allow the applicants time to fulfill remedial or other requirements prescribed by the Board. For several professions, the bill would also amend provisions related to temporary licenses for applicants who have met all licensure requirements except for taking the required licensing examination. Further, the bill would clarify the allowable use of professional titles for individuals with provisional and temporary licenses, amend the statutes included in several named acts for professions regulated by the Board, and make technical amendments.

The bill would also amend the licensure requirements for a specialist clinical social worker to reduce the number of hours of postgraduate supervised professional experience required.

The bill would be in effect upon publication in the *Kansas Register*.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Social Work Licensure by Reciprocity (New Section 1)

Baccalaureate Level

The bill would authorize the Board to issue a license to an individual who is currently registered, certified, or licensed to practice social work at the baccalaureate level in another jurisdiction, if the Board determines:

- The standards for registration, certification, or licensure to practice social work at the baccalaureate level in another jurisdiction are substantially the equivalent of the requirements in the Social Workers Licensure Act and rules and regulations of the Board for licensure as a baccalaureate social worker; or
- The applicant demonstrates compliance on forms set by the Board, and meets the following standards as adopted by the Board:
 - Registration, certification, or licensure to practice social work at the baccalaureate level for at least 48 of the last 54 months immediately preceding the application, with at least the minimum professional experience established by rules and regulations of the Board;
 - No disciplinary actions of a serious nature brought by a registration, certification, or licensing board or agency; and
 - Completion of a baccalaureate degree in social work from a regionally accredited university.

Master's Level

The bill would authorize the Board to issue a license to an individual who is currently registered, certified, or licensed to practice social work at the master's level in another jurisdiction, if the Board determines the same requirements outlined above for the baccalaureate level have been met, but at the master's level.

Specialist Clinical Level

The bill would require applicants seeking reciprocal licensure as a specialist social worker to demonstrate:

- Compliance with the requirements for reciprocal licensure to practice social work at the master's level;
- Current license to practice social work at the clinical level in another state; and
- Competence to diagnose and treat mental disorders by meeting at least two of the following areas acceptable to the Board:
 - Passage of a Board-approved national clinical examination;
 - Three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or
 - Attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery, stating the applicant is competent to diagnose and treat mental disorders.

[*Note:* The requirements for provisional licensure for the practice of social work at the clinical level in KSA 65-6309

(Section 10 of the bill) would be moved from that statute to New Section 1 of the bill and amended as noted above.]

Application Fee for Reciprocal Licensure

If required by the Board, applicants for reciprocal licensure at the baccalaureate, master's, and specialist clinical levels would be required to pay the application fee established by the Board and set out in statute.

Licensure by Reciprocity for Other Professions

The bill would amend the statutes establishing the requirements for licensure by reciprocity for professions other than the practice of social work to create uniform requirements across the professions licensed by the Board. One of the available qualifying requirements for reciprocal licensure would be amended by reducing the number of months an applicant would need to be registered, certified, or licensed to practice a profession in another jurisdiction from at least 60 of the last 66 months immediately preceding the application to at least 48 of the last 54 months preceding the application. The amended time frame would be the same as that set out in New Section 1 for the practice of social work at the three levels and would apply to the following professions:

- Professional Counseling (Section 9) [*Note:* The bill would also clarify a requirement of “at least” a master’s degree in counseling or a related field from a regionally accredited university or college would be required.];
- Marriage and Family Therapy (Section 14) [*Note:* The bill would also clarify the requirement of completion of “at least” a master’s degree in marriage or family therapy or would allow for “at least” a master’s degree “in a related field as approved by the Board.”];

- Addiction Counseling at the baccalaureate, master's, and clinical levels (Section 17);
- Doctoral Level Psychologist (Section 20);
- Master's Level Psychologist (Section 23) [*Note:* The bill would also clarify the requirement of completion of "at least" a master's degree in psychology from a regionally accredited university or college.]

Provisional License

Remediation of Deficiency

The bill would authorize the Board to require that an applicant for licensure for any of the following professions fulfill remedial or other requirements as prescribed by the Board if, after evaluation, the Board determines such applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by the applicable statute or by rules and regulations adopted by the Board for that profession:

- Professional Counselor (New Section 2);
- Marriage and Family Therapist (New Section 3);
- Master's Level Psychologist (New Section 4);
- Baccalaureate, Master's, and Specialist Clinical Social Worker (New Section 5) [*Note:* The bill provides that New Section 5 would be a part of and supplemental to the Social Workers Licensure Act.];
- Addiction Counselor (New Section 6) [*Note:* The bill provides that New Section 6 would be a part of

and supplemental to the Addiction Counselor Licensure Act.]; and

- Psychologist (New Section 7).

Application for Provisional License

The bill would allow an applicant for licensure for any of the professions listed above who is completing remedial or other requirements prescribed by the Board due to a deficiency to apply to the Board for a provisional license in the applicable profession. The application for provisional licensure would be required to be made on a form and in a manner prescribed by the Board.

Expiration, Renewal, and Reissuance of Provisional License

The bill would state a provisional license for any of the professions listed under the section on Remediation of Deficiency would expire upon the earlier of the date the Board issues or denies a license or 12 months after the date of issuance of the provisional license. The renewal or reissuance of a provisional license upon subsequent application for the same license level would be prohibited.

Professional Title Designation

The bill would authorize an individual holding a provisional license for any of the professions listed under the section on Remediation of Deficiency would be authorized to use the statutorily permitted title or initials for such profession only if the designation is preceded by the word “provisional.”

Temporary Licenses

When an applicant meets all requirements for licensure except for taking the required examination, the bill would allow such applicant to apply for a temporary license pending

completion of the examination. The amendments that would be made to temporary licensure statutes for multiple professions are discussed below.

Social Work (Section 10)

The bill would extend the expiration of a temporary license to practice social work from 6 to 12 months after the date of issuance of the temporary license. Additionally, a person practicing social work with a temporary license would be prohibited from using the title “licensed baccalaureate social worker” or “licensed master social worker” or use the initials “LBSW” or “LMSW” unless followed by the words “by temporary license.”

Marriage and Family Therapist (Section 13)

The bill would amend the statute pertaining to the temporary licensure of marriage and family therapists to make technical amendments and to include a reference to a statute amended by the bill that would establish a temporary license fee for marriage and family therapists not to exceed \$175 (Section 15).

Addiction Counselor (Section 16)

The bill would amend the statute pertaining to the temporary licensure of addiction counselors and master’s addiction counselors to clarify the requirement to pay both a fee for a temporary license and an application fee for licensure as an addiction counselor, to correct statutory references, and make technical amendments.

Practice of Psychology (Section 21)

The bill would amend the statute pertaining to the temporary license to practice psychology to require, absent extenuating circumstances approved by the Board, such a

temporary license would expire upon the earlier of the date the Board issues or denies a license to practice psychology or two years after the date of issuance of the temporary license. The renewal or reissuance of temporary license on any subsequent application for licensure under the Licensure of Psychologists Act of the State of Kansas would be prohibited. No limit would be placed on the number of times an applicant would be allowed to take the required examination for licensure.

Doctoral Practice of Psychology (Section 21)

The bill would amend the statute pertaining to the issuance of a temporary license for the doctoral practice of psychology to prohibit the reissuance of a temporary license on any subsequent application for licensure under the provisions of the Licensure of Psychologists Act of the State of Kansas. No limit would be placed on the number of times an applicant would be allowed to take the required examination for licensure. Technical amendments would also be made.

Master's Level Psychologists (Section 22)

The bill would amend the statute pertaining to the temporary license to practice of a master's level psychologist to require the practice to be under the direction of a licensed psychologist, licensed clinical psychotherapist, a person licensed by the State Board of Healing Arts to practice medicine and surgery, or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental health disorders.

Licensure of Psychologists (Section 19)

The bill would amend the statute providing for the licensure of psychologists to make the required application fee non-refundable and to make technical amendments.

Exemption from Examination for Social Workers (Section 10)

The bill would amend the statute pertaining to an exemption from the examination requirement for licensure as a social worker to only require that the applicant has taken and passed an examination similar to that for which an exemption is sought, as determined by the Board.

Change in Licensure Requirement for Specialist Clinical Social Worker (Section 25)

The bill would amend the licensure requirements for a specialist clinical social worker to reduce the number of hours of postgraduate supervised professional experience from 4,000 hours to 3,000 hours and the number of hours of clinical supervision from not less than 150 hours to not less than 100 hours.

Changes to Act Citations

The bill would amend the statutes and bill sections referenced when citing the named acts below.

Professional Counselors Licensure Act (Section 8)

The Professional Counselors Licensure Act would include KSA 65-5801 through 65-5818 and New Section 2 of the bill, and amendments made to these statutes and New Section 2.

Social Workers Licensure Act (Section 11)

The Social Workers Licensure Act would include KSA 65-6301 through 65-6321 and New Sections 1 and 5 of the bill and amendments.

Marriage and Family Therapist Licensure Act (Section 12)

The Marriage and Family Therapist Licensure Act would include KSA 65-6401 through 65-6414 and New Section 3 and amendments.

*Licensure of Psychologists Act of the State of Kansas
(Section 18)*

The Licensure of Psychologist Act of the State of Kansas would include KSA 74-5301 through 74-5350 and amendments and New Section 7 and amendments.

Licensure of Master's Level Psychologists Act (Section 24)

The Licensure of Master's Level Psychologists Act would include KSA 74-5361 through 74-5375 and amendments and New Section 4 and amendments.

Background

The bill was introduced by the Senate Committee on Public Health and Welfare at the request of Senator Baumgardner. In the Senate Committee hearing, representatives of the Association of Community Mental Health Centers of Kansas, Inc., the Board, Community Health Centers of Southeast Kansas, Kansas Chapter of the National Association of Social Workers (NASW-KS), and Saint Francis Ministries testified in favor of the bill. The proponents generally stated the bill would help address the need for additional qualified licensed mental health professionals in the state by modifying statutory requirements

concerning licensure by reciprocity to enable individuals currently licensed in another state to obtain licensure in Kansas, while maintaining essential protection of the public. The proponents noted the bill would provide a process for provisional licenses for applicants deficient in meeting Kansas licensure requirements to allow them time to work toward fulfilling the requirements for licensure. The NASW-KS representative suggested a possible amendment to reduce the number of hours of clinical experience required for licensure as a clinical social worker to bring the requirements more in line with the national average and help address the specialist clinical social worker workforce shortage. The Saint Francis Ministries representative expressed support for the amendment suggested by the NASW-KS representative. Written-only proponent testimony was provided by Representative Murnan and representatives of the Department for Children and Families and Fresenius Medical Care.

No opponent or neutral testimony was provided.

The Senate Committee amended the licensure requirements for a specialist clinical social worker by reducing the number of hours of required supervised professional experience and clinical supervision.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Board indicates enactment of the bill could increase its administrative costs and fee revenues remitted to the Behavioral Sciences Regulatory Board Fee Fund from additional professionals licensed by the Board. However, the Board is unable to provide a precise estimate of additional fee revenues because the number of individuals who may decide to become licensed as a result of the bill is unknown. In any case, the Board indicates it could absorb additional work created from the passage of the bill within existing resources. Any fiscal effect associated with the bill is not reflected in *The FY 2020 Governor's Budget Report*.