

House Health and Human Services Committee
Proponent Testimony on HB 2484
January 23, 2024

Chair Landwehr and members of the Committee,

My name is David Fye, Executive Director for the Behavioral Sciences Regulatory Board (BSRB). Thank you for the opportunity to provide proponent testimony on behalf of the Board of BSRB in support of HB 2484, a bill that would add Kansas to a multi-state compact for the social work profession. In preparation for this compact, the Social Work Advisory Committee for the Board invited representatives from the Counsel for State Governments (CSG) to hold multiple presentations on the compact and we have been in discussions with representatives from the Kansas Chapter of the National Association of Social Workers (NASW), who requested the Board's support of this legislation. At a recent Board meeting, the Board chose to support the compact, understanding that a few of the details for compliance would need to be worked out. We have had good communication with representatives from the Kansas Chapter of NASW concerning the compact, including consideration of fees for multi-state licenses to mitigate loss of revenue.

Traditional Authorization to Practice Social Work

Currently, each state has jurisdictional authority to require that social workers providing services to individuals who are physically located within that state must be licensed by that state. This means that social workers who wish to provide services to individuals in multiple states must obtain a license in each state in which they intend to provide services and meet the renewal requirements for each license. Under this model, some social workers have held licenses in several states, paying license fees in several states, and meeting continuing education and other requirements each renewal period. Under this model, when clients travel or vacation outside of the licensee's state, the licensee must contact the remote states to determine what is required to provide care in those states, which generally would mean licensure in those states.

New Model Under HB 2484 – Multi-State Licenses

Over the past few years, other compacts concerning mental health professions have been enacted which authorize a limited scope of practice or a limited privilege to practice. It is important to understand that HB 2484 is designed very differently. If enacted, HB 2484 would substantially change state licensure. In this compact, compact member-states would gain authority to create a new "multi-state license" in addition to their existing "single-state" license. Individuals holding an existing "single-state" license would still be able to practice in their home-state, but individuals choosing to obtain a "multi-state license" would be able to practice in their home-state and all other compact member-states, without obtaining a license in those states. Going forward, social workers in Kansas would have a choice between obtaining the traditional "single-state" license if they only want to practice in Kansas or to obtain a "multi-state license" if they wish to practice in Kansas and in all compact states. Some benefits of the compact include mobility of licensees, continuity of care to clients when those clients travel to other states, providing more opportunities for in-state licensees to provide telehealth practice into other states, and an opportunity for out-of-state licensees holding a multi-state license in other states to provide services into Kansas.

Social Work Licensure in Kansas

In Kansas, the BSRB is the agency charged by the Legislature to protect the public by licensing and regulating social workers and six other mental health professions. At the end of my written testimony, I have attached a copy of historical permanent license totals under the BSRB. Currently, the BSRB regulates 15,453 permanent licenses. Included in this amount, the BSRB regulates 8,288 permanent social work licenses. Of the 8,288 permanent social work licenses regulated by the BSRB, 1,794 of these permanent licenses are held by social workers who live outside of the state of Kansas. These may be individuals living in a border city that choose to live in another state, but practice in Kansas; these may be individuals who travel during year and practice in multiple states; or potentially these are individuals who have obtained a Kansas license, because they provide telehealth services into the state. This group of licensees makes up 21.6 percent of total social work licensees. Of the 1,794 social workers licensed in Kansas that live out-of-state, 109 are Licensed Bachelors Social Workers (LBSWs), 813 are Licensed Master's Social Workers (LMSWs), and 872 are Licensed Specialist Clinical Social Workers (LSCSWs).

What this Means for Kansas Social Work Licensure

It is anticipated that the social work compact will be popular with states and that sufficient states will pass the model legislation during the 2024 Legislative session, so the Compact Commission will begin to meet. It is also anticipated that the compact may become active as early as January 2025. As states will choose to pass the compact, it is anticipated our out-of-state licensees will discontinue renewing their Kansas licenses and choose instead to practice under their home-state multi-state license. This is important, because this will mean the number of social workers licensed in Kansas will decrease significantly, even though it will be likely that more individuals will be providing services into the state through the multi-state license model. It also means that the state of Kansas (the BSRB) will lose revenue from the 1,794 social workers living outside the state that currently hold a license in Kansas. Given the cost of the two-year license renewal fees for this group of licensees, it is estimated that the BSRB will lose revenue totaling \$153,640 every two years. This is a conservative estimate, as it only considers license renewal revenue for current licensees, rather than loss of application fees and original license fees from potential new licensees, who will likely choose to obtain a multi-state license in their home-state rather than apply to be licensed in Kansas.

What this Means for the BSRB

The BSRB was created by the Kansas Legislature to operate as a fee-funded agency. The agency operates on fees charged to licensees and the agency does not receive funding for operations from the State General Fund. In fact, by statute, the agency contributes 10% of all revenue, up to \$100,000 per year, to the State General Fund, to help fund state operations for other entities. The annual budget for the agency is a little over a million dollars each year, so a decrease in revenue each year of approximately \$76,820 would cause a significant impact to the agency. However, the drafters of the Compact provided a solution to help mitigate this loss of revenue. States may determine the amount of fees that may be charged for multi-state licenses. As a single-state license authorizes practice in one state, and a multi-state license authorizes practice in many different states, it is reasonable that a multi-state license (which will allow in-state licensees to discontinue renewing licenses in other Compact states) would have a higher cost than a traditional single-state license. Section 2 of the bill (page 24) includes K.S.A. 65-6314, the fee statute for fees charged by the BSRB. This statute sets the caps for fees, not the specific amounts. If HB 2484 passes, the BSRB will be able to set fees for multi-state licenses under these caps. One factor in determining the amount of these fees is to determine interest in in-state licensees switching from a single-state license to a multi-state license. To gauge this interest, the Social Work Advisory Committee for the Board has designed a short survey, which will be released sometime in the near future. The BSRB is not interested in making a profit from these new multi-state licenses, but charging higher fees for multi-state licenses will be necessary to mitigate the estimated loss in revenue from the loss of out-of-state licensees.

Background Checks with Fingerprinting

One other item that will need to be resolved prior to the implementation of the Social Work Compact in Kansas is a requirement in the language of the Compact that licensees practicing under the Compact must have passed a background check including fingerprinting. The BSRB does not currently require this type of background check as a condition of licensure, but we have been speaking with representatives from the Kansas Bureau of Investigation (KBI) concerning this requirement for other Compacts, and we are working on a solution for individuals to take these background checks. At this time, it appears the cost of these background checks would be approximately \$48 per background check, which would be an additional cost to the licensee at the time the background check is performed. This funding would go to the KBI for fingerprinting and running the background checks, and none of this would be revenue for operations of the BSRB.

Conclusion

The Board of the BSRB is happy to be a proponent of the Social Work Multi-State Compact. We believe the Compact is consistent with the public protection mission of the Board, it will provide greater continuity of care to clients, it will provide greater mobility to licensees, and it will otherwise address workforce concerns.

I would be happy to stand for any questions as the appropriate time.

**Behavioral Sciences Regulatory Board
History of Permanent Licenses July 2015 to Current**

	July 2015	July 2016	July 2017	July 2018	July 2019	Mar 2020	July 2021	July 2022	Sept 2022	Nov 2022	Jan 2023	Mar 2023	May 2023	July 2023	Sept 2023	Nov 2023	Jan 2024
LP	897	967	926	984	949	1,006	988	952	962	987	999	1,010	1,015	1,034	1,054	1,074	1,083
LASW	22	21	21	19	17	13	9	5	5	5	4	4	4	4	4	4	4
LBSW	1,756	1,754	1,764	1,725	1,638	1,577	1,466	1,346	1,327	1,313	1,295	1,280	1,266	1,241	1,223	1,209	1,202
LMSW	3,519	3,684	3,774	3,862	3,927	3,861	3,970	4,012	4,028	4,021	4,023	4,016	4,034	4,087	4,100	4,101	4,102
LSCSW	1,966	2,009	2,033	2,088	2,172	2,274	2,474	2,680	2,720	2,752	2,769	2,804	2,838	2,900	2,936	2,969	2,980
LPC	648	733	760	813	847	882	937	981	1,002	1,006	1,012	1,014	1,021	1,047	1,085	1,105	1,110
LCPC	500	546	561	619	704	747	843	1,034	1,047	1,077	1,088	1,104	1,127	1,169	1,201	1,221	1,260
LMLP	288	304	303	302	295	291	294	308	310	311	315	323	328	335	339	338	337
LCP	291	298	294	297	288	293	282	289	281	278	276	277	277	276	275	278	277
LMFT	354	350	340	347	324	327	335	330	318	312	319	320	313	313	313	305	315
LCMFT	444	499	535	566	611	620	681	754	763	773	776	783	789	794	802	810	821
LAC	930	919	729	620	618	569	578	522	523	526	530	535	532	542	509	514	511
LMAC	-	-	262	343	363	375	427	431	418	414	421	415	417	415	422	431	430
LCAC	537	528	541	527	566	541	570	556	561	566	568	574	576	583	560	561	569
LaBA	-	-	15	18	14	14	12	17	15	19	21	18	20	19	18	18	16
LBA	-	-	129	175	199	229	263	333	347	354	363	370	388	396	416	427	436
Total																	
Permanent Licenses	12,152	12,612	12,987	13,305	13,532	13,619	14,129	14,550	14,627	14,714	14,779	14,847	14,945	15,155	15,257	15,365	15,453

Note : In March 2020, the state of Kansas began to experience the COVID-19 pandemic. During this time, the Governor released Executive Orders which delayed enforcement of expiration of licenses until the end of May 2021.

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Total LPs	897	967	926	984	949	1,006	988	952	962	987	999	1,010	1,015	1,034	1,054	1,074	1,083
Total SWs	7,263	7,468	7,592	7,694	7,754	7,725	7,919	8,043	8,080	8,091	8,091	8,104	8,142	8,232	8,263	8,283	8,288
Total PCs	1,148	1,279	1,321	1,432	1,551	1,629	1,780	2,015	2,049	2,083	2,100	2,118	2,148	2,216	2,286	2,326	2,370
Total LMLPs/LCPs	579	602	597	599	583	584	576	597	591	589	591	600	605	611	614	616	614
Total MFTs	798	849	875	913	935	947	1,016	1,084	1,081	1,085	1,095	1,103	1,102	1,107	1,115	1,115	1,136
Total ACs	1,467	1,447	1,532	1,490	1,547	1,485	1,575	1,509	1,502	1,506	1,519	1,524	1,525	1,540	1,491	1,506	1,510
Total BAs	-	-	144	193	213	243	275	350	362	373	384	388	408	415	434	445	452
Total Permanent Licenses	12,152	12,612	12,987	13,305	13,532	13,619	14,129	14,550	14,627	14,714	14,779	14,847	14,945	15,155	15,257	15,365	15,453

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