

SENATE BILL No. 587

By Committee on Judiciary

2-11

9 AN ACT relating to the behavioral sciences regulatory board; providing
10 for the crime of battery against certain persons; concerning continuing
11 education requirements; amending K.S.A. 2007 Supp. 74-7507 and
12 repealing the existing section.
13

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

15 New Section 1. (a) Battery against a person licensed or registered by
16 the behavioral sciences regulatory board is battery, as defined in K.S.A.
17 21-3412, and amendments thereto, committed against a person licensed
18 or registered by the behavioral sciences regulatory board, while such per-
19 son is engaged in the performance of such person's practice.

20 (b) Battery against a person licensed or registered by the behavioral
21 sciences regulatory board is a severity level 7, person felony.

22 (c) As used in this section "a person licensed or registered by the
23 behavioral sciences regulatory board" means persons licensed under the
24 licensure of psychologists act of the state of Kansas, licensed under the
25 professional counselors licensure act, licensed under K.S.A. 65-6301 to
26 65-6320, inclusive, and amendments thereto, licensed under K.S.A. 74-
27 5361 to 74-5374, inclusive, and K.S.A. 2007 Supp. 74-5375, and amend-
28 ments thereto, licensed under the marriage and family therapists licen-
29 sure act or registered under the alcohol and other drug abuse counselor
30 registration act.

31 Sec. 2. K.S.A. 2007 Supp. 74-7507 is hereby amended to read as
32 follows: 74-7507. (a) The behavioral sciences regulatory board shall have
33 the following powers, duties and functions:

34 (1) Recommend to the appropriate district or county attorneys pros-
35 ecution for violations of this act, the licensure of psychologists act of the
36 state of Kansas, the professional counselors licensure act, K.S.A. 65-6301
37 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-
38 5374, inclusive, and K.S.A. 2007 Supp. 74-5375, and amendments
39 thereto, the marriage and family therapists licensure act or the alcohol
40 and other drug abuse counselor registration act;

41 (2) compile and publish annually a list of the names and addresses of
42 all persons who are licensed under this act, are licensed under the licen-
43 sure of psychologists act of the state of Kansas, are licensed under the

1 professional counselors licensure act, are licensed under K.S.A. 65-6301
2 to 65-6320, inclusive, and amendments thereto, are licensed under K.S.A.
3 74-5361 to 74-5374, inclusive, and K.S.A. 2007 Supp. 74-5375, and
4 amendments thereto, are licensed under the marriage and family thera-
5 pists licensure act or are registered under the alcohol and other drug
6 abuse counselor registration act;

7 (3) prescribe the form and contents of examinations required under
8 this act, the licensure of psychologists act of the state of Kansas, the
9 professional counselors licensure act, K.S.A. 65-6301 to 65-6320, inclu-
10 sive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and
11 K.S.A. 2007 Supp. 74-5375, and amendments thereto, the marriage and
12 family therapists licensure act or the alcohol and other drug abuse coun-
13 selor registration act;

14 (4) enter into contracts necessary to administer this act, the licensure
15 of psychologists act of the state of Kansas, the professional counselors
16 licensure act, K.S.A. 65-6301 to 65-6320, inclusive, and amendments
17 thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2007 Supp. 74-
18 5375, and amendments thereto, the marriage and family therapists licen-
19 sure act or the alcohol and other drug abuse counselor registration act;

20 (5) adopt an official seal;

21 (6) adopt and enforce rules and regulations for professional conduct
22 of persons licensed under the licensure of psychologists act of the state
23 of Kansas, licensed under the professional counselors licensure act, li-
24 censed under K.S.A. 65-6301 to 65-6320, inclusive, and amendments
25 thereto, licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A.
26 2007 Supp. 74-5375, and amendments thereto, licensed under the mar-
27 riage and family therapists licensure act or registered under the alcohol
28 and other drug abuse counselor registration act;

29 (7) adopt and enforce rules and regulations establishing require-
30 ments, *which shall include self protection training*, for the continuing
31 education of persons licensed under the licensure of psychologists act of
32 the state of Kansas, licensed under the professional counselors licensure
33 act, licensed under K.S.A. 65-6301 to 65-6320, inclusive, and amend-
34 ments thereto, licensed under K.S.A. 74-5361 to 74-5374, inclusive, and
35 K.S.A. 2007 Supp. 74-5375, and amendments thereto, licensed under the
36 marriage and family therapists licensure act or registered under the al-
37 col and other drug abuse counselor registration act;

38 (8) adopt rules and regulations establishing classes of social work spe-
39 cialties which will be recognized for licensure under K.S.A. 65-6301 to
40 65-6318, inclusive, and amendments thereto;

41 (9) adopt rules and regulations establishing procedures for examina-
42 tion of candidates for licensure under the licensure of psychologists act
43 of the state of Kansas, for licensure under the professional counselors

1 licensure act, for licensure under K.S.A. 65-6301 to 65-6320, inclusive,
2 and amendments thereto, for licensure under K.S.A. 74-5361 to 74-5374,
3 inclusive, and K.S.A. 2007 Supp. 74-5375, and amendments thereto, for
4 licensure under the marriage and family therapists licensure act, for reg-
5 istration under the alcohol and other drug abuse counselor registration
6 act and for issuance of such certificates and such licenses;

7 (10) adopt rules and regulations as may be necessary for the admin-
8 istration of this act, the licensure of psychologists act of the state of Kan-
9 sas, the professional counselors licensure act, K.S.A. 65-6301 to 65-6320,
10 inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive,
11 and K.S.A. 2007 Supp. 74-5375, and amendments thereto, the marriage
12 and family therapists licensure act and the alcohol and other drug abuse
13 counselor registration act and to carry out the purposes thereof;

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

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

18 (b) The behavioral sciences regulatory board, in addition to any other
19 penalty, may assess an administrative penalty, after notice and an oppor-
20 tunity to be heard, against a licensee or registrant for a violation of any
21 of the provisions of the licensure of psychologists act of the state of Kan-
22 sas, the professional counselors licensure act, K.S.A. 65-6301 to 65-6320,
23 inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive,
24 and K.S.A. 2007 Supp. 74-5375, and amendments thereto, the marriage
25 and family therapists licensure act or the alcohol and other drug abuse
26 counselor registration act in an amount not to exceed \$1,000. All fines
27 assessed and collected under this section shall be remitted to the state
28 treasurer in accordance with the provisions of K.S.A. 75-4215 and amend-
29 ments thereto. Upon receipt of each such remittance, the state treasurer
30 shall deposit the entire amount in the state treasury to the credit of the
31 state general fund.

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

39 Sec. 3. K.S.A. 2007 Supp. 74-7507 is hereby repealed.

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