

HOUSE BILL No. 2028

By Committee on Health and Human Services

1-11

1 AN ACT concerning the mental health technician's licensure act;
2 amending K.S.A. 65-4203 and 65-4208 and K.S.A. 2016 Supp. 65-
3 4202 and 65-4212 and repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2016 Supp. 65-4202 is hereby amended to read as
7 follows: 65-4202. As used in this act: (a) "Board" means the state board of
8 nursing.

9 (b) The "practice of mental health technology" means the
10 performance, under the direction of a physician licensed to practice
11 medicine and surgery or registered professional nurse, of services in caring
12 for and treatment of the mentally ill, emotionally disturbed, or people with
13 intellectual disability for compensation or personal profit, which services:

14 (1) ~~Involve responsible nursing participation and provision of input~~
15 ~~into the development of person-centered treatment plans and therapeutic~~
16 ~~procedures for patients with mental illness or intellectual disability~~
17 ~~individuals or groups of individuals specified in paragraph (b) requiring~~
18 interpersonal and technical skills in the observations and recognition of
19 symptoms and reactions of such ~~patients~~ *individuals*, the accurate
20 recording of such symptoms and reactions and the carrying out of
21 treatments and medications as prescribed by a licensed physician or a mid-
22 level practitioner as defined in ~~subsection (ii) of K.S.A. 65-1626(ii)~~, and
23 amendments thereto; and

24 (2) require an application of techniques and procedures that involve
25 understanding of cause and effect and the safeguarding of life and health
26 of the ~~patient~~ *individual* and others; and

27 (3) require the performance of duties that are necessary to facilitate
28 *habilitation and rehabilitation* of the ~~patient~~ *individual* or are necessary in
29 the physical, therapeutic and psychiatric care of the ~~patient~~ *individual* and
30 require close work with persons licensed to practice medicine and surgery,
31 psychiatrists, psychologists, rehabilitation therapists, social workers,
32 registered nurses, and other professional personnel.

33 (c) A "licensed mental health technician" means a person who
34 lawfully practices mental health technology as defined in this act.

35 (d) An "approved course in mental health technology" means a
36 program of training and study including a basic curriculum which shall be

1 prescribed and approved by the board in accordance with the standards
2 prescribed herein, the successful completion of which shall be required
3 before licensure as a mental health technician, except as hereinafter
4 provided.

5 Sec. 2. K.S.A. 65-4203 is hereby amended to read as follows: 65-
6 4203. (a) *Qualification*. An applicant for a license to practice as a mental
7 health technician shall:

8 (1) Have graduated from a high school accredited by the appropriate
9 legal accrediting agency or ~~has~~ *have* obtained the equivalent of a high
10 school education, as determined by the state department of education;

11 (2) have satisfactorily completed an approved course of mental health
12 technology; and

13 (3) file with the board a written application for a license.

14 (b) The board may issue a license to an applicant to practice as a
15 mental health technician who has:

16 (1) Met the qualifications set forth in subsection (a);

17 (2) passed a written examination in mental health technology as
18 prescribed ~~and conducted~~ by the board; and

19 (3) no disqualifying factors under K.S.A. 65-4209, and amendments
20 thereto.

21 (c) *Licensure examination within 24 months of graduation*. (1)
22 Persons who do not take the licensure examination within 24 months after
23 graduation shall petition the board for permission prior to taking the
24 licensure examination. The board may require the applicant to submit and
25 complete a plan of study prior to taking the licensure examination.

26 (2) Persons who are unsuccessful in passing the licensure
27 examination within 24 months after graduation shall petition the board for
28 permission prior to subsequent attempts. The board may require the
29 applicant to submit and complete a plan of study prior to taking the
30 licensure examination a subsequent time. The study plan shall contain
31 subjects related to deficiencies identified on the failed examination
32 profiles.

33 (d) An application for initial licensure will be held awaiting
34 completion of meeting qualifications for a time period specified in rules
35 and regulations.

36 (e) *Refresher course*. Notwithstanding the provisions of subsection
37 (a), an applicant for a license to practice as a mental health technician who
38 has not been licensed to practice as a mental health technician for five
39 years preceding application shall be required to successfully complete a
40 refresher course as defined by the board in rules and regulations.

41 (f) The board may issue a one-time temporary permit to practice as a
42 mental health technician for a period not to exceed 120 days when a
43 reinstatement application has been made.

1 (g) *Exempt license.* The board may issue an exempt license to any
 2 licensee as defined in rules and regulations who makes written application
 3 for such license on a form provided by the board, who remits a fee as
 4 established pursuant to K.S.A. 65-4208, and amendments thereto, and who
 5 is not regularly engaged in mental health technician practice in Kansas but
 6 volunteers mental health technician service or is a charitable health care
 7 provider as defined by K.S.A. 75-6102, and amendments thereto. Each
 8 exempt licensee shall be subject to all provisions of the mental health
 9 technician act, except as otherwise provided in this subsection (e). Each
 10 exempt license may be renewed biennially subject to the provisions of this
 11 section. The holder of the exempt license shall not be required to submit
 12 evidence of satisfactory completion of a program of continuing education
 13 for renewal. To convert an exempt license to an active license, the exempt
 14 licensee shall meet all the requirements of subsection (b) or K.S.A. 65-
 15 4205 and amendments thereto. The board shall have authority to write
 16 rules and regulations to carry out the provisions of this section.

17 (h) The board may adopt rules and regulations as necessary to
 18 administer the mental health technician's licensure act.

19 Sec. 3. K.S.A. 65-4208 is hereby amended to read as follows: 65-
 20 4208. (a) The board shall collect in advance the fees provided for in this
 21 act, the amount of which shall be fixed by the board by rules and
 22 regulations, but not to exceed:

23 (1) Mental health technician programs:

24 Annual renewal of program approval.....	\$110
25 Survey of a new program.....	220
26 Application for approval of continuing education providers.....	200
27 Annual fee for continuing education providers.....	75

28 (2) Mental health technicians:

29 Application for license.....	\$50
30 Application for renewal of license.....	60
31 Application for reinstatement.....	70
32 Application for reinstatement of license with temporary permit.	75
33 Certified copy of license.....	12
34 Duplicate of license.....	12
35 Inactive license.....	20
36 Examination.....	40
37 Reexamination.....	40
38 Verification of current Kansas license to other states.....	11
39 Application for exempt license.....	50
40 Application for biennial renewal of exempt license.....	50

41 (b) *The board shall require that fees for an examination prescribed*
 42 *by the board be paid directly to the examination service providing the*
 43 *examination by the person taking the examination.*

1 (c) The board shall accept for payment of fees under this section
2 personal checks, certified checks, cashier's checks, money orders or credit
3 cards. The board may designate other methods of payment, but shall not
4 refuse payment in the form of a personal check. The board may impose
5 additional fees and recover any costs incurred by reason of payments made
6 by personal checks with insufficient funds and payments made by credit
7 cards.

8 Sec. 4. K.S.A. 2016 Supp. 65-4212 is hereby amended to read as
9 follows: 65-4212. The provisions of this act shall not be construed as
10 prohibiting: (a) Gratuitous care of the mentally ill, emotionally disturbed
11 or people with intellectual disability by friends or members of the family;

12 (b) The practice of mental health technology by students enrolled in
13 approved courses of mental health technology;

14 (c) The practice of mental health technology by graduates of an
15 approved course in mental health technology who are practicing as mental
16 health technicians pending the results of the first licensing examination
17 scheduled by the board following graduation;

18 (d) Practice by short-term trainees exploring the practice of mental
19 health technology as a prospective vocation;

20 (e) Service conducted in accordance with the practice of the tenets of
21 any religious denomination in which persons of good faith rely solely upon
22 spiritual means or prayer in the exercise of their religion to prevent or cure
23 disease;

24 (f) The practice of any legally qualified mental health technician of
25 this state or another who is employed by the United States government of
26 any bureau, division or agency thereof, while in the discharge of official
27 duties;

28 (g) Temporary assistance in the therapeutic care of ~~patients~~
29 *individuals* where adequate medical, nursing, and/or other supervision is
30 provided;

31 (h) Subsidiary workers in hospitals or related institutions from
32 assisting in the nursing care of ~~patients~~ *individuals* where adequate
33 medical and nursing supervision is provided; and

34 (i) The employment of psychiatric aides who have received at least
35 three months instruction in an approved basic aide training program and
36 who work under the supervision of licensed personnel.

37 Sec. 5. K.S.A. 65-4203 and 65-4208 and K.S.A. 2016 Supp. 65-4202
38 and 65-4212 are hereby repealed.

39 Sec. 6. This act shall take effect and be in force from and after its
40 publication in the statute book.