

Sports Waiver for Health Care Professionals; Vaccination Administration by Pharmacy Technicians; Professions Licensed by Behavioral Science Regulatory Board; Sub. for SB 131

Sub. for SB 131 permits the issuance of a sports waiver for certain health care professionals; amends a provision in the Pharmacy Act of the State of Kansas to add pharmacy technicians who meet age and supervision oversight parameters to the list of those authorized to administer vaccinations after successfully completing an appropriate course of study and training; and modifies several requirements for some of the professions licensed by the Behavioral Science Regulatory Board (BSRB), adds new temporary licensure categories, and establishes requirements for an expedited application process.

Sports Waiver

The bill authorizes certain health care professionals licensed in a home state other than Kansas and traveling with a sports team to practice their profession within Kansas for a short period of time during certain sporting events under a sports waiver issued by the State Board of Healing Arts (Board). Health care services may be provided on behalf of team members and coaching staff only during sporting events pursuant to a contract with a sports team to provide such services, upon invitation by a national sports governing body to provide medical services at a national sports training center in Kansas, or at events or competitions sanctioned by a national sport governing body.

The bill establishes a process for sports waivers for health care professionals licensed by the Board; authorizes the Board to issue such waivers; sets limitations on the frequency and duration of the waivers; and addresses scope-of-practice requirements, compliance with Kansas rules and regulations, and reporting of any potential violation of the Healing Arts Act or other applicable practice act to the Board. Additionally, the bill provides the Board with authority to promulgate rules and regulations to implement the bill's provisions, authorizes the Board to establish procedures to allow sports waivers for other health care professions, and makes the provisions of the bill part of and supplemental to the Healing Arts Act.

Sports Waiver Process and Requirements for Physicians

The bill requires the Board to issue a sports waiver to an out-of-state physician within 15 days from receipt of a complete application if the physician:

- Submits a complete application;
- Holds an unrestricted license in another state and is not the subject of any investigation or disciplinary action;
- Has professional liability insurance coverage for the duration of the sporting event at the minimum required levels to practice in Kansas; and

- Has entered into a written agreement with a sports team to provide medical care to team members and coaching staff traveling with the team for a specific sporting event in Kansas; or
- Has been invited by a national sport governing body to provide medical services to team members and coaching staff at a national sports training center in Kansas or to provide medical services at an event or competition sanctioned by a national sport governing body.

Health Care Provider Practice Requirements

The bill requires any individual who has been issued a sports waiver by the Board to practice within the scope of practice as defined by Kansas law for their health care profession and limits health care services to be provided only for team members and coaching staff as required by written agreement with a sports team or health care services required by a national sport governing body.

The bill also requires a health care provider issued a sports waiver by the Board to adhere to all the rules and regulations pertaining to the health care profession in Kansas and considers the health care professional to be a licensee of the Board.

Practice Restrictions

The bill prohibits a physician exempt from state licensure due to the issuance of a sports waiver from providing health care or consultation to any individual residing in Kansas, other than those specifically authorized under the bill to receive health care services. The bill also prohibits the practice of an individual's health care profession at a licensed health care facility in this state.

Sports Waiver Limitations

The bill specifies that a sports waiver is valid for the duration of a sporting event, not to exceed 30 days, and limits an individual to no more than 5 sports waivers per calendar year, except during an extenuating, unforeseen circumstance as approved by the Board.

Reporting Requirements

The bill requires an individual under a sports waiver or an out-of-state sports team to report to the Board any potential violation of the Healing Arts Act or other applicable practice act including, but not limited to, unprofessional conduct or professional incompetence.

Sports Waiver Denial

The bill authorizes the Board to deny an application for a sports waiver if the individual does not meet the technical qualifications or if granting the sports waiver endangers the health and safety of the public.

Sports Waiver Rules and Regulations

The bill authorizes the Board to adopt rules and regulations necessary to implement the provisions of the bill, including procedures for reporting potential medical violations.

Sports Waivers for Other Board Licensed Health Care Professionals

The bill authorizes the Board to adopt procedures to allow other health care professionals licensed and regulated by the Board to be issued a sports waiver to ensure patient safety.

Inclusion in Healing Arts Act

The bill adds provisions of the bill pertaining to sports waivers to the Healing Arts Act.

Pharmacy Act Amendments—Vaccine Administration

The bill amends a provision in the Pharmacy Act of the State of Kansas to add pharmacy technicians, at least 18 years of age and under the direct supervision and control of a pharmacist, to the list of those authorized to administer vaccinations after successfully completing a course of study and training in vaccination storage, protocols, injection technique, emergency procedures, record keeping, and cardiopulmonary resuscitation (CPR).

The bill requires a pharmacist, pharmacy student, or pharmacy intern to be at least 18 years of age to administer a vaccine.

Pharmacy technicians are added to pharmacists, pharmacy students, and pharmacy interns as:

- Authorized to administer:
 - The influenza vaccine to persons 6 years of age or older; and
 - Vaccines, other than the influenza vaccine, to persons 12 years of age or older pursuant to a vaccination protocol;
- Required to report a record of the immunization to the appropriate physician for the individual receiving the immunization; and
- Prohibited from delegating authority to administer a vaccination.

Behavioral Sciences Regulatory Board

The bill reduces the number of months of practice prior to being eligible for reciprocity of licenses, increases the number of months that a temporary license is valid, reduces continuing education hours for professionals who diagnose, clarifies the education requirements for marriage and family therapists, and clarifies the disciplinary procedure for behavior analysts.

The bill also adds provisions for some of the professions including adding a process and timeline for the BSRB to follow when processing applications; definitions for “extenuating circumstances” and “merits the public trust”; a process for licensees to request additional time to complete continuing education requirements due to extenuating circumstances; temporary licenses for social work graduates of education programs seeking accreditation; a temporary reinstatement license for expired licenses; a temporary student license for addiction counseling; and a temporary license for some licensees who are employed by community mental health centers.

The bill adds provisions that do not permit a person who practiced under a student temporary addiction counselor license to practice under a community-based license in any of these professions: professional counselor, social work, marriage and family therapy, or psychology. Additionally, the bill does not permit a person who practiced under a community-based license to practice addiction counseling under a student temporary addiction counselor license.

The bill does not permit a licensee to be issued a community-based license if they had previously held a temporary license in the same profession.

[*Note:* The changes made by this bill apply to multiple licenses but the change to each license type utilizes the same language. When only one license or group is impacted, the specific group is identified.]

Application Processing

The bill specifies applicants are to be notified by the BSRB as to the sufficiency of their application within 15 days of receipt. If the application is incomplete, the BSRB will advise what is needed to make the application complete. The bill requires decisions on completed applications to be issued within 30 business days.

The bill adds a requirement that the BSRB must adopt an expedited application process and that an application must be reviewed and have a decision rendered within 15 business days. The fee for expedited applications will be established by the BSRB in an amount that does not exceed \$100 and will not be charged to a military servicemember or military spouse. The bill defines “military servicemember” and “military spouse” for this purpose.

Modifications to Existing Licensure Requirements

Reciprocity of licenses. The bill reduces the number of months of registration, certification, or licensure in another jurisdiction with a similar scope of practice needed for a reciprocal license from 48 of the last 54 months to 12 months for a professional counselor, social worker, marriage and family therapist, addiction counselor, and psychologist licenses.

Temporary licenses. The bill amends the length of time a temporary license is valid to 24 months for the following licenses: professional counselor, bachelor’s social work, master’s social work, marriage and family therapy, addiction counselor, master’s addiction counselor, and student addiction counselor.

Reduction in continuing education hours for some licensees. The bill reduces to not less than three hours, from not less than six hours, the requirement for continuing education per renewal period for diagnosis and treatment of mental disorders for those professional counselors, master social workers, specialist clinical social workers, and marriage and family therapists who diagnose and treat mental disorders. These requirements take effect on and after July 1, 2025.

Reduction in credit hours for specialist clinical social workers. The bill reduces the number of credit hours that support diagnosis or treatment of mental disorders required for specialist clinical social workers from 15 credit hours to 3 credit hours and specifies that such hours will be in the study of psychopathology. The bill also adds “diagnostic impression” as a type of supervised clinical experience that satisfies the graduate clinical practicum requirement for specialist clinical social workers.

Marriage and family therapist education requirements. The bill amends education requirements of a marriage and family therapist applicant to add that the applicant must complete an academically supervised practicum in the master’s degree program with at least 300 hours of direct client contact or a combined 300 hours of direct client contact and additional postgraduate supervised experience.

Behavior analyst licenses. The bill amends behavior analyst requirements to create more uniformity with the other professions the BSRB licensees by adding language to authorize licensee reinstatements and modifying the disciplinary remedies.

Board membership. The bill adds licensed clinical psychotherapists and licensed master addiction counselors as possible members of the BSRB.

Definitions. The bill adds “extenuating circumstances” as a definition for licenses overseen by the BSRB including professional counselors, social workers, marriage and family therapists, addiction counselors, psychologists, and community-based licensees.

“Extenuating circumstances” means any condition or situation caused by events beyond an individual’s control that is sufficiently extreme in nature to result in the individual’s inability to comply with requirements or inadvisability of requiring the individual to comply with requirements.

Psychologists. The bill replaces “of good moral character” as a standard for psychologists to be issued a license with “merits the public trust,” which means that an applicant or licensee possesses the high standard of good moral character and fitness that is required to practice psychology as demonstrated by the following personal qualities:

- Good judgment;
- Integrity;
- Honesty;
- Fairness;
- Credibility;
- Reliability;
- Respect for others;

- Respect for the laws of this state and the nation;
- Self-discipline;
- Self-evaluation;
- Initiative; and
- Commitment to the psychology profession and its values and ethics.

Extension of licensure. The bill provides for a current licensee experiencing extenuating circumstances to request an additional three months to complete continuing education requirements. The licensee is required to:

- Provide reason for requesting additional time, showing extenuating circumstances for why the hours will not be completed during the licensing period; and
- Provide a plan outlining the manner in which the licensee intends to complete the remaining continuing education hours.

A licensee receiving additional time to complete continuing education hours is required to renew the license prior to the license expiration date and report to the BSRB the number of continuing education hours completed on that date as well as notify the BSRB upon completing the remaining hours. The licensee is subject to an audit by the BSRB of the total number of continuing education hours completed for the applicable licensing period.

A licensee will not be approved for additional time to complete continuing education requirements in consecutive license periods.

Temporary reinstatement of expired license. The bill adds a provision that permits licensees with expired licenses to apply for reinstatement of the license. The bill reduces the fee charged to reinstate an expired license.

For those licensees with licenses expired less than one year, evidence of the necessary continuing education and payment of fee is sufficient. For those licensees with a license expired for longer than 12 months, a temporary license of 6 months may be issued to permit the applicant additional time to complete continuing education requirements. The temporary license based upon an expired license may not be extended or renewed.

Licensure for social work graduates of programs undergoing the accreditation process. The bill permits the temporary licensure of social work candidates for 24 months who have completed their bachelor's or master's degrees through an education program that is in the process of seeking accreditation. These individuals will hold a temporary candidacy license until the degree program is granted accreditation. The 24-month period may be extended upon request by the licensee if the program remains in the accreditation process after the 24-month time frame expires.

Temporary licensees are required to work under the supervision of a licensed social worker but are not required to complete continuing education requirements. Persons with such a license are required to identify themselves as a temporary candidacy baccalaureate or master

social worker, specifying that their licensing is “by temporary candidacy license,” and may not use the credentials “LBSW” “or LMSW.”

If the program is successful in the completion of the accreditation, a permanent license will be granted upon the payment of the appropriate fee to the BSRB. If the program is not successful in the accreditation process, the bill requires the Board to immediately revoke the temporary license.

Student temporary addiction counselor license. The bill adds a new licensure for student temporary addiction counselors. This license will be available for students who have:

- Completed 60 credit hours of higher education in the area of addiction counseling or related field;
- Signed an attestation of intent to pursue licensure with a plan to complete the educational requirements within 48 months;
- Provided an education plan signed by the higher education institution official, including steps to obtain necessary coursework;
- Provided a signed attestation from a prospective employer who intends to offer employment upon obtaining the student temporary addiction counseling license;
- Submitted a supervision plan signed by an individual employed by the prospective employer supervising the student licensee. Such plan must include not less than four hours of supervision per month and not fewer than two supervision meetings per month, with a maximum of two hours per month being in group supervision;
- Satisfied the BSRB that the applicant is a person who merits the public trust;
- Reached at least 20 years of age; and
- Paid the required fee.

A student temporary addiction counselor license is valid for 24 months and may be renewed for an additional 24-month period upon the showing of evidence of the compliance with the educational plan. Any changes or updates to the original educational plan will require the signature of a representative of the higher education institution, evidence of supervisory logs signed by both student and supervisor, and payment of a required fee.

Practice environments. A holder of a student temporary addiction counselor license may practice only in one of the following named environments:

- A licensed or certified alcohol and other drug abuse program;
- A certified community behavioral health clinic; or
- A community mental health center.

Supervision. Supervision may be provided by one of the following types of practitioners who are licensed by the BSRB:

- Addiction counselors;
- Master's addiction counselors;
- Clinical addiction counselors;
- Master's social workers;
- Specialist clinical social workers;
- Professional counselors;
- Clinical professional counselors;
- Marriage and family therapists;
- Clinical marriage and family therapists;
- Master's level psychologists;
- Clinical psychotherapists; or
- Psychologists.

Community-based Licensure

The bill adds a new community-based temporary license for professional counselors, social workers, marriage and family therapists, and psychologists who are employed by community mental health centers, federally qualified health centers, psychiatric residential treatment facilities, and private treatment facilities.

Under the bill, individuals may apply to the BSRB for community-based licensure, and this license will be issued once the application is reviewed and approved and the applicant has paid the set fee.

Community-based licenses expire upon issuance or denial of a general license or after 24 months. The license is not eligible for renewal. The licensee is not eligible to practice except under the supervision of a person licensed by the BSRB to practice at an independent level. The license will not be available to persons who had been issued a temporary license in the same profession.

A student temporary addiction counselor licensee who has practiced under that license may not practice with a community-based license in any of these professions: professional counselor, social work, marriage and family therapy, or psychology.

Additionally, the bill does not permit a person who practiced under a community-based license to practice addiction counseling under a student temporary addiction counselor license.

Fees. The bill authorizes the BSRB to set fees for community-based licenses. Fees for community-based professional counselor licenses, community-based social work licenses, and community-based marriage and family therapist licenses may be no more than \$175. For community-based psychologist licenses, the fee may not exceed \$225.