

As Amended by House Committee

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

Session of 2016

SENATE BILL No. 449

By Committee on Public Health and Welfare

2-11

1 AN ACT concerning *{psychiatric health; relating to professions*
2 *regulated by}* the behavioral sciences regulatory board; *{prohibiting*
3 *outsourcing of operations or facilities of state psychiatric hospitals;}*
4 amending K.S.A. **59-29b54, 59-29b61, 65-4016**, 65-5806, 65-5808,
5 65-6314, 65-6407, 65-6408, 65-6411, 74-5311, 74-5318, 74-5361, 74-
6 5362, 74-5363, 74-5365 and 74-5370 and K.S.A. 2015 Supp. **59-**
7 **29b46, 59-3077, 65-4024a**, 65-5807, 65-5809, 65-6309, 65-6311, 65-
8 6313, 65-6405, 65-6406, 65-6607, 65-6608, 65-6609, 65-6610, 65-
9 6611, 65-6612, 65-6613, 65-6614, 65-6615, 65-6616, 65-6617, 65-
10 6618, 65-6620, 74-5310, 74-5315, 74-5316, 74-5324, 74-5367, 74-
11 5369, 74-5375, 74-5376, 74-7507 and 74-7508 and repealing the
12 existing sections; also repealing K.S.A. 74-5319, 74-5320, 74-5321,
13 74-5325, 74-5326, 74-5327, 74-5328, 74-5332, 74-5333, 74-5334, 74-
14 5336 and 74-5338 and K.S.A. 2015 Supp. 65-5815, 65-6412, 65-6619
15 and 74-5337.

16

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

18 New Section 1. (a) As part of an original application for or
19 reinstatement of any license, registration, permit or certificate or in
20 connection with any investigation of any holder of a license, registration,
21 permit or certificate, the behavioral sciences regulatory board may require
22 a person to be fingerprinted and submit to a state and national criminal
23 history record check. The fingerprints shall be used to identify the person
24 and to determine whether the person has a record of criminal history in this
25 state or another jurisdiction. The behavioral sciences regulatory board is
26 authorized to submit the fingerprints to the Kansas bureau of investigation
27 and the federal bureau of investigation for a state and national criminal
28 history record check. The behavioral sciences regulatory board may use
29 the information obtained from fingerprinting and the criminal history for
30 purposes of verifying the identification of the person and in the official
31 determination of the qualifications and fitness of the person to be issued or
32 to maintain a license, registration, permit or certificate.

1 (b) Local and state law enforcement officers and agencies shall assist
2 the behavioral sciences regulatory board in the taking and processing of
3 fingerprints of applicants for and holders of any license, registration,
4 permit or certificate and shall release all records of adult convictions and
5 nonconvictions and adult convictions or adjudications of another state or
6 country to the behavioral sciences regulatory board.

7 (c) The behavioral sciences regulatory board may fix and collect a fee
8 as may be required by the board in an amount equal to the cost of
9 fingerprinting and the criminal history record check. Any moneys
10 collected under this subsection shall be deposited in the state treasury and
11 credited to the behavioral sciences regulatory board fee fund. The
12 behavioral sciences regulatory board shall remit all moneys received by or
13 for it from fees, charges or penalties to the state treasurer in accordance
14 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
15 receipt of each such remittance, the state treasurer shall deposit the entire
16 amount in the state treasury to the credit of the behavioral sciences
17 regulatory board fee fund.

18 Sec. 2. K.S.A. 65-5806 is hereby amended to read as follows: 65-
19 5806. (a) An applicant who meets the requirements for licensure pursuant
20 to this act, has paid the license fee provided for by K.S.A. 65-5808, and
21 amendments thereto, and has otherwise complied with the provisions of
22 this act shall be licensed by the board.

23 (b) Licenses issued pursuant to this act shall expire 24 months from
24 the date of issuance unless revoked prior to that time. A license may be
25 renewed upon application and payment of the fee provided for by K.S.A.
26 65-5808, and amendments thereto. The application for renewal shall be
27 accompanied by evidence satisfactory to the board that the applicant has
28 completed during the previous 24 months the continuing education
29 required by rules and regulations of the board. As part of such continuing
30 education, a licensee shall complete not less than six continuing education
31 hours relating to diagnosis and treatment of mental disorders and not less
32 than three continuing education hours of professional ethics.

33 (c) A person whose license has been suspended or revoked may make
34 written application to the board requesting reinstatement of the license
35 upon termination of the period of suspension or revocation in a manner
36 prescribed by the board, which application shall be accompanied by the
37 fee provided for by K.S.A. 65-5808, and amendments thereto.

38 (d) *Within 30 days after any change of permanent address, a licensee*
39 *shall notify the board of such change.*

40 Sec. 3. K.S.A. 2015 Supp. 65-5807 is hereby amended to read as
41 follows: 65-5807. (a) The board may issue a license to an individual who
42 is currently registered, certified or licensed to practice professional
43 counseling in another jurisdiction if the board determines that:

1 (1) The standards for registration, certification or licensure to practice
2 professional counseling in the other jurisdiction are substantially
3 equivalent to the requirements of this state; or

4 (2) the applicant demonstrates on forms provided by the board
5 compliance with the following standards as adopted by the board:

6 (A) ~~Continuous~~—Registration, certification or licensure to practice
7 professional counseling ~~during the five years~~ *for at least 60 of the last 66*
8 *months* immediately preceding the application with at least the minimum
9 professional experience as established by rules and regulations of the
10 board;

11 (B) the absence of disciplinary actions of a serious nature brought by
12 a registration, certification or licensing board or agency; and

13 (C) a ~~masters~~ *master's* degree in counseling from a regionally
14 accredited university or college.

15 (b) Applicants for licensure as a clinical professional counselor shall
16 additionally demonstrate competence to diagnose and treat mental
17 disorders through meeting the requirements of either ~~paragraph (1) or (2)~~
18 ~~of subsection (a)(1) or (a)(2)~~ and at least two of the following areas
19 acceptable to the board:

20 (1) Either graduate coursework as established by rules and
21 regulations of the board or passing a national clinical examination
22 approved by the board;

23 (2) three years of clinical practice with demonstrated experience in
24 diagnosing or treating mental disorders; or

25 (3) attestation from a professional licensed to diagnose and treat
26 mental disorders in independent practice or licensed to practice medicine
27 and surgery stating that the applicant is competent to diagnose and treat
28 mental disorders.

29 (c) An applicant for a license under this section shall pay an
30 application fee established by the board under K.S.A. 65-5808, and
31 amendments thereto, *if required by the board.*

32 Sec. 4. K.S.A. 65-5808 is hereby amended to read as follows: 65-
33 5808. (a) The board ~~shall may~~ *fix by rules and regulations* the following
34 fees, *and any such fees shall be established by rules and regulations*
35 *adopted by the board:*

36 (1) For application for licensure *as a professional counselor*, not more
37 than \$100;

38 (2) for an original license *as a professional counselor*, not more than
39 \$175;

40 (3) ~~for examination~~ *a temporary license as a professional counselor*,
41 not more than \$175;

42 (4) for renewal ~~of a license~~ *for licensure as a professional counselor*,
43 not more than \$150;

- 1 (5) for reinstatement of a license, not more than \$175;
2 ~~(6) for replacement of a license, not more than \$20;~~
3 ~~(7) for application for licensure as a clinical professional counselor,~~
4 ~~not more than \$175;~~
5 (6) for licensure as a clinical professional counselor, not more than
6 \$175;
7 ~~(8) (7) for renewal for licensure as a clinical professional counselor,~~
8 ~~not more than \$175;~~
9 ~~(9) (8) for late renewal penalty, an amount equal to the fee for~~
10 ~~renewal of a license; and~~
11 ~~(10) for exchange of a license in lieu of registration pursuant to~~
12 ~~subsection (b) of K.S.A. 65-5811 and amendments thereto, not to exceed~~
13 ~~\$150~~
14 (9) for reinstatement of a license, not more than \$175;
15 (10) for replacement of a license, not more than \$20; and
16 (11) for a wallet card license, not more than \$5.
17 (b) Fees paid to the board are not refundable.
18 Sec. 5. K.S.A. 2015 Supp. 65-5809 is hereby amended to read as
19 follows: 65-5809. (a) The board may refuse to issue, suspend, limit, refuse
20 to renew, condition or revoke any license granted under the professional
21 counselors licensure act for any of the following reasons:
22 (a) Use of drugs or alcohol, or both, to an extent that impairs the
23 individual's ability to engage in the practice of professional counseling;
24 (b) the individual has been convicted of a felony and, after
25 investigation, the board finds that the individual has not been sufficiently
26 rehabilitated to merit the public trust;
27 (c) use of fraud, deception, misrepresentation or bribery in securing
28 any license issued pursuant to the provisions of the professional counselors
29 licensure act or in obtaining permission to take any examination given or
30 required pursuant to the provisions of the professional counselors licensure
31 act;
32 (d) obtaining or attempting to obtain any fee, charge, tuition or other
33 compensation by fraud, deception or misrepresentation;
34 (e) incompetence, misconduct, fraud, misrepresentation or dishonesty
35 in the performance of the functions or duties of a professional counselor or
36 clinical professional counselor;
37 (f) violation of, or assisting or enabling any individual to violate, any
38 provision of the professional counselors licensure act or any rule and
39 regulation adopted under such act;
40 (g) impersonation of any individual holding a license or allowing any
41 individual to use a license or diploma from any school of a person licensed
42 under the professional counselors licensure act or a diploma from any
43 school of an applicant for licensure under the professional counselors

1 licensure act;

2 ~~(h) revocation or suspension of a license or other authorization to~~
3 ~~practice counseling granted by another state, territory, federal agency or~~
4 ~~country upon grounds for which revocation or suspension is authorized by~~
5 ~~the professional counselors licensure act;~~

6 ~~(i) the individual is mentally ill or physically disabled to an extent~~
7 ~~that impairs the individual's ability to engage in the practice of~~
8 ~~professional counseling;~~

9 ~~(j) assisting or enabling any person to hold oneself out to the public~~
10 ~~or offer to hold oneself out to the public as a licensed professional~~
11 ~~counselor or a licensed clinical professional counselor who is not licensed~~
12 ~~under the provisions of the professional counselors licensure act;~~

13 ~~(k) the issuance of the license was based upon a material mistake of~~
14 ~~fact;~~

15 ~~(l) violation of any professional trust or confidence;~~

16 ~~(m) use of any advertisement or solicitation which is false,~~
17 ~~misleading or deceptive to the general public or persons to whom the~~
18 ~~advertisement or solicitation is primarily directed;~~

19 ~~(n) unprofessional conduct as defined by rules and regulations~~
20 ~~adopted by the board; or~~

21 ~~(o) the licensee renew or reinstate a license, may condition, limit,~~
22 ~~revoke or suspend a license, may publicly or privately censure a licensee~~
23 ~~or may impose a fine not to exceed \$1,000 per violation upon a finding~~
24 ~~that a licensee or an applicant for licensure:~~

25 *(1) Is incompetent to practice professional counseling, which means:*

26 *(A) One or more instances involving failure to adhere to the*
27 *applicable standard of care to a degree that constitutes gross negligence,*
28 *as determined by the board;*

29 *(B) repeated instances involving failure to adhere to the applicable*
30 *standard of care to a degree that constitutes ordinary negligence, as*
31 *determined by the board; or*

32 *(C) a pattern of practice or other behavior that demonstrates a*
33 *manifest incapacity or incompetence to practice professional counseling;*

34 *(2) has been convicted of a felony offense and has not demonstrated*
35 *to the board's satisfaction that such person has been sufficiently*
36 *rehabilitated to merit the public trust;*

37 *(3) has been convicted of a misdemeanor against persons and has not*
38 *demonstrated to the board's satisfaction that such person has been*
39 *sufficiently rehabilitated to merit the public trust;*

40 *(4) is currently listed on a child abuse registry or an adult protective*
41 *services registry as the result of a substantiated finding of abuse or neglect*
42 *by any state agency, agency of another state or the United States, territory*
43 *of the United States or another country and the applicant or licensee has*

1 *not demonstrated to the board's satisfaction that such person has been*
2 *sufficiently rehabilitated to merit the public trust;*

3 (5) *has violated a provision of the professional counselors licensure*
4 *act or one or more rules and regulations of the board;*

5 (6) *has obtained or attempted to obtain a license or license renewal*
6 *by bribery or fraudulent representation;*

7 (7) *has knowingly made a false statement on a form required by the*
8 *board for a license or license renewal;*

9 (8) *has failed to obtain continuing education credits as required by*
10 *rules and regulations adopted by the board;*

11 (9) *has been found to have engaged in unprofessional conduct as*
12 *defined by applicable rules and regulations adopted by the board; or*

13 (10) *has had a registration, license or certificate as a professional*
14 *counselor revoked, suspended or limited, or has had other disciplinary*
15 *action taken, or an application for a registration, license or certificate*
16 *denied, by the proper regulatory authority of another state, territory,*
17 *District of Columbia, or other country, a certified copy of the record of the*
18 *action of the other jurisdiction being conclusive evidence thereof.*

19 (b) ***For issuance of a new license or reinstatement of a revoked or***
20 ***suspended license for a licensee or applicant for licensure with a felony***
21 ***conviction, the board may only issue or reinstate such license by a ²/₃***
22 ***majority vote.***

23 (c) *Administrative proceedings and disciplinary actions regarding*
24 *licensure under the professional counselors licensure act shall be*
25 *conducted in accordance with the Kansas administrative procedure act.*
26 *Judicial review and civil enforcement of agency actions under the*
27 *professional counselors licensure act shall be in accordance with the*
28 *Kansas judicial review act.*

29 New Sec. 6. On and after July 1, 2017, all licensees providing
30 postgraduate clinical supervision for those working toward clinical
31 licensure must be board-approved clinical supervisors.

32 (a) Applications for a board-approved clinical supervisor shall be
33 made to the board on a form and in the manner prescribed by the board.
34 Each application shall be accompanied by the fee fixed under K.S.A. 65-
35 5808, and amendments thereto.

36 (b) Each applicant for board-approved clinical supervisor shall
37 furnish evidence satisfactory to the board that the applicant:

38 (1) (A) Is currently licensed as a clinical professional counselor and
39 has practiced as a clinical professional counselor for two years beyond the
40 supervisor's licensure date; or

41 (B) is a person who is licensed at the graduate level to practice in one
42 of the behavioral sciences, and whose authorized scope of practice permits
43 the independent practice of counseling, therapy, or psychotherapy and has

1 practiced at least two years of clinical practice beyond the date of licensure
2 at this level;

3 (2) does not have any disciplinary action that would prohibit
4 providing clinical supervision; and

5 (3) (A) has completed the minimum number of semester hours of
6 coursework related to the enhancement of supervision skills approved by
7 the board; or

8 (B) has completed the minimum number of continuing education
9 hours related to the enhancement of supervision skills approved by the
10 board.

11 (c) Each board-approved clinical supervisor shall complete, as part of
12 the continuing education required under K.S.A. 65-5806, and amendments
13 thereto, at least three hours of continuing education related to the
14 enhancement of supervisory skills, and at least one such hour must focus
15 on ethics in supervision.

16 Sec. 7. K.S.A. 2015 Supp. 65-6309 is hereby amended to read as
17 follows: 65-6309. (a) Except as provided in subsections (b) and (c), an
18 applicant shall be exempted from the requirement for any examination
19 provided for herein if:

20 (1) The applicant proves to the board that the applicant is licensed or
21 registered under the laws of a state or territory of the United States that
22 imposes substantially the same requirements as this act as determined by
23 the board; and

24 (2) pursuant to the laws of any such state or territory, the applicant
25 has taken and passed an examination similar to that for which exemption is
26 sought, as determined by the board.

27 (b) The board may issue a license to an individual who is currently
28 licensed to practice social work at the clinical level in another jurisdiction
29 if the board determines that:

30 (1) The standards for licensure to practice social work at the clinical
31 level in the other jurisdiction are substantially equivalent to the
32 requirements of this state for licensure at the clinical level; or

33 (2) the applicant demonstrates on forms provided by the board
34 compliance with the following standards as adopted by the board:

35 (A) ~~Continuous~~ Licensure to practice social work at the clinical level
36 ~~during the five years for at least 60 of the last 66 months~~ immediately
37 preceding the application with at least the minimum professional
38 experience as established by rules and regulations of the board;

39 (B) the absence of disciplinary actions of a serious nature brought by
40 a licensing board or agency; and

41 (C) a ~~masters~~ *master's* or doctoral degree in social work from a
42 regionally accredited university or college and from an accredited graduate
43 social work program recognized and approved by the board pursuant to

1 rules and regulations adopted by the board.

2 (c) Applicants for licensure as a clinical specialist social worker shall
3 additionally demonstrate competence to diagnose and treat mental
4 disorders through meeting the following requirements:

5 (1) Passing a national clinical examination approved by the board or,
6 in the absence of the national examination, continuous licensure to practice
7 as a clinical social worker during the 10 years immediately preceding the
8 application; and

9 (2) three years of clinical practice with demonstrated experience in
10 diagnosing or treating mental disorders.

11 (d) An applicant for a license under this section shall pay an
12 application fee established by the board under K.S.A. 65-6314, and
13 amendments thereto, *if required by the board*.

14 (e) Upon application, the board shall issue temporary licenses to
15 persons who have submitted documentation and met all qualifications for
16 licensure under provisions of this act, except passage of the required
17 examination, and who have paid the required fee.

18 ~~(f) Such persons shall take the license examination within six months~~
19 ~~subsequent to the date of issuance of the temporary license unless there are~~
20 ~~extenuating circumstances approved by the board.~~

21 ~~(g)~~ Absent extenuating circumstances approved by the board, a
22 temporary license issued by the board shall expire upon the date the board
23 issues or denies a license to practice social work or six months after the
24 date of issuance of the temporary license. No temporary license will be
25 renewed or issued again on any subsequent applications for the same
26 license level. The preceding provisions in no way limit the number of
27 times an applicant may take the examination.

28 ~~(h)~~ (g) No person may work under a temporary license except under
29 the supervision of a licensed social worker.

30 ~~(i)~~ (h) Nothing in this section shall affect any temporary license to
31 practice issued under this section prior to the effective date of this act and
32 in effect on the effective date of this act. Such temporary license shall be
33 subject to the provisions of this section in effect at the time of its issuance
34 and shall continue to be effective until the date of expiration of the license
35 as provided under this section at the time of issuance of such temporary
36 license.

37 ~~(j)~~ (i) Any individual employed by a hospital and working in the area
38 of hospital social services to patients of such hospital on July 1, 1974, is
39 exempt from the provisions of this act.

40 ~~(k) If an applicant is denied licensure, the board shall provide the~~
41 ~~applicant with a written explanation of the denial within 10 days after the~~
42 ~~decision of the board, excluding Saturdays, Sundays and legal holidays.~~

43 Sec. 8. K.S.A. 2015 Supp. 65-6311 is hereby amended to read as

1 follows: 65-6311. (a) The board may suspend, limit, revoke, condition or
2 refuse to issue or renew a license of any social worker upon proof that the
3 social worker:

4 (1) ~~Has been convicted of a felony and, after investigation, the board~~
5 ~~finds that the licensee has not been sufficiently rehabilitated to merit the~~
6 ~~public trust;~~

7 (2) ~~has been found guilty of fraud or deceit in connection with~~
8 ~~services rendered as a social worker or in establishing needed~~
9 ~~qualifications under this act;~~

10 (3) ~~has knowingly aided or abetted a person, not a licensed social~~
11 ~~worker, in representing such person as a licensed social worker in this~~
12 ~~state;~~

13 (4) ~~has been found guilty of unprofessional conduct as defined by~~
14 ~~rules established by the board;~~

15 (5) ~~has been found to have engaged in diagnosis as authorized under~~
16 ~~K.S.A. 65-6319, and amendments thereto, even though not authorized to~~
17 ~~engage in such diagnosis under K.S.A. 65-6319, and amendments thereto;~~

18 (6) ~~has been found guilty of negligence or wrongful actions in the~~
19 ~~performance of duties; or~~

20 (7) *refuse to issue, renew or reinstate a license, may condition, limit,*
21 *revoke or suspend a license, may publicly or privately censure a licensee*
22 *or may impose a fine not to exceed \$1,000 per violation upon a finding*
23 *that a licensee or an applicant for license:*

24 (1) *Is incompetent to practice social work, which means:*

25 (A) *One or more instances involving failure to adhere to the*
26 *applicable standard of care to a degree that constitutes gross negligence,*
27 *as determined by the board;*

28 (B) *repeated instances involving failure to adhere to the applicable*
29 *standard of care to a degree that constitutes ordinary negligence, as*
30 *determined by the board; or*

31 (C) *a pattern of practice or other behavior that demonstrates a*
32 *manifest incapacity or incompetence to practice social work;*

33 (2) *has been convicted of a felony offense and has not demonstrated*
34 *to the board's satisfaction that such person has been sufficiently*
35 *rehabilitated to merit the public trust;*

36 (3) *has been convicted of a misdemeanor against persons and has not*
37 *demonstrated to the board's satisfaction that such person has been*
38 *sufficiently rehabilitated to merit the public trust;*

39 (4) *is currently listed on a child abuse registry or an adult protective*
40 *services registry as the result of a substantiated finding of abuse or neglect*
41 *by any state agency, agency of another state or the United States, territory*
42 *of the United States or another country and the applicant or licensee has*
43 *not demonstrated to the board's satisfaction that such person has been*

1 *sufficiently rehabilitated to merit the public trust;*

2 (5) *has violated a provision of the social workers licensure act or one*
3 *or more rules and regulations of the board;*

4 (6) *has obtained or attempted to obtain a license or license renewal*
5 *by bribery or fraudulent representation;*

6 (7) *has knowingly made a false statement on a form required by the*
7 *board for a license or license renewal;*

8 (8) *has failed to obtain continuing education credits as required by*
9 *rules and regulations adopted by the board;*

10 (9) *has been found to have engaged in unprofessional conduct as*
11 *defined by applicable rules and regulations adopted by the board; or*

12 (10) *has had a license, registration or certificate to practice social*
13 *work revoked, suspended or limited, or has had other disciplinary action*
14 *taken, or an application for a license, registration or certificate denied, by*
15 *the proper licensing regulatory authority of another state, territory, District*
16 *of Columbia, or other country, a certified copy of the record of the action*
17 *of the other jurisdiction being conclusive evidence thereof.*

18 ~~(b) Proceedings to consider the suspension, revocation or refusal to~~
19 ~~renew a license shall be conducted in accordance with the provisions of~~
20 ~~the Kansas administrative procedure act~~ ***For issuance of a new license or***
21 ***reinstatement of a revoked or suspended license for a licensee or***
22 ***applicant for licensure with a felony conviction, the board may only***
23 ***issue or reinstate such license by a 2/3 majority vote.***

24 (c) *Administrative proceedings and disciplinary actions regarding*
25 *licensure under the social workers licensure act shall be conducted in*
26 *accordance with the Kansas administrative procedure act. Judicial review*
27 *and civil enforcement of agency actions under the social workers licensure*
28 *act shall be in accordance with the Kansas judicial review act.*

29 Sec. 9. K.S.A. 2015 Supp. 65-6313 is hereby amended to read as
30 follows: 65-6313. (a) All licenses issued shall be effective upon the date
31 issued and shall expire at the end of 24 months from the date of issuance.

32 (b) (1) Except as otherwise provided in K.S.A. 65-6311, and
33 amendments thereto, a license may be renewed by the payment of the
34 renewal fee set forth in K.S.A. 65-6314, and amendments thereto, and the
35 execution and submission of a signed statement, on a form to be provided
36 by the board, attesting that the applicant's license has been neither revoked
37 nor currently suspended and that applicant has met the requirements for
38 continuing education established by the board including not less than three
39 continuing education hours of professional ethics.

40 (2) An applicant for renewal of a license as a master social worker or
41 a specialist clinical social worker, as part of such continuing education,
42 shall complete not less than six continuing education hours relating to
43 diagnosis and treatment of mental disorders.

1 (3) ~~On and after January 1, 2011,~~ An applicant for first time licensure
2 renewal as a baccalaureate social worker, master social worker or
3 specialist clinical social worker, as part of such continuing education, shall
4 complete not less than six hours of social worker safety awareness
5 training. If the applicant for first time licensure renewal has already taken
6 such training, as part of a previous level of social work licensure renewal,
7 then the applicant is not required to complete an additional six hours of
8 social worker safety training.

9 (c) The application for renewal shall be made on or before the date of
10 the expiration of the license or on or before the date of the termination of
11 the period of suspension.

12 (d) If the application for renewal, including payment of the required
13 renewal fee, is not made on or before the date of the expiration of the
14 license, the license is void, and no license shall be reinstated except upon
15 payment of the required renewal fee established under K.S.A. 65-6314,
16 and amendments thereto, plus a penalty equal to the renewal fee, and proof
17 satisfactory to the board of the completion of 40 hours of continuing
18 education within two years prior to application for reinstatement. Upon
19 receipt of such payment and proof, the board shall reinstate the license. A
20 license shall be reinstated under this subsection, upon receipt of such
21 payment and proof, at any time after the expiration of such license.

22 (e) In case of a lost or destroyed license, and upon satisfactory proof
23 of the loss or destruction thereof, the board may issue a duplicate license
24 and shall charge a fee as set forth in K.S.A. 65-6314, and amendments
25 thereto, for such duplicate license.

26 (f) *Within 30 days after any change of permanent address, a licensee*
27 *shall notify the board of such change.*

28 Sec. 10. K.S.A. 65-6314 is hereby amended to read as follows: 65-
29 6314. (a) The following fees ~~shall may~~ be established by the board ~~by rules~~
30 ~~and regulations~~ in accordance with the following limitations, *and any such*
31 *fees shall be established by rules and regulations adopted by the board:*

32 (1) Renewal or reinstatement fee for a license as a social work
33 associate shall be not more than \$150.

34 (2) Application, new license, reinstatement or renewal fee for a
35 license as a baccalaureate social worker shall be not more than \$150.

36 (3) Application, new license, reinstatement or renewal fee for a
37 license as master social worker shall be not more than \$150.

38 (4) Application, new license, reinstatement or renewal fee for a
39 license in a social work specialty shall be not more than \$150.

40 (5) ~~Examination fee for a license as a baccalaureate social worker, for~~
41 ~~a license as a master social worker or for a license in a social work~~
42 ~~specialty shall be not more than \$200. If an applicant fails an examination,~~
43 ~~such applicant may be admitted to subsequent examinations upon payment~~

1 of an additional fee prescribed by the board of not more than \$200.

2 (6) Replacement fee for reissuance of a license certificate due to loss
3 or name change shall be not more than \$20.

4 (6) *Replacement fee for reissuance of a wallet card shall be not more*
5 *than \$5.*

6 (7) Temporary license fee for a baccalaureate social worker, master
7 social worker or a social work specialty shall be not more than \$50.

8 (8) Application fee for approval as board-approved continuing
9 education sponsors shall be as follows:

10 (A) Initial application fee for one year provisionally approved
11 providers shall be not more than \$125;

12 (B) three-year renewal fees for approved providers shall be not more
13 than \$350; and

14 (C) application fees for single program providers shall be not more
15 than \$50 for each separately offered continuing education activity for
16 which prior approval is sought.

17 (b) Fees paid to the board are not refundable.

18 ~~New Sec. 11. On and after July 1, 2017, all licensees providing~~
19 ~~postgraduate clinical supervision for those working toward clinical~~
20 ~~licensure must be board-approved clinical supervisors.~~

21 (a) ~~Applications for board-approved clinical supervisor shall be made~~
22 ~~to the board on a form and in the manner prescribed by the board. Each~~
23 ~~application shall be accompanied by the fee fixed under K.S.A. 65-6314,~~
24 ~~and amendments thereto.~~

25 (b) ~~Each applicant for board-approved clinical supervisor shall~~
26 ~~furnish evidence satisfactory to the board that the applicant:~~

27 (1) ~~Is currently licensed as a specialist clinical social worker;~~

28 (2) ~~has practiced as a specialist clinical social worker for two years~~
29 ~~beyond the supervisor's licensure date;~~

30 (3) ~~does not have any disciplinary action that would prohibit~~
31 ~~providing clinical supervision; and~~

32 (4) (A) ~~has completed the minimum number of semester hours of~~
33 ~~coursework related to the enhancement of supervision skills approved by~~
34 ~~the board; or~~

35 (B) ~~has completed the minimum number of continuing education~~
36 ~~hours related to the enhancement of supervision skills approved by the~~
37 ~~board.~~

38 (c) ~~Each board-approved clinical supervisor shall complete, as part of~~
39 ~~the continuing education required under K.S.A. 65-6313, and amendments~~
40 ~~thereto, at least three hours of continuing education related to the~~
41 ~~enhancement of supervisory skills, and at least one such hour must focus~~
42 ~~on ethics in supervision.~~

43 ~~New Sec. 12. II. K.S.A. 65-6301 through 65-6320, section 11, and~~

1 this section, and amendments thereto, shall be known and may be cited as
2 the social workers licensure act.

3 ~~Sec. 13.~~ **12.** K.S.A. 2015 Supp. 65-6405 is hereby amended to read as
4 follows: 65-6405. (a) A person who is waiting to take the examination
5 required by the board may apply to the board for a temporary license to
6 practice as a licensed marriage and family therapist by:

7 (1) Paying an application fee ~~of no more than \$150, as established by~~
8 ~~the board under K.S.A. 65-6411, and amendments thereto;~~ and

9 (2) meeting the application requirements as stated in ~~subsections (a)~~
10 ~~(1), (2) and (4) of~~ K.S.A. 65-6404(a)(1), (a)(2) and (a)(4), and
11 amendments thereto.

12 (b) (1) A temporary license may be issued by the board after the
13 application has been reviewed and approved by the board and the applicant
14 has paid the appropriate fee set by the board for issuance of new licenses.

15 (2) Absent extenuating circumstances approved by the board, a
16 temporary license issued by the board shall expire upon the date the board
17 issues or denies the person a license to practice marriage and family
18 therapy or 12 months after the date of issuance of the temporary license.

19 ~~(3) A temporary licensee shall take the license examination within six~~
20 ~~months subsequent to the date of issuance of the temporary license unless~~
21 ~~there are extenuating circumstances approved by the board or if the~~
22 ~~temporary licensee does not take the license examination within six~~
23 ~~months subsequent to the date of issuance of the temporary license and no~~
24 ~~extenuating circumstances have been approved by the board, the~~
25 ~~temporary license will expire after the first six months.~~

26 ~~(4)~~ No temporary license will be renewed or issued again on any
27 subsequent application for the same license level. The preceding provision
28 in no way limits the number of times an applicant may take the
29 examination.

30 (c) A person practicing marriage and family therapy with a temporary
31 license may not use the title "licensed marriage and family therapist" or the
32 initials "LMFT" independently. The word "licensed" may be used only
33 when followed by the words "by temporary license" such as licensed
34 marriage and family therapist by temporary license, or marriage and
35 family therapist, temporarily licensed.

36 (d) No person may practice marriage and family therapy under a
37 temporary license except under the supervision of a person licensed by the
38 behavioral sciences regulatory board at the independent level.

39 (e) Nothing in this section shall affect any temporary license to
40 practice issued under this section prior to the effective date of this act and
41 in effect on the effective date of this act. Such temporary license shall be
42 subject to the provisions of this section in effect at the time of its issuance
43 and shall continue to be effective until the date of expiration of the license

1 as provided under this section at the time of issuance of such temporary
2 license.

3 ~~Sec. 14.~~ **13.** K.S.A. 2015 Supp. 65-6406 is hereby amended to read as
4 follows: 65-6406. (a) The board may issue a license to an individual who
5 is currently registered, certified or licensed to practice marriage and family
6 therapy in another jurisdiction if the board determines that:

7 (1) The standards for registration, certification or licensure to practice
8 marriage and family therapy in the other jurisdiction are substantially the
9 equivalent of the requirements of the marriage and family therapists
10 licensure act and rules and regulations of the board;

11 (2) the applicant demonstrates on forms provided by the board
12 compliance with the following standards as adopted by the board:

13 (A) ~~Continuous~~ Registration, certification or licensure to practice
14 marriage and family therapy ~~during the five years for at least 60 of the last~~
15 ~~66 months~~ immediately preceding the application with at least the
16 minimum professional experience as established by rules and regulations
17 of the board;

18 (B) the absence of disciplinary actions of a serious nature brought by
19 a registration, certification or licensing board or agency; and

20 (C) completion of a ~~masters~~ *master's* degree in marriage and family
21 therapy from a regionally accredited university.

22 (b) Applicants for licensure as a clinical marriage and family therapist
23 shall additionally demonstrate competence to diagnose and treat mental
24 disorders through meeting the requirements of either ~~paragraph (1) or (2)~~
25 ~~of subsection (a)(1) or (a)(2)~~ and at least two of the following areas
26 acceptable to the board:

27 (1) Either graduate coursework as established by rules and
28 regulations of the board or passing a national clinical examination
29 approved by the board;

30 (2) three years of clinical practice with demonstrated experience in
31 diagnosing or treating mental disorders; or

32 (3) attestation from a professional licensed to diagnose and treat
33 mental disorders in independent practice or licensed to practice medicine
34 and surgery stating that the applicant is competent to diagnose and treat
35 mental disorders.

36 (c) An applicant for a license under this section shall pay an
37 application fee established by the board under K.S.A. 65-6411, and
38 amendments thereto, *if required by the board.*

39 ~~Sec. 15.~~ **14.** K.S.A. 65-6407 is hereby amended to read as follows:
40 65-6407. (a) An applicant who meets the requirements for licensure
41 pursuant to this act, has paid the license fee provided for by K.S.A. 65-
42 6411, and amendments thereto, and has otherwise complied with the
43 provisions of this act shall be licensed by the board.

1 (b) Licenses issued pursuant to this act shall expire 24 months from
2 the date of issuance unless revoked prior to that time. A license may be
3 renewed upon application and payment of the fee provided for by K.S.A.
4 65-6411, and amendments thereto. The application for renewal shall be
5 accompanied by evidence satisfactory to the board that the applicant has
6 completed during the previous 24 months the continuing education
7 required by rules and regulations of the board. As part of such continuing
8 education, the applicant shall complete not less than six continuing
9 education hours relating to diagnosis and treatment of mental disorders
10 and not less than three continuing education hours of professional ethics.

11 (c) A person whose license has been suspended or revoked may make
12 written application to the board requesting reinstatement of the license
13 upon termination of the period of suspension or revocation in a manner
14 prescribed by the board, which application shall be accompanied by the
15 fee provided for by K.S.A. 65-6411, and amendments thereto.

16 (d) *Within 30 days after any change of permanent address, a licensee*
17 *shall notify the board of such change.*

18 Sec. ~~16.~~ 15. K.S.A. 65-6408 is hereby amended to read as follows:
19 65-6408. The board may refuse to grant licensure to, or may suspend,
20 revoke, condition, limit, qualify or restrict the licensure of any individual
21 who the board, after a hearing, determines issue, renew or reinstate a
22 license, may condition, limit, revoke or suspend a license, may publicly or
23 privately censure a licensee or may impose a fine not to exceed \$1,000 per
24 violation upon a finding that a licensee or an applicant for license:

25 (1) Is incompetent to practice marriage and family therapy, or is
26 found to engage in the practice of marriage and family therapy in a manner
27 harmful or dangerous to a client or to the public which means:

28 (A) One or more instances involving failure to adhere to the
29 applicable standard of care to a degree that constitutes gross negligence,
30 as determined by the board;

31 (B) repeated instances involving failure to adhere to the applicable
32 standard of care to a degree that constitutes ordinary negligence, as
33 determined by the board; or

34 (C) a pattern of practice or other behavior that demonstrates a
35 manifest incapacity or incompetence to practice marriage and family
36 therapy;

37 (2) is has been convicted by a court of competent jurisdiction of a
38 crime that the board determines is of a nature to render the convicted
39 person unfit to practice marriage and family therapy felony offense and
40 has not demonstrated to the board's satisfaction that such person has been
41 sufficiently rehabilitated to merit the public trust;

42 (3) has been convicted of a misdemeanor against persons and has not
43 demonstrated to the board's satisfaction that such person has been

1 *sufficiently rehabilitated to merit the public trust;*

2 (4) *is currently listed on a child abuse registry or an adult protective*
 3 *services registry as the result of a substantiated finding of abuse or neglect*
 4 *by any state agency, agency of another state or the United States, territory*
 5 *of the United States or another country and the applicant or licensee has*
 6 *not demonstrated to the board's satisfaction that such person has been*
 7 *sufficiently rehabilitated to merit the public trust;*

8 ~~(3)~~ (5) *has violated a provision of the marriage and family therapists*
 9 *licensure act or one or more of the rules and regulations of the board;*

10 ~~(4)~~ (6) *has obtained or attempted to obtain a license or license*
 11 *renewal by bribery or fraudulent representation;*

12 ~~(5)~~ (7) *has knowingly made a false statement on a form required by*
 13 *the board for license or license renewal;*

14 ~~(6)~~ (8) *has failed to obtain continuing education credits required by*
 15 *rules and regulations of the board;*

16 ~~(7)~~ (9) *has been found guilty of to have engaged in unprofessional*
 17 *conduct as defined by applicable rules and regulations established adopted*
 18 *by the board; or*

19 (8) (10) *has had a registration, license or certificate as a marriage and*
 20 *family therapist revoked, suspended or limited, or has had other*
 21 *disciplinary action taken, or an application for registration, license or*
 22 *certificate denied, by the proper regulatory authority of another state,*
 23 *territory, District of Columbia or another country, a certified copy of the*
 24 *record of the action of the other jurisdiction being conclusive evidence*
 25 *thereof.*

26 (b) ***For issuance of a new license or reinstatement of a revoked or***
 27 ***suspended license for a licensee or applicant for licensure with a felony***
 28 ***conviction, the board may only issue or reinstate such license by a ²/₃***
 29 ***majority vote.***

30 (c) *Administrative proceedings and disciplinary actions regarding*
 31 *licensure under the marriage and family therapists licensure act shall be*
 32 *conducted in accordance with the Kansas administrative procedure act.*
 33 *Judicial review and civil enforcement of agency actions under the*
 34 *marriage and family therapists licensure act shall be in accordance with*
 35 *the Kansas judicial review act.*

36 Sec. ~~17.~~ 16. K.S.A. 65-6411 is hereby amended to read as follows:
 37 65-6411. (a) The board ~~shall~~ *may fix by rules and regulations and shall*
 38 ~~collect~~ *the following fees, and any such fees shall be established by rules*
 39 *and regulations adopted by the board:*

40 (1) *For application for licensure as a marriage and family therapist,*
 41 *not to exceed \$150;*

42 (2) *for original licensure as a marriage and family therapist, not to*
 43 *exceed \$175;*

- 1 (3) ~~for examination, not to exceed \$275;~~
2 (4) ~~for renewal of a license for licensure as a marriage and family~~
3 ~~therapist, not to exceed \$175;~~
4 (5) (4) ~~for application for licensure as a clinical marriage and family~~
5 ~~therapist, not to exceed \$175;~~
6 (5) ~~for original licensure as a clinical marriage and family therapist,~~
7 ~~not to exceed \$175;~~
8 (6) ~~for renewal for licensure as a clinical marriage and family~~
9 ~~therapist, not to exceed \$175;~~
10 (7) ~~for reinstatement of a license, not to exceed \$175;~~
11 (8) ~~for replacement of a license, not to exceed \$20; and~~
12 (9) ~~for late charges, not to exceed \$5 for each 30 days of delay~~
13 ~~beyond the date the renewal application was to be made renewal penalty,~~
14 ~~an amount equal to the renewal of license; and~~
15 (10) ~~for a wallet card license, not to exceed \$5.~~
16 (b) Fees paid to the board are not refundable.
17 New Sec. ~~18~~ 17. On and after July 1, 2017, all licensees providing
18 postgraduate clinical supervision for those working toward clinical
19 licensure must be board-approved clinical supervisors.
20 (a) Applications for board-approved clinical supervisor shall be made
21 to the board on a form and in the manner prescribed by the board. Each
22 application shall be accompanied by the fee fixed under K.S.A. 65-6411,
23 and amendments thereto.
24 (b) Each applicant for board-approved clinical supervisor shall
25 furnish evidence satisfactory to the board that the applicant:
26 (1) (A) Is currently licensed as a clinical marriage and family
27 therapist and has practiced as a clinical marriage and family therapist for
28 two years beyond the supervisor's licensure date; or
29 (B) be a person who is licensed at the graduate level to practice in one
30 of the behavioral sciences, and whose authorized scope of practice permits
31 the diagnosis and treatment of mental disorders and shall have at least two
32 years of professional experience in the independent practice of clinical
33 marriage and family therapy beyond the date of licensure at this level;
34 (2) does not have any disciplinary action that would prohibit
35 providing clinical supervision; and
36 (3) (A) has completed the minimum number of semester hours of
37 coursework related to the enhancement of supervision skills approved by
38 the board; or
39 (B) has completed the minimum number of continuing education
40 hours related to the enhancement of supervision skills approved by the
41 board.
42 (c) Each board-approved clinical supervisor shall complete, as part of
43 the continuing education required under K.S.A. 65-6407, and amendments

1 thereto, at least three hours of continuing education related to the
2 enhancement of supervisory skills, and at least one such hour must focus
3 on ethics in supervision.

4 ~~Sec. 19.~~ **18.** K.S.A. 2015 Supp. 65-6607 is hereby amended to read as
5 follows: 65-6607. K.S.A. 2015 Supp. 65-6607 through 65-6620, and
6 amendments thereto, shall be known and may be cited as the ~~addictions~~
7 *addiction* counselor licensure act.

8 ~~Sec. 20.~~ **19.** K.S.A. 2015 Supp. 65-6608 is hereby amended to read as
9 follows: 65-6608. As used in the ~~addictions~~ *addiction* counselor licensure
10 act:

11 (a) "Board" means the behavioral sciences regulatory board created
12 under K.S.A. 74-7501, and amendments thereto.

13 (b) "Addiction counseling" means the utilization of special skills to
14 assist persons with addictions, and to assist such persons' families and
15 friends to achieve resolution of addiction through the exploration of the
16 disease and its ramifications, the examination of attitudes and feelings, the
17 consideration of alternative solutions and decision making, as these relate
18 specifically to addiction. Evaluation and assessment, treatment including
19 treatment plan development, crisis intervention, referral, record keeping
20 and clinical consultation specifically related to addiction are within the
21 scope of addiction counseling. Additionally, at the clinical level of
22 licensure, addiction counseling includes independent practice and the
23 diagnosis and treatment of substance use disorders.

24 (c) "Licensed addiction counselor" means a person who engages in
25 the practice of addiction counseling limited to substance use disorders and
26 who is licensed under this act. Such person shall engage in the practice of
27 addiction counseling in a state-licensed or certified alcohol and other drug
28 treatment program or in completing a Kansas domestic violence offender
29 assessment for participants in a certified batterer intervention program
30 pursuant to K.S.A. 2015 Supp. 75-7d01 through 75-7d13, and amendments
31 thereto, unless otherwise exempt ~~for~~ **from** licensure under ~~subsection (m)~~
32 ~~of~~ K.S.A. 59-29b46 ~~(m)~~ **(n)**, and amendments thereto.

33 (d) "*Licensed master's addiction counselor*" means a person who
34 engages in the practice of addiction counseling limited to substance use
35 disorders and who is licensed under this act. Such person may diagnose
36 substance use disorders only under the direction of a licensed clinical
37 addiction counselor, a licensed psychologist, a person licensed to practice
38 medicine and surgery or a person licensed to provide mental health
39 services as an independent practitioner and whose licensure allows for the
40 diagnosis and treatment of substance abuse disorders or mental disorders.

41 (e) "Licensed clinical addiction counselor" means a person who
42 engages in the independent practice of addiction counseling and diagnosis
43 and treatment of substance use disorders specified in the edition of the

1 American psychiatric association's diagnostic and statistical manual of
2 mental disorders (DSM) designated by the board by rules and regulations
3 and is licensed under this act.

4 ~~Sec. 21. 20.~~ K.S.A. 2015 Supp. 65-6609 is hereby amended to read as
5 follows: 65-6609. (a) ~~On and after September 1, 2011,~~ No person shall
6 engage in the practice of addiction counseling or represent that such
7 person is a licensed addiction counselor or is an addiction counselor or a
8 substance abuse counselor or an alcohol and drug counselor without
9 having first obtained a license as an addiction counselor under the
10 ~~additions~~ addiction counselor licensure act.

11 (b) *On and after September 1, 2016, no person shall engage in the*
12 *practice of addiction counseling or represent that such person is a*
13 *licensed master's addiction counselor, master's addiction counselor,*
14 *master's substance abuse counselor or a master's alcohol and drug*
15 *counselor without having first obtained a license as a master's addiction*
16 *counselor under the addiction counselor licensure act.*

17 (c) ~~On and after September 1, 2011,~~ No person shall engage in the
18 practice of addiction counseling as a clinical addiction counselor or
19 represent that such person is a licensed clinical addiction counselor ~~or is,~~
20 a clinical addiction counselor ~~or,~~ a clinical substance abuse counselor or a
21 clinical alcohol and drug counselor without having first obtained a license
22 as a clinical addiction counselor under the addiction counselor licensure
23 act.

24 (e) (d) Violation of this section is a class B misdemeanor.

25 ~~Sec. 22. 21.~~ K.S.A. 2015 Supp. 65-6610 is hereby amended to read as
26 follows: 65-6610. (a) An applicant for licensure as an addiction counselor
27 shall furnish evidence that the applicant:

28 (1) Has attained the age of 21; ~~and~~

29 (2) (A) has completed at least a baccalaureate degree from an
30 addiction counseling program that is part of a college or university
31 approved by the board; or

32 (B) has completed at least a baccalaureate degree from a college or
33 university approved by the board ~~in a related field that includes.~~ *As part of*
34 *or in addition to the baccalaureate degree coursework, such applicant*
35 *shall also complete a minimum number of semester hours of coursework*
36 *on substance use disorders as approved by the board; or*

37 (C) ~~has completed at least a baccalaureate degree from a college or~~
38 ~~university approved by the board in a related field with additional~~
39 ~~coursework in addiction counseling from a college or university approved~~
40 ~~by the board, and such degree program and the additional coursework~~
41 ~~includes a minimum number of semester hours of coursework on~~
42 ~~substance use disorders as approved by the board; or~~

43 (D) ~~is currently licensed in Kansas as a licensed baccalaureate social~~

1 worker and has completed a minimum number of semester hours of
2 coursework on substance use disorders as approved by the board; ~~or and~~

3 ~~(E) is currently licensed in Kansas as a licensed master social worker,~~
4 ~~licensed professional counselor, licensed marriage and family therapist or~~
5 ~~licensed masters level psychologist; and~~

6 (3) has passed an examination approved by the board; ~~and~~

7 (4) has satisfied the board that the applicant is a person who merits
8 the public trust; and

9 (5) ~~each applicant~~ has paid the application fee established by the
10 board under K.S.A. 2015 Supp. 65-6618, and amendments thereto.

11 (b) *Applications for licensure as a master's addiction counselor shall*
12 *be made to the board on a form and in the manner prescribed by the*
13 *board. Each applicant shall furnish evidence satisfactory to the board that*
14 *the applicant:*

15 (1) (A) *Has attained the age of 21;*

16 (B) (i) *has completed at least a master's degree from an addiction*
17 *counseling program that is part of a college or university approved by the*
18 *board;*

19 (ii) *has completed at least a master's degree from a college or*
20 *university approved by the board. As part of or in addition to the master's*
21 *degree coursework, such applicant shall also complete a minimum number*
22 *of semester hours of coursework supporting the diagnosis and treatment of*
23 *substance use disorders as approved by the board; {or}*

24 ***{(iii) is currently licensed in Kansas as a licensed master social***
25 ***worker, licensed professional counselor, licensed marriage and family***
26 ***therapist or licensed master's level psychologist;}* and**

27 (C) *has passed an examination approved by the board;*

28 (D) *has satisfied the board that the applicant is a person who merits*
29 *the public trust; and*

30 (E) *has paid the application fee fixed under K.S.A. 2015 Supp. 65-*
31 *6618, and amendments thereto; or*

32 (2) (A) *has met the following requirements on or before July 1, 2016:*

33 (i) *holds an active license by the board as an addiction counselor;*
34 *and*

35 (ii) *has completed at least a master's degree in a related field from a*
36 *college or university approved by the board; and*

37 (B) *has completed six hours of continuing education in the diagnosis*
38 *and treatment of substance use disorders during the three years*
39 *immediately preceding the application date.*

40 (c) Applications for licensure as a clinical addiction counselor shall
41 be made to the board on a form and in the manner prescribed by the board.
42 Each applicant shall furnish evidence satisfactory to the board that the
43 applicant:

1 (1) Has attained the age of 21; and

2 (2) (A) (i) has completed at least a master's degree from an addiction
3 counseling program that is part of a college or university approved by the
4 board; and

5 (ii) has completed not less than two years of postgraduate supervised
6 professional experience in accordance with a clinical supervision plan
7 approved by the board of not less than 4,000 hours of supervised
8 professional experience including at least 1,500 hours of direct client
9 contact conducting substance abuse assessments and treatment with
10 individuals, couples, families or groups and not less than 150 hours of
11 clinical supervision, including not less than 50 hours of person-to-person
12 individual supervision, integrating diagnosis and treatment of substance
13 use disorders with use of the diagnostic and statistical manual of mental
14 disorders of the American psychiatric association; or has completed not
15 less than ~~two years~~ *one year* of postgraduate supervised professional
16 experience in accordance with a clinical supervision plan approved by the
17 board of not less than 2,000 hours of supervised professional experience
18 including at least 750 hours of direct client contact conducting substance
19 abuse assessments and treatment with individuals, couples, families or
20 groups and not less than 75 hours of clinical supervision, including not less
21 than 25 hours of person-to-person individual supervision, integrating
22 diagnosis and treatment of substance use disorders with use of the
23 diagnostic and statistical manual of mental disorders of the American
24 psychiatric association, and such person has a doctoral degree in addiction
25 counseling or a related field as approved by the board; or

26 (B) (i) has completed *at least* a master's degree from a college or
27 university approved by the board ~~in a related field that includes~~. *As part of*
28 *or in addition to the master's degree coursework, such applicant shall also*
29 *complete* a minimum number of semester hours of coursework supporting
30 the diagnosis and treatment of substance use disorders as approved by the
31 board; and

32 (ii) has completed not less than two years of postgraduate supervised
33 professional experience in accordance with a clinical supervision plan
34 approved by the board of not less than 4,000 hours of supervised
35 professional experience including at least 1,500 hours of direct client
36 contact conducting substance abuse assessments and treatment with
37 individuals, couples, families or groups and not less than 150 hours of
38 clinical supervision, including not less than 50 hours of person-to-person
39 individual supervision, integrating diagnosis and treatment of substance
40 use disorders with use of the diagnostic and statistical manual of mental
41 disorders of the American psychiatric association; or has completed not
42 less than ~~two years~~ *one year* of postgraduate supervised professional
43 experience in accordance with a clinical supervision plan approved by the

1 board of not less than 2,000 hours of supervised professional experience
2 including at least 750 hours of direct client contact conducting substance
3 abuse assessments and treatment with individuals, couples, families or
4 groups and not less than 75 hours of clinical supervision, including not less
5 than 25 hours of person-to-person individual supervision, integrating
6 diagnosis and treatment of substance use disorders with use of the
7 diagnostic and statistical manual of mental disorders of the American
8 psychiatric association, and such person has a doctoral degree in addiction
9 counseling or a related field as approved by the board; or

10 (C) (i) ~~has completed a master's degree from a college or university~~
11 ~~approved by the board in a related field with additional coursework in~~
12 ~~addiction counseling from a college or university approved by the board~~
13 ~~and such degree program and additional coursework includes a minimum~~
14 ~~number of semester hours of coursework supporting the diagnosis and~~
15 ~~treatment of substance use disorders as approved by the board; and~~

16 (ii) ~~has completed not less than two years of postgraduate supervised~~
17 ~~professional experience in accordance with a clinical supervision plan~~
18 ~~approved by the board of not less than 4,000 hours of supervised~~
19 ~~professional experience including at least 1,500 hours of direct client~~
20 ~~contact conducting substance abuse assessments and treatment with~~
21 ~~individuals, couples, families or groups and not less than 150 hours of~~
22 ~~clinical supervision, including not less than 50 hours of person-to-person~~
23 ~~individual supervision, integrating diagnosis and treatment of substance~~
24 ~~use disorders with use of the diagnostic and statistical manual of mental~~
25 ~~disorders of the American psychiatric association; or has completed not~~
26 ~~less than two years of postgraduate supervised professional experience in~~
27 ~~accordance with a clinical supervision plan approved by the board of not~~
28 ~~less than 2,000 hours of supervised professional experience including at~~
29 ~~least 750 hours of direct client contact conducting substance abuse~~
30 ~~assessments and treatment with individuals, couples, families or groups~~
31 ~~and not less than 75 hours of clinical supervision, including not less than~~
32 ~~25 hours of person-to-person individual supervision, integrating diagnosis~~
33 ~~and treatment of substance use disorders with use of the diagnostic and~~
34 ~~statistical manual of mental disorders of the American psychiatric~~
35 ~~association, and such person has a doctoral degree in addiction counseling~~
36 ~~or a related field as approved by the board; or~~

37 (D) (i) ~~has completed a master's degree in a related field from a~~
38 ~~college or university approved by the board and is licensed by the board as~~
39 ~~a licensed *master's* addiction counselor; and~~

40 (ii) has completed not less than two years of postgraduate supervised
41 professional experience in accordance with a clinical supervision plan
42 approved by the board of not less than 4,000 hours of supervised
43 professional experience including at least 1,500 hours of direct client

1 contact conducting substance abuse assessments and treatment with
2 individuals, couples, families or groups and not less than 150 hours of
3 clinical supervision, including not less than 50 hours of person-to-person
4 individual supervision, integrating diagnosis and treatment of substance
5 use disorders with use of the diagnostic and statistical manual of mental
6 disorders of the American psychiatric association; or has completed not
7 less than ~~two years~~ *one year* of postgraduate supervised professional
8 experience in accordance with a clinical supervision plan approved by the
9 board of not less than 2,000 hours of supervised professional experience
10 including at least 750 hours of direct client contact conducting substance
11 abuse assessments and treatment with individuals, couples, families or
12 groups and not less than 75 hours of clinical supervision, including not less
13 than 25 hours of person-to-person individual supervision, integrating
14 diagnosis and treatment of substance use disorders with use of the
15 diagnostic and statistical manual of mental disorders of the American
16 psychiatric association, and such person has a doctoral degree in addiction
17 counseling or a related field as approved by the board; or

18 (E) is currently licensed in Kansas as a licensed psychologist,
19 licensed specialist clinical social worker, licensed clinical professional
20 counselor, licensed clinical psychotherapist or licensed clinical marriage
21 and family therapist and provides to the board an attestation from a
22 professional licensed to diagnose and treat mental disorders, or substance
23 use disorders, or both, in independent practice or licensed to practice
24 medicine and surgery stating that the applicant is competent to diagnose
25 and treat substance use disorders; and

26 (3) has passed an examination approved by the board; and

27 (4) has satisfied the board that the applicant is a person who merits
28 the public trust; and

29 (5) has paid the application fee fixed under K.S.A. 2015 Supp. 65-
30 6618, and amendments thereto.

31 (e) (d) *Prior to July 1, 2017*, a person who was registered by the
32 behavioral sciences regulatory board as an alcohol and other drug
33 counselor or credentialed by the Kansas department for aging and
34 disability services as an alcohol and drug credentialed counselor or
35 credentialed by the Kansas association of addiction professionals as an
36 alcohol and other drug abuse counselor in Kansas at any time prior to the
37 effective date of this act, who was registered in Kansas as an alcohol and
38 other drug counselor, an alcohol and drug credentialed counselor or a
39 credentialed alcohol and other drug abuse counselor within three years
40 prior to the effective date of this act and whose last registration or
41 credential in Kansas prior to the effective date of this act was not
42 suspended or revoked, upon application to the board, payment of fees and
43 completion of applicable continuing education requirements, shall be

1 licensed as a licensed addiction counselor by providing demonstration
2 acceptable to the board of competence to perform the duties of an
3 addiction counselor.

4 ~~(d)~~ (e) *Prior to July 1, 2017*, any person who was registered by the
5 behavioral sciences regulatory board as an alcohol and other drug
6 counselor or credentialed by the department of social and rehabilitation
7 services as an alcohol and drug credentialed counselor or credentialed by
8 the Kansas association of addiction professionals as an alcohol and other
9 drug abuse counselor in Kansas at any time prior to the effective date of
10 this act, and who is also licensed to practice independently as a mental
11 health practitioner or person licensed to practice medicine and surgery, and
12 who was registered or credentialed in Kansas as an alcohol and other drug
13 counselor within three years prior to the effective date of this act and
14 whose last registration or credential in Kansas prior to the effective date of
15 this act was not suspended or revoked, upon application to the board,
16 payment of fees and completion of applicable continuing education
17 requirements, shall be licensed as a licensed clinical addiction counselor
18 and may engage in the independent practice of addiction counseling and is
19 authorized to diagnose and treat substance use disorders specified in the
20 edition of the diagnostic and statistical manual of mental disorders of the
21 American psychiatric association designated by the board by rules and
22 regulations.

23 ~~(e)~~ (f) *Prior to July 1, 2017*, any person who was credentialed by the
24 department of social and rehabilitation services as an alcohol and drug
25 counselor and has been actively engaged in the practice, supervision or
26 administration of addiction counseling in Kansas for not less than four
27 years and holds a master's degree in a related field from a college or
28 university approved by the board and whose last registration or credential
29 in Kansas prior to the effective date of this act was not suspended or
30 revoked, upon application to the board, payment of fees and completion of
31 applicable continuing education requirements, shall be licensed as a
32 clinical addiction counselor and may engage in the independent practice of
33 addiction counseling and is authorized to diagnose and treat substance use
34 disorders specified in the edition of the diagnostic and statistical manual of
35 mental disorders of the American psychiatric association designated by the
36 board by rules and regulations.

37 ~~(f) A licensed addiction counselor shall engage in the practice of~~
38 ~~addiction counseling only in a state licensed or certified alcohol and other~~
39 ~~drug treatment program, unless otherwise exempt from licensure under~~
40 ~~subsection (m) of K.S.A. 59-29b46, and amendments thereto.~~

41 Sec. ~~23~~. 22. K.S.A. 2015 Supp. 65-6611 is hereby amended to read as
42 follows: 65-6611. (a) A person who is waiting to take the examination for
43 licensure as an addiction counselor may apply to the board for a temporary

1 license to practice as a licensed addiction counselor by: (1) Paying an
2 application fee for a temporary license fixed under K.S.A. 2015 Supp. 65-
3 6618, and amendments thereto; and (2) meeting the application
4 requirements as stated in ~~subsections (a)(1), (2) and (4)~~ of K.S.A. 2015
5 Supp. 65-6610(a)(1), (a)(2) and (a)(4), and amendments thereto.

6 (b) *A person who is waiting to take the examination for licensure as a*
7 *master's addiction counselor may apply to the board for a temporary*
8 *license to practice as a licensed master's addiction counselor by: (1)*
9 *Paying an application fee for a temporary license fixed under K.S.A. 2015*
10 *Supp. 65-6618, and amendments thereto; and (2) meeting the application*
11 *requirements as stated in K.S.A 2015 Supp. 65-6610(b)(1), (b)(2) and (b)*
12 *(4), and amendments thereto.*

13 (c) (1) A temporary license may be issued by the board after the
14 application has been reviewed and approved by the board and the applicant
15 has paid the appropriate fee set by the board for issuance of new licenses.

16 (2) Absent extenuating circumstances approved by the board, a
17 temporary license issued by the board shall expire upon the date the board
18 issues or denies the person a license to practice addiction counseling or 12
19 months after the date of issuance of the temporary license.

20 (3) No temporary license will be renewed or issued again on any
21 subsequent application for the same license level. The preceding provision
22 in no way limits the number of times an applicant may take the
23 examination.

24 (e) (d) A person practicing addiction counseling with a temporary
25 license may not use the title "licensed addiction counselor" or "*licensed*
26 *master's addiction counselor*" or use the initials "LAC" or "LMAC"
27 independently. The word "licensed" may be used only when followed by
28 the words "by temporary license" such as licensed addiction counselor by
29 temporary license, or addiction counselor, temporarily licensed.

30 (d) (e) No person may practice addiction counseling under a
31 temporary license except in a licensed or certified alcohol and other drug
32 abuse program, under the direction of a person licensed by the behavioral
33 sciences regulatory board at the clinical level or a person licensed to
34 practice medicine and surgery.

35 (e) (f) Nothing in this section shall affect any temporary license to
36 practice issued under this section prior to the effective date of this act and
37 in effect on the effective date of this act. Such temporary license shall be
38 subject to the provisions of this section in effect at the time of its issuance
39 and shall continue to be effective until the date of expiration of the license
40 as provided under this section at the time of issuance of such license.

41 Sec. ~~24~~ 23. K.S.A. 2015 Supp. 65-6612 is hereby amended to read as
42 follows: 65-6612. (a) Upon written application and board approval, an
43 individual who is licensed to engage in the independent clinical practice of

1 addiction counseling at the clinical level in another jurisdiction and who is
2 in good standing in that other jurisdiction may engage in the independent
3 practice of clinical addiction counseling as provided by the ~~addictions-~~
4 *addiction* counselor licensure act, in this state for not more than 15 days
5 per year upon receipt of a temporary permit to practice issued by the
6 board.

7 (b) Any clinical addiction counseling services rendered within any
8 24-hour period shall count as one entire day of clinical addiction
9 counseling services.

10 (c) The temporary permit to practice shall be effective on the date of
11 approval by the board and shall expire December 31 of that year. Upon
12 written application and for good cause shown, the board may extend the
13 temporary permit to practice no more than 15 additional days.

14 (d) The board shall charge a fee for a temporary permit to practice
15 and a fee for an extension of a temporary permit to practice as fixed under
16 K.S.A. 2015 Supp. 65-6618, and amendments thereto.

17 (e) A person who holds a temporary permit to practice clinical
18 addiction counseling in this state shall be deemed to have submitted to the
19 jurisdiction of the board and shall be bound by the statutes and regulations
20 that govern the practice of clinical addiction counseling in this state.

21 (f) In accordance with the Kansas administrative procedure act, the
22 board may issue a cease and desist order or assess a fine of up to \$1,000
23 per day, or both, against a person licensed in another jurisdiction who
24 engages in the independent practice of clinical addiction counseling in this
25 state without complying with the provisions of this section.

26 ~~Sec. 25. 24.~~ K.S.A. 2015 Supp. 65-6613 is hereby amended to read as
27 follows: 65-6613. (a) The board may issue a license to an individual who
28 is currently registered, certified or licensed to practice addiction
29 counseling in another jurisdiction if the board determines that:

30 (1) The standards for registration, certification or licensure to practice
31 addiction counseling in the other jurisdiction are substantially the
32 equivalent of the requirements of the ~~addictions~~ *addiction* counselor
33 licensure act and rules and regulations of the board; or

34 (2) the applicant demonstrates on forms provided by the board
35 compliance with the following standards as adopted by the board:

36 (A) ~~Continuous~~ Registration, certification or licensure to practice *as*
37 *an addiction counseling during the five years counselor for at least 60 of*
38 *the last 66 months* immediately preceding the application with at least the
39 minimum professional experience as established by rules and regulations
40 of the board; ~~and~~

41 (B) the absence of disciplinary actions of a serious nature brought by
42 a registration, certification or licensing board or agency; and

43 (C) completion of *at least* a baccalaureate ~~or master's degree in~~

1 ~~addiction counseling from a college or university approved by the board or~~
 2 ~~completion of a baccalaureate or master's degree in a related field that~~
 3 ~~includes all required addiction coursework.~~

4 (b) *The board may issue a license to an individual who is currently*
 5 *registered, certified or licensed to practice addiction counseling at the*
 6 *master's level in another jurisdiction if the board determines that:*

7 (1) (A) *The standards for registration, certification or licensure to*
 8 *practice addiction counseling at the master's level in the other jurisdiction*
 9 *are substantially the equivalent of the requirements of the addiction*
 10 *counselor licensure act and rules and regulations of the board; and*

11 (B) *completion of at least a master's degree from a college or*
 12 *university approved by the board; or*

13 (2) *the applicant demonstrates on forms provided by the board*
 14 *compliance with the following standards as adopted by the board:*

15 (A) *Registration, certification or licensure to practice addiction*
 16 *counseling at the master's level for at least 60 of the last 66 months*
 17 *immediately preceding the application with at least the minimum*
 18 *professional experience as established by rules and regulations of the*
 19 *board;*

20 (B) *the absence of disciplinary actions of a serious nature brought by*
 21 *a registration, certification or licensing board or agency; and*

22 (C) *completion of at least a master's degree from a college or*
 23 *university approved by the board.*

24 (c) *The board may issue a license to an individual who is currently*
 25 *registered, certified or licensed to practice ~~clinical~~ addiction counseling at*
 26 *the clinical level in another jurisdiction if the board determines that:*

27 (1) (A) *The standards for registration, certification or licensure to*
 28 *practice ~~clinical~~ addiction counseling at the clinical level in the other*
 29 *jurisdiction are substantially the equivalent of the requirements of the*
 30 *~~addictions~~ addiction counselor licensure act and rules and regulations of*
 31 *the board; ~~or~~ and*

32 (B) *the applicant demonstrates completion of at least a master's*
 33 *degree from a college or university approved by the board; or*

34 (2) *the applicant demonstrates on forms provided by the board*
 35 *compliance with the following standards as adopted by the board:*

36 (A) ~~Continuous~~ *Registration, certification or licensure to practice*
 37 *~~clinical~~ addiction counseling during the five years at the clinical level for*
 38 *at least 60 of the last 66 months immediately preceding the application*
 39 *with at least the minimum professional experience as established by rules*
 40 *and regulations of the board; ~~and~~*

41 (B) *the absence of disciplinary actions of a serious nature brought by*
 42 *a registration, certification or licensing board or agency; ~~and~~*

43 (C) ~~(i)~~ *completion of at least a master's degree in ~~clinical~~ addiction*

1 counseling from a college or university approved by the board; or

2 ~~(ii) completion of at least a master's degree from a college or~~
3 ~~university approved by the board in a related field that includes a~~
4 ~~minimum number of semester hours of coursework supporting the~~
5 ~~diagnosis and treatment of substance use disorders as approved by the~~
6 ~~board; or~~

7 ~~(iii) completion of at least a master's degree from a college or~~
8 ~~university approved by the board in a related field with additional~~
9 ~~coursework in addition counseling from a college or university approved~~
10 ~~by the board and such degree program and additional coursework includes~~
11 ~~a minimum number of semester hours of coursework supporting the~~
12 ~~diagnosis and treatment of substance use disorders as approved by the~~
13 ~~board; and~~

14 (D) at least two of the following areas acceptable to the board:

15 (i) Either coursework as established by rules and regulations of the
16 board or passing a national clinical examination approved by the board; or

17 (ii) three years of clinical practice with demonstrated experience
18 supporting diagnosing or treating substance use disorders; or

19 (iii) attestation from a professional licensed to diagnose and treat
20 mental disorders, or substance use disorders, or both, in independent
21 practice or licensed to practice medicine and surgery stating that the
22 applicant is competent to diagnose and treat substance use disorders.

23 ~~(e)~~ (d) An applicant for a license under this section shall pay an
24 application fee established by the board under K.S.A. 2015 Supp. 65-6618,
25 and amendments thereto, *if required by the board.*

26 ~~Sec. 26. 25.~~ K.S.A. 2015 Supp. 65-6614 is hereby amended to read as
27 follows: 65-6614. (a) An applicant who meets the requirements for
28 licensure pursuant to this act, has paid the license fee provided for by
29 K.S.A. 2015 Supp. 65-6618, and amendments thereto, and has otherwise
30 complied with the provisions of this act shall be licensed by the board.

31 (b) Licenses issued pursuant to this act shall expire 24 months from
32 the date of issuance unless revoked prior to that time. A license may be
33 renewed upon application and payment of the fee provided for by K.S.A.
34 2015 Supp. 65-6618, and amendments thereto. The application for renewal
35 shall be accompanied by evidence satisfactory to the board that the
36 applicant has completed during the previous 24 months the continuing
37 education required by rules and regulations of the board, *including not less*
38 *than three hours in ethics. In addition,* as part of such continuing
39 education, the *master's addiction counselor applicant and the* clinical
40 addiction counselor applicant shall complete not less than six continuing
41 education hours relating to diagnosis and treatment of substance use
42 disorders. ~~Both the clinical addiction counselor applicant and the addiction~~
43 ~~counselor applicant shall complete not less than three continuing education~~

1 ~~hours of professional ethics.~~

2 (c) A person whose license has been suspended or revoked may make
3 written application to the board requesting reinstatement of the license
4 upon termination of the period of suspension or revocation in a manner
5 prescribed by the board, which application shall be accompanied by the
6 fee provided for by K.S.A. 2015 Supp. 65-6618, and amendments thereto.

7 (d) *Within 30 days after any change of permanent address, a licensee*
8 *shall notify the board of such change.*

9 Sec. ~~27. 26.~~ K.S.A. 2015 Supp. 65-6615 is hereby amended to read as
10 follows: 65-6615. (a) The board may refuse to ~~grant licensure to, or may~~
11 ~~suspend, revoke, condition, limit, qualify or restrict the licensure issued~~
12 ~~under this act of any individual who the board, after the opportunity for a~~
13 ~~hearing, determines:~~

14 (a) *issue, renew or reinstate a license, may condition, limit, revoke or*
15 *suspend a license, may publicly or privately censure a licensee or may*
16 *impose a fine not to exceed \$1,000 per violation upon a finding that a*
17 *licensee or an applicant for license:*

18 (1) ~~Is incompetent to practice addiction counseling, or is found to~~
19 ~~engage in the practice of addiction counseling in a manner harmful or~~
20 ~~dangerous to a client or to the public, which means:~~

21 (A) *One or more instances involving failure to adhere to the*
22 *applicable standard of care to a degree that constitutes gross negligence,*
23 *as determined by the board;*

24 (B) *repeated instances involving failure to adhere to the applicable*
25 *standard of care to a degree that constitutes ordinary negligence, as*
26 *determined by the board; or*

27 (C) *a pattern of practice or other behavior that demonstrates a*
28 *manifest incapacity or incompetence to practice addiction counseling;*

29 (b) (2) ~~is has been convicted by a court of competent jurisdiction of a~~
30 ~~felony, misdemeanor crimes against persons or substantiation of abuse~~
31 ~~against a child, adult or resident of a care facility, even if not practice~~
32 ~~related offense and has not demonstrated to the board's satisfaction that~~
33 ~~such person has been sufficiently rehabilitated to merit the public trust;~~

34 (3) *has been convicted of a misdemeanor against persons and has not*
35 *demonstrated to the board's satisfaction that such person has been*
36 *sufficiently rehabilitated to merit the public trust;*

37 (4) *is currently listed on a child abuse registry or an adult protective*
38 *services registry as the result of a substantiated finding of abuse or neglect*
39 *by any state agency, agency of another state or the United States, territory*
40 *of the United States or another country and the applicant or licensee has*
41 *not demonstrated to the board's satisfaction that such person has been*
42 *sufficiently rehabilitated to merit the public trust;*

43 (e) (5) *has violated a provision of the ~~addictions~~ addiction counselor*

1 licensure act or one or more of the rules and regulations of the board;

2 ~~(d)~~ (6) has obtained or attempted to obtain a license or license
3 renewal by bribery or fraudulent representation;

4 ~~(e)~~ (7) has knowingly made a false statement on a form required by
5 the board for license or license renewal;

6 ~~(f)~~ (8) has failed to obtain continuing education credits required by
7 rules and regulations of the board;

8 ~~(g)~~ (9) has been found ~~guilty of~~ *to have engaged in* unprofessional
9 conduct as defined by *applicable* rules and regulations ~~established~~ *adopted*
10 by the board; or

11 ~~(h)~~ (10) has had a registration, license or certificate as an addiction
12 counselor revoked, suspended or limited, or has had other disciplinary
13 action taken, or an application for registration, license or certificate denied,
14 by the proper regulatory authority of another state, territory, District of
15 Columbia or another country, a certified copy of the record of the action of
16 the other jurisdiction being conclusive evidence thereof.

17 ***(b) For issuance of a new license or reinstatement of a revoked or***
18 ***suspended license for a licensee or applicant for licensure with a felony***
19 ***conviction, the board may only issue or reinstate such license by a 2/3***
20 ***majority vote.***

21 ***(c) Administrative proceedings and disciplinary actions regarding***
22 ***licensure under the addiction counselor licensure act shall be conducted***
23 ***in accordance with the Kansas administrative procedure act. Judicial***
24 ***review and civil enforcement of agency actions under the addiction***
25 ***counselor licensure act shall be in accordance with the Kansas judicial***
26 ***review act.***

27 ~~Sec. 28. 27.~~ K.S.A. 2015 Supp. 65-6616 is hereby amended to read as
28 follows: 65-6616. Nothing in the ~~addictions~~ *addiction* counselor licensure
29 act shall be construed:

30 (a) To prevent addiction counseling practice by students or interns or
31 individuals preparing for the practice of addiction counseling to practice
32 under qualified supervision of a professional, recognized and approved by
33 the board, in an educational institution or agency so long as they are
34 designated by titles such as "student," "trainee," "intern" or other titles
35 clearly indicating training status;

36 (b) to authorize the practice of psychology, medicine and surgery,
37 professional counseling, marriage and family therapy, master's level
38 psychology or social work or other professions licensed by the behavioral
39 sciences regulatory board;

40 (c) to apply to the activities and services of a rabbi, priest, minister,
41 clergy person or organized ministry of any religious denomination or sect,
42 including a Christian-Science practitioner, unless such person or individual
43 who is a part of the organized ministry is a licensed addiction counselor;

1 (d) to apply to the activities and services of qualified members of
2 other professional groups including, but not limited to, attorneys,
3 physicians, psychologists, master's level psychologists, marriage and
4 family therapists, professional counselors, or other professions licensed by
5 the behavioral sciences regulatory board, registered nurses or social
6 workers performing services consistent with the laws of this state, their
7 training and the code of ethics of their profession, so long as they do not
8 represent themselves as being an addiction counselor; or

9 (e) to prevent qualified persons from doing work within the standards
10 and ethics of their respective professions and callings provided they do not
11 hold themselves out to the public by any title or description of services as
12 being an addiction counselor.

13 ~~Sec. 29.~~ **28.** K.S.A. 2015 Supp. 65-6617 is hereby amended to read as
14 follows: 65-6617. (a) A person licensed under the ~~additions~~ *addiction*
15 counselor licensure act and employees and professional associates of the
16 person shall not be required to disclose any information that the person,
17 employee or associate may have acquired in rendering addiction
18 counseling services, unless:

19 (1) Disclosure is required by other state laws;

20 (2) failure to disclose the information presents a clear and present
21 danger to the health or safety of an individual;

22 (3) the person, employee or associate is a party defendant to a civil,
23 criminal or disciplinary action arising from the therapy, in which case a
24 waiver of the privilege accorded by this section is limited to that action;

25 (4) the client is a defendant in a criminal proceeding and the use of
26 the privilege would violate the defendant's right to a compulsory process
27 or the right to present testimony and witnesses in that person's behalf; or

28 (5) a client agrees to a waiver of the privilege accorded by this
29 section, and in circumstances where more than one person in a family is
30 receiving therapy, each such family member agrees to the waiver. Absent a
31 waiver from each family member, an addiction counselor shall not disclose
32 information received from a family member.

33 (b) Nothing in this section or in this act shall be construed to prohibit
34 any person licensed under the ~~additions~~ *addiction* counselor licensure act
35 from testifying in court hearings concerning matters of adult abuse,
36 adoption, child abuse, child neglect or other matters pertaining to the
37 welfare of children or from seeking collaboration or consultation with
38 professional colleagues or administrative superiors, or both, on behalf of a
39 client. There is no privilege under this section for information which is
40 required to be reported to a public official.

41 ~~Sec. 30.~~ **29.** K.S.A. 2015 Supp. 65-6618 is hereby amended to read as
42 follows: 65-6618. (a) The board ~~shall may fix by rules and regulations and~~
43 ~~shall collect~~ the following fees, *and any such fees shall be established by*

1 *rules and regulations adopted by the board:*

- 2 (1) For application for licensure as an addiction counselor, not to
 3 exceed \$150;
- 4 (2) for original licensure as an addiction counselor, not to exceed
 5 \$150;
- 6 (3) for renewal ~~of a license~~ *for licensure* as an addiction counselor,
 7 not to exceed \$150;
- 8 (4) for a temporary license ~~as an addiction counselor~~, not to exceed
 9 \$100;
- 10 (5) *for application for licensure as a master's addiction counselor,*
 11 *not to exceed \$150,*
- 12 (6) *for original licensure as a master's addiction counselor, not to*
 13 *exceed \$150;*
- 14 (7) *for renewal for licensure as a master's addiction counselor, not to*
 15 *exceed \$150;*
- 16 (8) for application for licensure as a clinical addiction counselor, not
 17 to exceed \$150;
- 18 ~~(6)~~ (9) for original licensure as a clinical addiction counselor, not to
 19 exceed \$150;
- 20 ~~(7)~~ (10) for renewal for licensure as a clinical addiction counselor, not
 21 to exceed \$150;
- 22 ~~(8)~~ (11) for a temporary permit to practice clinical addiction
 23 counseling, not to exceed \$200;
- 24 ~~(9)~~ (12) for extension of a temporary permit to practice clinical
 25 addiction counseling, not to exceed \$200;
- 26 ~~(10)~~ (13) for reinstatement of a license, not to exceed \$150;
- 27 ~~(11)~~ (14) for replacement of a license, not to exceed \$20; ~~and~~
- 28 ~~(12)~~ (15) for late renewal penalty, an amount equal to the fee for
 29 renewal; *and*
- 30 (16) *for a wallet license, not more than \$5.*

31 (b) The board shall require that fees paid for any examination under
 32 the ~~addictions~~ *addiction* counselor licensure act be paid directly to the
 33 examination services by the person taking the examination.

34 (c) Fees paid to the board are not refundable.

35 Sec. ~~31~~ **30**. K.S.A. 2015 Supp. 65-6620 is hereby amended to read as
 36 follows: 65-6620. A licensee under the ~~addictions~~ *addiction* counselor
 37 licensure act, at the beginning of a client-therapist relationship, shall
 38 inform the client of the level of such licensee's training and the title or
 39 titles and license or licenses of such licensee. As a part of such obligation,
 40 such licensee shall disclose whether such licensee has a baccalaureate,
 41 master's degree or a doctoral degree. If such licensee has a doctoral degree,
 42 such licensee shall disclose whether or not such doctoral degree is a doctor
 43 of medicine degree or some other doctoral degree. If such licensee does

1 not have a medical doctor's degree, such licensee shall disclose that the
2 licensee is not authorized to practice medicine and surgery and is not
3 authorized to prescribe drugs. As a part of such disclosure, such licensee
4 shall advise the client that certain mental disorders can have medical or
5 biological origins, and that the client should consult with a physician.
6 Documentation of such disclosures to a client shall be made in the client's
7 record.

8 ~~Sec. 32.~~ **31.** K.S.A. 2015 Supp. 74-5310 is hereby amended to read as
9 follows: 74-5310. (a) The board shall issue a license as a psychologist to
10 any person who pays an application fee prescribed by the board, *if*
11 *required by the board*, not in excess of \$225 and, *if required by the board*,
12 an original license fee not in excess of \$150, which shall not be refunded,
13 who either satisfies the board as to such person's training and experience
14 after a thorough review of such person's credentials and who passes a
15 satisfactory examination in psychology. Any person paying the fee must
16 also submit evidence verified by oath and satisfactory to the board that
17 such person:

18 (1) Is at least 21 years of age;

19 (2) is of good moral character;

20 (3) has received the doctor's degree based on a program of studies in
21 content primarily psychological from an educational institution having a
22 graduate program with standards consistent with those of the state
23 universities of Kansas, or the substantial equivalent of such program in
24 both subject matter and extent of training; and

25 (4) has had at least two years of supervised experience, a significant
26 portion of which shall have been spent in rendering psychological services
27 satisfying the board's approved standards for the psychological service
28 concerned.

29 (b) The board shall adopt rules and regulations establishing the
30 criteria which an educational institution shall satisfy in meeting the
31 requirements established under ~~item (3) of~~ subsection (a)(3). The board
32 may send a questionnaire developed by the board to any educational
33 institution for which the board does not have sufficient information to
34 determine whether the educational institution meets the requirements of
35 ~~item (3) of~~ subsection (a)(3) and rules and regulations adopted under this
36 section. The questionnaire providing the necessary information shall be
37 completed and returned to the board in order for the educational institution
38 to be considered for approval. The board may contract with investigative
39 agencies, commissions or consultants to assist the board in obtaining
40 information about educational institutions. In entering such contracts the
41 authority to approve educational institutions shall remain solely with the
42 board.

43 ~~Sec. 33.~~ **32.** K.S.A. 74-5311 is hereby amended to read as follows:

1 74-5311. Examinations for applicants under this act shall be held by the
2 board from time to time but not less than once each year. The board shall
3 adopt rules and regulations governing the subject, scope, and form of the
4 examinations *for applicants under this act* or shall contract with a national
5 testing service to provide an examination approved by the board. ~~The~~
6 ~~board shall prescribe an initial examination fee not to exceed \$350. If an~~
7 ~~applicant fails the first examination, such applicant may be admitted to any~~
8 ~~subsequent examination upon payment of an additional fee prescribed by~~
9 ~~the board not to exceed \$350. The examination fees prescribed by the~~
10 ~~board under this section shall be fixed by rules and regulations of the~~
11 ~~board.~~

12 Sec. ~~34.~~ **33.** K.S.A. 2015 Supp. 74-5315 is hereby amended to read as
13 follows: 74-5315. (a) The board may grant a license to any person who, at
14 the time of application, is registered, certified or licensed as a psychologist
15 at the doctoral level in another jurisdiction if the board determines that:

16 (1) The requirements of such jurisdiction for such certification or
17 licensure are substantially the equivalent of the requirements of this state;
18 or

19 (2) the applicant demonstrates on forms provided by the board
20 compliance with the following standards as adopted by the board:

21 (A) ~~Continuous~~—Registration, certification or licensure as a
22 psychologist at the doctoral level ~~during the five years for at least 60 of~~
23 ~~the last 66 months~~ immediately preceding the application with at least the
24 minimum professional experience as established by rules and regulations
25 of the board;

26 (B) the absence of disciplinary actions of a serious nature brought by
27 a registration, certification or licensing board or agency; and

28 (C) a doctoral degree in psychology from a regionally accredited
29 university or college.

30 (b) An applicant for a license under this section shall pay an
31 application fee established by the board under K.S.A. 74-5310, and
32 amendments thereto, *if required by the board.*

33 Sec. ~~35.~~ **34.** K.S.A. 2015 Supp. 74-5316 is hereby amended to read as
34 follows: 74-5316. (a) Upon application, the board may issue temporary
35 licenses to persons who have met all qualifications for licensure under
36 provisions of the licensure of psychologists act of the state of Kansas,
37 except passage of the required examination, pursuant to K.S.A. 74-5310,
38 and amendments thereto, who must wait for completion of the next
39 examination, who have paid the required application, examination and
40 temporary license fees and who have submitted documentation as required
41 by the board, under the following:

42 (1) ~~The temporary license shall expire upon receipt and recording of~~
43 ~~the temporary licensee's second examination score by the board if such~~

1 ~~temporary licensee fails the examination after two attempts or upon the~~
2 ~~date the board issues or denies the temporary licensee a license to practice~~
3 ~~psychology if such temporary licensee passes the examination;~~

4 ~~(2)~~—Such temporary licensee shall take the next license examination
5 subsequent to the date of issuance of the temporary license unless there are
6 extenuating circumstances approved by the board;

7 ~~(3)~~ (2) the board shall adopt rules and regulations prescribing
8 continuing education requirements for temporary licensees, including, but
9 not limited to, a requirement that temporary licensees shall complete a
10 minimum of 25 contact hours of continuing education during the two-year
11 period of temporary licensure, which shall include a minimum of three
12 hours in psychology ethics;

13 ~~(4)~~ (3) no person may work under a temporary license except under
14 the supervision of a licensed psychologist as prescribed in rules and
15 regulations adopted by the board; and

16 ~~(5)~~ (4) the fee for such temporary license ~~shall may~~ be fixed by rules
17 ~~and regulations adopted~~ by the board and shall not exceed \$200, *and any*
18 *such fee shall be established by rules and regulations adopted by the*
19 *board.*

20 (b) Upon application, the board may issue temporary licenses not to
21 exceed two years to persons who have *completed all requirements for a*
22 *doctoral degree approved by the board but have not received such degree*
23 *conferral or who have met all qualifications for licensure under provisions*
24 *of such act, except completion of the postdoctoral supervised work*
25 *experience pursuant to subsection (a)(4) of K.S.A. 74-5310(a)(4), and*
26 *amendments thereto, who have paid the required application and*
27 *temporary license fees and who have submitted documentation as required*
28 *by the board, under the following:*

29 (1) The temporary license shall expire at the end of the two-year
30 period after issuance or if such temporary licensee is denied a license to
31 practice psychology;

32 (2) the temporary license may be renewed for one additional two-year
33 period after expiration;

34 (3) temporary licensees shall take the license examination pursuant to
35 ~~subsection (a)(4)~~ of K.S.A. 74-5310(a)(4), and amendments thereto,
36 subsequent to the date of issuance and prior to expiration of the temporary
37 license unless there are extenuating circumstances approved by the board;

38 (4) temporary licensees shall be working toward the completion of
39 the postdoctoral supervised work experience prescribed in ~~subsection (a)~~
40 ~~(4)~~ of K.S.A. 74-5310(a)(4), and amendments thereto;

41 (5) the board shall adopt rules and regulations prescribing continuing
42 education requirements for temporary licensees, including, but not limited
43 to, a requirement that temporary licensees shall complete a minimum of 25

1 contact hours of continuing education during the two-year period of
2 temporary licensure, which shall include a minimum of three hours in
3 psychology ethics;

4 (6) no temporary licensee may work under a temporary license except
5 under the supervision of a licensed psychologist as prescribed in rules and
6 regulations adopted by the board; and

7 (7) the fee for a renewal of the temporary license ~~shall~~ *may* be fixed
8 ~~by rules and regulations adopted~~ by the board and shall not exceed \$200
9 per issuance, *and any such fee shall be established by rules and*
10 *regulations adopted by the board.*

11 (c) A person practicing psychology with a temporary license may not
12 use the title "licensed psychologist" or the initials "LP" independently.
13 The word "licensed" may be used only when preceded by the word
14 "temporary" such as temporary licensed psychologist, or the initials "TLP."

15 (d) This section shall be part of and supplemental to the provisions of
16 article 53 of chapter 74 of the Kansas Statutes Annotated, and amendments
17 thereto.

18 (e) As used in this section, "temporary licensee" means any person
19 practicing psychology with a temporary license pursuant to subsection (b)
20 or (c) ~~of this section.~~

21 ~~Sec. 36. 35.~~ K.S.A. 74-5318 is hereby amended to read as follows:
22 74-5318. ~~On or before the first day of April of alternate years, the board~~
23 ~~shall mail to every psychologist licensed in Kansas an application blank~~
24 ~~for renewal, which shall contain space for insertion of information as~~
25 ~~required for the application blank under K.S.A. 74-5317 and amendments~~
26 ~~thereto, addressing the same to the post office address given at the last~~
27 ~~previous renewal. In addition, The~~ (a) *An* application for renewal shall be
28 accompanied by evidence satisfactory to the board that the applicant has
29 completed, during the previous 24 months, the continuing education
30 required by rules and regulations of the board. As part of such continuing
31 education, a licensed psychologist shall complete not less than six
32 continuing education hours relating to diagnosis and treatment of mental
33 disorders and not less than three continuing education hours of
34 professional ethics.

35 (b) *A licensee shall submit the application to the board with a*
36 *renewal fee fixed by rules and regulations of the board not to exceed \$200.*
37 *Upon receipt of such application and fee, the board shall issue a renewal*
38 *license for the period commencing on the date on which the license is*
39 *issued and expiring on June 30 of the next even-numbered year. Initial*
40 *licenses shall be for the current biennium of registration.*

41 (c) *Applications for renewal of a license shall be made biennially on*
42 *or before July 1 and, if not so made, an additional fee equal to the renewal*
43 *fee shall be added to the regular renewal fee.*

1 (d) *Any psychologist who has failed to renew a license and continues*
2 *to represent oneself as a psychologist after July 1 shall be in violation of*
3 *the licensure of psychologists act of the state of Kansas. The board may*
4 *suspend or revoke such psychologist's license under the provisions of*
5 *K.S.A. 74-5324, and amendments thereto.*

6 (e) *Within 30 days after any change of permanent address, a licensee*
7 *shall notify the board of such change.*

8 Sec. ~~37~~. **36.** K.S.A. 2015 Supp. 74-5324 is hereby amended to read as
9 follows: 74-5324. ~~(a) The board may suspend, limit, revoke, condition or~~
10 ~~refuse to issue or renew a license of any psychologist upon proof that the~~
11 ~~psychologist: (a) Has been convicted of a felony involving moral~~
12 ~~turpitude; or (b) has been guilty of fraud or deceit in connection with~~
13 ~~services rendered as a psychologist or in establishing qualifications under~~
14 ~~this act; or (c) has aided or abetted a person, not a licensed psychologist, in~~
15 ~~representing such person as a psychologist in this state; or (d) has been~~
16 ~~guilty of unprofessional conduct as defined by rules and regulations~~
17 ~~established by the board; or (e) has been guilty of negligence or wrongful~~
18 ~~actions in the performance of duties; or (f) has knowingly submitted a~~
19 ~~misleading, deceptive, untrue or fraudulent misrepresentation on a claim~~
20 ~~form, bill or statement or (g) refuse to issue, renew or reinstate a license,~~
21 ~~may condition, limit, revoke or suspend a license, may publicly or~~
22 ~~privately censure a licensee or may impose a fine not to exceed \$1,000 per~~
23 ~~violation upon a finding that a licensee or an applicant for a license:~~

24 (1) *Is incompetent to practice psychology, which means:*

25 (A) *One or more instances involving failure to adhere to the*
26 *applicable standard of care to a degree that constitutes gross negligence,*
27 *as determined by the board;*

28 (B) *repeated instances involving failure to adhere to the applicable*
29 *standard of care to a degree that constitutes ordinary negligence, as*
30 *determined by the board; or*

31 (C) *a pattern of practice or other behavior that demonstrates a*
32 *manifest incapacity or incompetence to practice psychology;*

33 (2) *has been convicted of a felony offense and has not demonstrated*
34 *to the board's satisfaction that such person has been sufficiently*
35 *rehabilitated to merit the public trust;*

36 (3) *has been convicted of a misdemeanor against persons and has not*
37 *demonstrated to the board's satisfaction that such person has been*
38 *sufficiently rehabilitated to merit the public trust;*

39 (4) *is currently listed on a child abuse registry or an adult protective*
40 *services registry as the result of a substantiated finding of abuse or neglect*
41 *by any state agency, agency of another state or the United States, territory*
42 *of the United States or another country and the applicant or licensee has*
43 *not demonstrated to the board's satisfaction that such person has been*

1 *sufficiently rehabilitated to merit the public trust;*

2 (5) *has violated a provision of the licensure of psychologists act of*
3 *the state of Kansas or one or more rules and regulations of the board;*

4 (6) *has obtained or attempted to obtain a license or license renewal*
5 *by bribery or fraudulent representation;*

6 (7) *has knowingly made a false statement on a form required by the*
7 *board for a license or license renewal;*

8 (8) *has failed to obtain continuing education credits as required by*
9 *rules and regulations of the board;*

10 (9) *has been found to have engaged in unprofessional conduct as*
11 *defined by applicable rules and regulations adopted by the board; or*

12 (10) *has had a registration, license or certificate as a psychologist*
13 *revoked, suspended or limited, or has had other disciplinary action taken,*
14 *or an application for registration, license or certificate denied, by the*
15 *proper regulatory authority of another state, territory, District of Columbia*
16 *or another country, a certified copy of the record of the action of the other*
17 *jurisdiction being conclusive evidence thereof.*

18 (b) ***For issuance of a new license or reinstatement of a revoked or***
19 ***suspended license for a licensee or applicant for licensure with a felony***
20 ***conviction, the board may only issue or reinstate such license by a 2/3***
21 ***majority vote.***

22 (c) *Administrative proceedings and disciplinary actions regarding*
23 *licensure under the licensure of psychologists act of the state of Kansas*
24 *shall be conducted in accordance with the Kansas administrative*
25 *procedure act. Judicial review and civil enforcement of agency actions*
26 *under the licensure of psychologists of the state of Kansas act shall be in*
27 *accordance with the Kansas judicial review act.*

28 Sec. ~~38~~ 37. K.S.A. 74-5361 is hereby amended to read as follows:
29 74-5361. As used in this act:

30 (a) "Practice of psychology" shall have the meaning ascribed thereto
31 in K.S.A. 74-5302 and amendments thereto.

32 (b) "Board" means the behavioral sciences regulatory board created
33 by K.S.A. 74-7501 and amendments thereto.

34 (c) "~~Licensed masters~~ *master's level psychologist*" means a person
35 licensed by the board under the provisions of this act.

36 (d) "Licensed clinical psychotherapist" means a person licensed by
37 the board under this act who engages in the independent practice of
38 ~~masters~~ *master's level psychology* including the diagnosis and treatment of
39 mental disorders specified in the edition of the diagnostic and statistical
40 manual of mental disorders of the American psychiatric association
41 designated by the board by rules and regulations.

42 (e) "~~Masters~~ *Master's level psychology*" means the practice of
43 psychology pursuant to the restrictions set out in K.S.A. 74-5362 and

1 amendments thereto and includes the diagnosis and treatment of mental
2 disorders as authorized under K.S.A. 74-5361 et seq., *and amendments*
3 *thereto*.

4 Sec. ~~39~~ 38. K.S.A. 74-5362 is hereby amended to read as follows:
5 74-5362. (a) Any person who is licensed under the provisions of this act as
6 a licensed ~~masters~~ *master's* level psychologist shall have the right to
7 practice psychology ~~only insofar as such practice is part of the duties of~~
8 ~~such person's paid position and is performed solely on behalf of the~~
9 ~~employer~~, so long as such practice is under the direction of a licensed
10 clinical psychotherapist, a licensed psychologist, a person licensed to
11 practice medicine and surgery or a person licensed to provide mental
12 health services as an independent practitioner and whose licensure allows
13 for the diagnosis and treatment of mental disorders. When a client has
14 symptoms of a mental disorder, a ~~licensed masters level psychologist~~
15 *licensee under the licensure of master's level psychologists act* shall
16 consult with the client's primary care physician or psychiatrist to determine
17 if there may be a medical condition or medication that may be causing or
18 contributing to the client's symptoms of a mental disorder. A client may
19 request in writing that such consultation be waived and such request shall
20 be made a part of the client's record. A licensed ~~masters~~ *master's* level
21 psychologist may continue to evaluate and treat the client until such time
22 that the medical consultation is obtained or waived.

23 (b) A licensed ~~masters~~ *master's* level psychologist may use the title
24 licensed ~~masters~~ *master's* level psychologist and the abbreviation LMLP
25 but may not use the title licensed psychologist or psychologist. A licensed
26 clinical psychotherapist may use the title licensed clinical psychotherapist
27 and the abbreviation LCP but may not use the title licensed psychologist or
28 psychologist.

29 Sec. ~~40~~ 39. K.S.A. 74-5363 is hereby amended to read as follows:
30 74-5363. (a) Any person who desires to be licensed under this act shall
31 apply to the board in writing, on forms prepared and furnished by the
32 board. Each application shall contain appropriate documentation of the
33 particular qualifications required by the board and shall be accompanied
34 by the required fee.

35 (b) The board shall license as a licensed ~~masters~~ *master's* level
36 psychologist any applicant for licensure who pays the fee prescribed by the
37 board under K.S.A. 74-5365, and amendments thereto, which shall not be
38 refunded, who has satisfied the board as to such applicant's training and
39 who complies with the provisions of this subsection ~~(b)~~. An applicant for
40 licensure also shall submit evidence ~~verified under oath~~ and satisfactory to
41 the board that such applicant:

42 (1) Is at least 21 years of age;

43 (2) has satisfied the board that the applicant is a person who merits

1 public trust;

2 (3) has received at least 60 graduate hours including a master's degree
3 in psychology based on a program of studies in psychology from an
4 educational institution having a graduate program in psychology consistent
5 with state universities of Kansas; or until July 1, 2003, has received at least
6 a master's degree in psychology and during such master's or post-master's
7 coursework completed a minimum of 12 semester hours or its equivalent
8 in psychological foundation courses such as, but not limited to, philosophy
9 of psychology, psychology of perception, learning theory, history of
10 psychology, motivation, and statistics and 24 semester hours or its
11 equivalent in professional core courses such as, but not limited to, two
12 courses in psychological testing, psychopathology, two courses in
13 psychotherapy, personality theories, developmental psychology, research
14 methods, social psychology; or has passed comprehensive examinations or
15 equivalent final examinations in a doctoral program in psychology and
16 during such graduate program completed a minimum of 12 semester hours
17 or its equivalent in psychological foundation courses such as, but not
18 limited to, philosophy of psychology, psychology of perception, learning
19 theory, history of psychology, motivation, and statistics and 24 semester
20 hours or its equivalent in professional core courses such as, but not limited
21 to, two courses in psychological testing, psychopathology, two courses in
22 psychotherapy, personality theories, developmental psychology, research
23 methods, social psychology;

24 (4) has completed 750 clock hours of academically supervised
25 practicum in the master's degree program or 1,500 clock hours of
26 postgraduate supervised work experience;

27 (5) has passed an examination approved by the board with a
28 minimum score set by the board by rules and regulations ~~at 10 percentage~~
29 ~~points below the score set by the board for licensed psychologists.~~

30 (c) (1) Applications for licensure as a clinical psychotherapist shall be
31 made to the board on a form and in the manner prescribed by the board.
32 Each applicant shall furnish evidence satisfactory to the board that the
33 applicant:

34 (A) Is licensed by the board as a licensed ~~masters~~ *master's* level
35 psychologist or meets all requirements for licensure as a ~~masters~~ *master's*
36 level psychologist;

37 (B) has completed 15 credit hours as part of or in addition to the
38 requirements under subsection (b) supporting diagnosis or treatment of
39 mental disorders with use of the American psychiatric association's
40 diagnostic and statistical manual, through identifiable study of ~~the~~
41 ~~following content areas:~~ Psychopathology, diagnostic assessment,
42 interdisciplinary referral and collaboration, treatment approaches and
43 professional ethics;

1 (C) has completed a graduate level supervised clinical practicum of
2 supervised professional experience including psychotherapy and
3 assessment with individuals, couples, families or groups, integrating
4 diagnosis and treatment of mental disorders with use of the American
5 psychiatric association's diagnostic and statistical manual, with not less
6 than 350 hours of direct client contact or additional postgraduate
7 supervised experience as determined by the board;

8 (D) has completed not less than two years of postgraduate supervised
9 professional experience in accordance with a clinical supervision plan
10 approved by the board of not less than 4,000 hours of supervised
11 professional experience including at least 1,500 hours of direct client
12 contact conducting psychotherapy and assessments with individuals,
13 couples, families or groups and not less than 150 hours of clinical
14 supervision, including not less than 50 hours of person-to-person
15 individual supervision, integrating diagnosis and treatment of mental
16 disorders with use of the American psychiatric association's diagnostic and
17 statistical manual;

18 (E) for persons earning a degree under subsection (b) prior to July 1,
19 2003, in lieu of the education requirements under ~~parts subparagraphs~~ (B)
20 and (C) ~~of this subsection~~, has completed the education requirements for
21 licensure as a licensed ~~masters~~ *master's* level psychologist in effect on the
22 day immediately preceding the effective date of this act;

23 (F) for persons who apply for and are eligible for a temporary ~~permit~~
24 *license* to practice as a licensed ~~masters~~ *master's* level psychologist on the
25 day immediately preceding the effective date of this act, in lieu of the
26 education and training requirements under ~~parts subparagraphs~~ (B), (C)
27 and (D) ~~of this subsection~~, has completed the education and training
28 requirements for licensure as a ~~masters~~ *master's* level psychologist in
29 effect on the day immediately preceding the effective date of this act;

30 (G) has passed an examination approved by the board with the same
31 minimum passing score as that set by the board for licensed psychologists;
32 and

33 (H) has paid the application fee, *if required by the board.*

34 (2) A person who was licensed or registered as a ~~masters~~ *master's*
35 level psychologist in Kansas at any time prior to the effective date of this
36 act, who has been actively engaged in the practice of ~~masters~~ *master's*
37 level psychology as a registered or licensed ~~masters~~ *master's* level
38 psychologist within five years prior to the effective date of this act and
39 whose last license or registration in Kansas prior to the effective date of
40 this act was not suspended or revoked, upon application to the board,
41 payment of fees and completion of applicable continuing education
42 requirements, shall be licensed as a licensed clinical psychotherapist by
43 providing demonstration of competence to diagnose and treat mental

1 disorders through at least two of the following areas acceptable to the
2 board:

3 (A) Either: (i) Graduate coursework; or (ii) passing a national,
4 clinical examination;

5 (B) either: (i) Three years of clinical practice in a community mental
6 health center, its contracted affiliate or a state mental hospital; or (ii) three
7 years of clinical practice in other settings with demonstrated experience in
8 diagnosing or treating mental disorders; or

9 (C) attestation from one professional licensed to diagnose and treat
10 mental disorders in independent practice or licensed to practice medicine
11 and surgery that the applicant is competent to diagnose and treat mental
12 disorders.

13 (3) A licensed clinical psychotherapist may engage in the independent
14 practice of ~~masters~~ *master's* level psychology and is authorized to
15 diagnose and treat mental disorders specified in the edition of the
16 diagnostic and statistical manual of mental disorders of the American
17 psychiatric association designated by the board by rules and regulations.
18 When a client has symptoms of a mental disorder, a licensed clinical
19 psychotherapist shall consult with the client's primary care physician or
20 psychiatrist to determine if there may be a medical condition or medication
21 that may be causing or contributing to the client's symptoms of a mental
22 disorder. A client may request in writing that such consultation be waived
23 and such request shall be made a part of the client's record. A licensed
24 clinical psychotherapist may continue to evaluate and treat the client until
25 such time that the medical consultation is obtained or waived.

26 (d) The board shall adopt rules and regulations establishing the
27 criteria which an educational institution shall satisfy in meeting the
28 requirements established under ~~item (3)~~ of subsection (b)(3). The board
29 may send a questionnaire developed by the board to any educational
30 institution for which the board does not have sufficient information to
31 determine whether the educational institution meets the requirements of
32 ~~item (3)~~ of subsection (b)(3) and rules and regulations adopted under this
33 section. The questionnaire providing the necessary information shall be
34 completed and returned to the board in order for the educational institution
35 to be considered for approval. The board may contract with investigative
36 agencies, commissions or consultants to assist the board in obtaining
37 information about educational institutions. In entering such contracts the
38 authority to approve educational institutions shall remain solely with the
39 board.

40 ~~Sec. 41. 40.~~ K.S.A. 74-5365 is hereby amended to read as follows:
41 74-5365. (a) The ~~application, issuance of a new license and renewal fee for~~
42 ~~licensure under this act shall~~ *following fees may* be fixed by the board ~~by~~
43 ~~rules and regulations in an amount not to exceed \$200. for licensure under~~

1 *the licensure of master's level psychologists act: For application, issuance*
2 *of a new license and renewal of a license, an amount not to exceed \$200;*
3 *for replacement of a license, an amount not to exceed \$20; and for a*
4 *wallet card license, an amount not to exceed \$5. Any such fees required by*
5 *the board shall be established by rules and regulations adopted by the*
6 *board.*

7 (b) Fees paid to the board are not refundable.

8 (c) The application for renewal shall be accompanied by evidence
9 satisfactory to the board that the applicant has completed, during the
10 previous 24 months, the continuing education required by rules and
11 regulations of the board. As part of such continuing education, a licensed
12 ~~masters~~ *master's* level psychologist and a licensed clinical psychotherapist
13 shall complete not less than six continuing education hours relating to
14 diagnosis and treatment of mental disorders and not less than three
15 continuing education hours of professional ethics.

16 (d) *Within 30 days after any change of permanent address, a licensee*
17 *shall notify the board of such change.*

18 ~~Sec. 42.~~ **41.** K.S.A. 2015 Supp. 74-5367 is hereby amended to read as
19 follows: 74-5367. (a) The board may issue a temporary license to practice
20 as a licensed ~~masters~~ *master's* level psychologist to any person who pays a
21 fee prescribed by the board under this section, which shall not be refunded,
22 and who meets all the requirements for licensure under K.S.A. 74-5361 et
23 seq., and amendments thereto, as a licensed ~~masters~~ *master's* level
24 psychologist except the requirement of postgraduate supervised work
25 experience or passing the licensing examination, or both.

26 (b) ~~(1)~~ Absent extenuating circumstances approved by the board, a
27 temporary license issued by the board shall expire upon the date the board
28 issues or denies a license to practice ~~masters~~ *master's* level psychology or
29 24 months after the date of issuance of the temporary license. No
30 temporary license issued by the board will be renewed or issued again on
31 any subsequent applications for the same license level. The preceding
32 provision in no way limits the number of times an applicant may take the
33 examination.

34 ~~(2)~~ ~~A temporary licensee shall take the examination within the first 12~~
35 ~~months subsequent to the issuance of the temporary license unless there~~
36 ~~are extenuating circumstances approved by the board or if the temporary~~
37 ~~licensee does not take the examination within the first 12 months~~
38 ~~subsequent to the issuance of the temporary license and no extenuating~~
39 ~~circumstances have been approved by the board, the temporary license will~~
40 ~~expire after the first 12 months.~~

41 (c) The board ~~shall may fix by rules and regulations~~ a fee for the
42 application of the temporary license. The application fee shall not exceed
43 \$100. *Any such fee shall be established by rules and regulations adopted*

1 *by the board.*

2 (d) A person practicing ~~masters~~ *master's* level psychology with a
3 temporary license may not use the title "licensed ~~masters~~ *master's* level
4 psychologist" or the initials "LMLP" independently. The word "licensed"
5 may be used only when followed by the words "by temporary license"
6 such as licensed ~~masters~~ *master's* level psychologist by temporary license,
7 or ~~masters~~ *master's* level psychologist licensed by temporary license.

8 (e) No person may work under a temporary license except under the
9 supervision of a person licensed to practice psychology or ~~masters~~
10 *master's* level psychology in Kansas.

11 (f) The application for a temporary license may be denied or a
12 temporary license which has been issued may be suspended or revoked on
13 the same grounds as provided for suspension or revocation of a license
14 under K.S.A. 74-5369, and amendments thereto.

15 (g) Nothing in this section shall affect any temporary license to
16 practice issued under this section prior to the effective date of this act and
17 in effect on the effective date of this act. Such temporary license shall be
18 subject to the provisions of this section in effect at the time of its issuance
19 and shall continue to be effective until the date of expiration of the license
20 as provided under this section at the time of issuance of such temporary
21 license.

22 ~~Sec. 43. 42.~~ K.S.A. 2015 Supp. 74-5369 is hereby amended to read as
23 follows: 74-5369. ~~An application for licensure under K.S.A. 74-5361 to~~
24 ~~74-5371, inclusive, and amendments thereto, may be denied or a license~~
25 ~~granted under this act may be suspended, limited, revoked, have a~~
26 ~~condition placed on it or not renewed by the board upon proof that the~~
27 ~~applicant or licensee:~~

28 ~~(a) Has been convicted of a felony involving moral turpitude;~~

29 ~~(b) has been found guilty of fraud or deceit in connection with the~~
30 ~~rendering of professional services or in establishing such person's~~
31 ~~qualifications under this act;~~

32 ~~(c) has aided or abetted a person not licensed as a psychologist,~~
33 ~~licensed under this act or an uncertified assistant, to hold oneself out as a~~
34 ~~psychologist in this state;~~

35 ~~(d) has been guilty of unprofessional conduct as defined by rules and~~
36 ~~regulations of the board;~~

37 ~~(e) has been guilty of neglect or wrongful duties in the performance~~
38 ~~of duties; or~~

39 ~~(f) (a) The board may refuse to issue, renew or reinstate a license, may~~
40 ~~condition, limit, revoke or suspend a license, may publicly or privately~~
41 ~~censure a licensee or may impose a fine not to exceed \$1,000 per violation~~
42 ~~upon a finding that a licensee or an applicant for licensure:~~

43 ~~(1) Is incompetent to practice psychology, which means:~~

1 (A) *One or more instances involving failure to adhere to the*
2 *applicable standard of care to a degree that constitutes gross negligence,*
3 *as determined by the board;*

4 (B) *repeated instances involving failure to adhere to the applicable*
5 *standard of care to a degree that constitutes ordinary negligence, as*
6 *determined by the board; or*

7 (C) *a pattern of practice or other behavior that demonstrates a*
8 *manifest incapacity or incompetence to practice master's level*
9 *psychology;*

10 (2) *has been convicted of a felony offense and has not demonstrated*
11 *to the board's satisfaction that such person has been sufficiently*
12 *rehabilitated to merit the public trust;*

13 (3) *has been convicted of a misdemeanor against persons and has not*
14 *demonstrated to the board's satisfaction that such person has been*
15 *sufficiently rehabilitated to merit the public trust;*

16 (4) *is currently listed on a child abuse registry or an adult protective*
17 *services registry as the result of a substantiated finding of abuse or neglect*
18 *by any state agency, agency of another state or the United States, territory*
19 *of the United States or another country and the applicant or licensee has*
20 *not demonstrated to the board's satisfaction that such person has been*
21 *sufficiently rehabilitated to merit the public trust;*

22 (5) *has violated a provision of the licensure of master's level*
23 *psychologists act or one or more rules and regulations of the board;*

24 (6) *has obtained or attempted to obtain a license or license renewal*
25 *by bribery or fraudulent representation;*

26 (7) *has knowingly made a false statement on a form required by the*
27 *board for a license or license renewal;*

28 (8) *has failed to obtain continuing education credits as required by*
29 *rules and regulations adopted by the board;*

30 (9) *has been found to have engaged in unprofessional conduct as*
31 *defined by applicable rules and regulations of the board; or*

32 (10) *has had a registration, license or certificate as a ~~masters~~ master's*
33 *level psychologist revoked, suspended or limited, or has had other*
34 *disciplinary action taken, or an application for a registration, license or*
35 *certificate denied, by the proper regulatory authority of another state,*
36 *territory, District of Columbia or another country, a certified copy of the*
37 *record of the action of the other jurisdiction being conclusive evidence*
38 *thereof.*

39 (b) ***For issuance of a new license or reinstatement of a revoked or***
40 ***suspended license for a licensee or applicant for licensure with a felony***
41 ***conviction, the board may only issue or reinstate such license by a ²/₃***
42 ***majority vote.***

43 (c) ~~Administrative proceedings under K.S.A. 74-5361 to 74-5371,~~

1 ~~inclusive, and amendments thereto, and disciplinary actions regarding~~
2 ~~licensure under the licensure of master's level psychologists act shall be~~
3 ~~conducted in accordance with the Kansas administrative procedure act.~~
4 ~~Judicial review and civil enforcement of agency actions under K.S.A. 74-~~
5 ~~5361 to 74-5371, inclusive, and amendments thereto, the licensure of~~
6 ~~master's level psychologists act shall be in accordance with the Kansas~~
7 ~~judicial review act.~~

8 Sec. ~~44.~~ 43. K.S.A. 74-5370 is hereby amended to read as follows:
9 74-5370. The board may adopt rules and regulations to administer the
10 provisions of K.S.A. 74-5361 to ~~74-5371~~ 74-5375, inclusive, and
11 amendments thereto.

12 Sec. ~~45.~~ 44. K.S.A. 2015 Supp. 74-5375 is hereby amended to read as
13 follows: 74-5375. (a) The behavioral sciences regulatory board may issue
14 a license to an individual who is currently registered, certified or licensed
15 to practice psychology at the ~~masters~~ master's level in another jurisdiction
16 if the board determines that:

17 (1) The standards for registration, certification or licensure to practice
18 psychology at the ~~masters~~ master's level in the other jurisdiction are
19 substantially equivalent to the requirements of this state; or

20 (2) the applicant demonstrates, on forms provided by the board,
21 compliance with the following standards adopted by the board:

22 (A) ~~Continuous~~ Registration, certification or licensure to practice
23 psychology at the ~~masters~~ master's level ~~during the five years for at least~~
24 ~~60 of the last 66 months~~ immediately preceding the application with at
25 least the minimum professional experience as established by rules and
26 regulations of the board;

27 (B) the absence of disciplinary actions of a serious nature brought by
28 a registration, certification or licensing board or agency; and

29 (C) a ~~masters~~ master's degree in psychology from a regionally
30 accredited university or college.

31 (b) Applicants for licensure as a clinical psychotherapist shall
32 additionally demonstrate competence to diagnose and treat mental
33 disorders through meeting the requirements of either ~~paragraph (1) or (2)~~
34 ~~of~~ subsection (a)(1) or (a)(2) and at least two of the following areas
35 acceptable to the board:

36 (1) Either graduate coursework as established by rules and
37 regulations of the board or passing a national clinical examination
38 approved by the board;

39 (2) three years of clinical practice with demonstrated experience in
40 diagnosing or treating mental disorders; or

41 (3) attestation from a professional licensed to diagnose and treat
42 mental disorders in independent practice or licensed to practice medicine
43 and surgery stating that the applicant is competent to diagnose and treat

1 mental disorders.

2 (c) An applicant for a license under this section shall pay an
3 application fee established by the board under K.S.A. 74-5365, and
4 amendments thereto, *if required by the board*.

5 Sec. ~~46.~~ **45.** K.S.A. 2015 Supp. 74-5376 is hereby amended to read as
6 follows: 74-5376. K.S.A. 74-5361 through ~~74-5375~~ 74-5374 and K.S.A.
7 2015 Supp. 74-5375, and amendments thereto, shall be known and may be
8 cited as the licensure of ~~masters~~ *master's* level psychologists act.

9 Sec. ~~47.~~ **46.** K.S.A. 2015 Supp. 74-7507 is hereby amended to read as
10 follows: 74-7507. (a) The behavioral sciences regulatory board shall have
11 the following powers, duties and functions:

12 (1) Recommend to the appropriate district or county attorneys
13 prosecution for violations of this act, the licensure of psychologists act of
14 the state of Kansas, the professional counselors licensure act, ~~K.S.A. 65-~~
15 ~~6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to~~
16 ~~74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments~~
17 ~~thereto~~ *the social workers licensure act, the licensure of master's level*
18 *psychologists act, the applied behavior analysis licensure act*, the marriage
19 and family therapists licensure act or the ~~addictions~~ *addiction* counselor
20 licensure act;

21 (2) compile and publish annually a list of the names and addresses of
22 all persons who are licensed under this act, are licensed under the licensure
23 of psychologists act of the state of Kansas, ~~are licensed under~~ the
24 professional counselors licensure act, ~~are licensed under K.S.A. 65-6301 to~~
25 ~~65-6320, inclusive, and amendments thereto, are licensed under K.S.A. 74-~~
26 ~~5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and~~
27 ~~amendments thereto~~ *the social workers licensure act, the licensure of*
28 *master's level psychologists act, the applied behavior analysis licensure*
29 *act, are licensed under* the marriage and family therapists licensure act or
30 ~~are licensed under the addictions~~ *addiction* counselor licensure act;

31 (3) prescribe the form and contents of examinations required under
32 this act, the licensure of psychologists act of the state of Kansas, the
33 professional counselors licensure act, ~~K.S.A. 65-6301 to 65-6320,~~
34 ~~inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive,~~
35 ~~and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ *the social*
36 *workers licensure act, the licensure of master's level psychologists act, the*
37 *applied behavior analysis licensure act*, the marriage and family therapists
38 licensure act or the ~~addictions~~ *addiction* counselor licensure act;

39 (4) enter into contracts necessary to administer this act, the licensure
40 of psychologists act of the state of Kansas, the professional counselors
41 licensure act, ~~K.S.A. 65-6301 to 65-6320, inclusive, and amendments~~
42 ~~thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-~~
43 ~~5375, and amendments thereto~~ *the social workers licensure act, the*

1 *licensure of master's level psychologists act, the applied behavior analysis*
2 *licensure act, the marriage and family therapists licensure act or the*
3 ~~additions~~ *addiction counselor licensure act;*

4 (5) adopt an official seal;

5 (6) adopt and enforce rules and regulations for professional conduct
6 of persons licensed under the licensure of psychologists act of the state of
7 Kansas, ~~licensed under the professional counselors licensure act, licensed~~
8 ~~under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto,~~
9 ~~licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015-~~
10 ~~Supp. 74-5375, and amendments thereto~~ *the social workers licensure act,*
11 *the licensure of master's level psychologists act, the applied behavior*
12 *analysis licensure act,* ~~licensed under the marriage and family therapists~~
13 ~~licensure act or licensed under the~~ ~~additions~~ *addiction counselor licensure*
14 *act;*

15 (7) adopt and enforce rules and regulations establishing requirements
16 for the continuing education of persons licensed under the licensure of
17 psychologists act of the state of Kansas, ~~licensed under the professional~~
18 ~~counselors licensure act, licensed under K.S.A. 65-6301 to 65-6320,~~
19 ~~inclusive, and amendments thereto, licensed under K.S.A. 74-5361 to 74-~~
20 ~~5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~
21 *the social workers licensure act, the licensure of master's level*
22 *psychologists act, the applied behavior analysis licensure act,* ~~licensed~~
23 ~~under the marriage and family therapists licensure act or licensed under the~~
24 ~~additions~~ *addiction counselor licensure act;*

25 (8) adopt rules and regulations establishing classes of social work
26 specialties which will be recognized for licensure under K.S.A. 65-6301 to
27 65-6318, inclusive, and amendments thereto;

28 (9) adopt rules and regulations establishing procedures for
29 examination of candidates for licensure under the licensure of
30 psychologists act of the state of Kansas, ~~for licensure under the~~
31 ~~professional counselors licensure act, for licensure under K.S.A. 65-6301~~
32 ~~to 65-6320, inclusive, and amendments thereto, for licensure under K.S.A.~~
33 ~~74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and~~
34 ~~amendments thereto~~ *the social workers licensure act, the licensure of*
35 *master's level psychologists act, the applied behavior analysis licensure*
36 *act,* ~~for licensure under the marriage and family therapists licensure act,~~
37 ~~for licensure under the~~ ~~additions~~ *addiction counselor licensure act and for*
38 *issuance of such certificates and such licenses;*

39 (10) adopt rules and regulations as may be necessary for the
40 administration of this act, the licensure of psychologists act of the state of
41 Kansas, the professional counselors licensure act, ~~K.S.A. 65-6301 to 65-~~
42 ~~6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374,~~
43 ~~inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto~~ *the*

1 *social workers licensure act, the licensure of master's level psychologists*
2 *act, the applied behavior analysis licensure act, the marriage and family*
3 *therapists licensure act and the ~~addictions~~ *addiction counselor licensure act**
4 *and to carry out the purposes thereof;*

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

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

9 (b) ~~The behavioral sciences regulatory board, in addition to any other~~
10 ~~penalty, may assess an administrative penalty, after notice and an~~
11 ~~opportunity to be heard, against a licensee or registrant for a violation of~~
12 ~~any of the provisions of the licensure of psychologists act of the state of~~
13 ~~Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-~~
14 ~~6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374,~~
15 ~~inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the~~
16 ~~marriage and family therapists licensure act or the ~~addictions~~ *counselor*~~
17 ~~licensure act in an amount not to exceed \$1,000. All fines assessed and~~
18 ~~collected under this section shall be remitted to the state treasurer in~~
19 ~~accordance with the provisions of K.S.A. 75-4215, and amendments~~
20 ~~thereto. Upon receipt of each such remittance, the state treasurer shall~~
21 ~~deposit the entire amount in the state treasury to the credit of the state~~
22 ~~general fund.~~

23 (e) If an order of the behavioral sciences regulatory board is adverse
24 to a licensee or registrant of the board, the *actual* costs shall be charged to
25 such person as in ordinary civil actions in the district court ~~in an amount~~
26 ~~not to exceed \$200~~. The board shall pay any additional costs and, if the
27 board is the unsuccessful party, the costs shall be paid by the board.
28 Witness fees and costs may be taxed in accordance with statutes governing
29 taxation of witness fees and costs in the district court.

30 Sec. ~~48~~ 47. K.S.A. 2015 Supp. 74-7508 is hereby amended to read as
31 follows: 74-7508. (a) In connection with any investigation, based upon a
32 written complaint or other reasonably reliable written information, by the
33 behavioral sciences regulatory board, the board or its duly authorized
34 agents or employees shall at all reasonable times have access to, for the
35 purpose of examination, and the right to copy any document, report, record
36 or other physical evidence of any person being investigated, or any
37 document, report, record or other evidence maintained by and in
38 possession of any clinic or office of a practitioner of the behavioral
39 sciences, or other public or private agency if such document, report, record
40 or other physical evidence relates to practices which may be grounds for
41 disciplinary action.

42 (b) In all matters pending before the behavioral sciences regulatory
43 board, the board shall have the power to administer oaths and take

1 testimony. For the purpose of all investigations and proceedings conducted
2 by the behavioral sciences regulatory board:

3 (1) The board may issue subpoenas compelling the attendance and
4 testimony of witnesses or the production for examination or copying of
5 documents, reports, records or any other physical evidence if such
6 documents, reports, records or other physical evidence relates to practices
7 which may be grounds for disciplinary action. Within five days after the
8 service of the subpoena on any person requiring the production of any
9 documents, reports, records or other physical evidence in the person's
10 possession or under the person's control, such person may petition the
11 board to revoke, limit or modify the subpoena. The board shall revoke,
12 limit or modify such subpoena if in its opinion the documents, reports,
13 records or other physical evidence required does not relate to practices
14 which may be grounds for disciplinary action, is not relevant to the
15 allegation which is the subject matter of the proceeding or investigation, or
16 does not describe with sufficient particularity the documents, reports,
17 records or other physical evidence which is required to be produced. Any
18 member of the board, or any agent designated by the board, may
19 administer oaths or affirmations, examine witnesses and receive such
20 documents, reports, records or other physical evidence.

21 (2) The district court, upon application by the board or by the person
22 subpoenaed, shall have jurisdiction to issue an order:

23 (A) Requiring such person to appear before the board or the board's
24 duly authorized agent to produce documents, reports, records or other
25 physical evidence relating to the matter under investigation; or

26 (B) revoking, limiting or modifying the subpoena if in the court's
27 opinion the evidence demanded does not relate to practices which may be
28 grounds for disciplinary action, is not relevant to the allegation which is
29 the subject matter of the hearing or investigation or does not describe with
30 sufficient particularity the documents, reports, records or other physical
31 evidence which is required to be produced.

32 (3) (A) If the board determines that an individual has practiced
33 without a valid license a profession regulated by the board for which the
34 practitioners of the profession are required by law to be licensed in order
35 to practice the profession, in addition to any other penalties imposed by
36 law, the board, in accordance with the Kansas administrative procedure
37 act, may issue a cease and desist order against such individual.

38 (B) Whenever in the judgment of the behavioral sciences regulatory
39 board any person has engaged, or is about to engage, in any acts or
40 practices which constitute, or will constitute, a violation of K.S.A. 65-6301
41 to 65-6320, inclusive, and amendments thereto, 74-5361 to 74-5374,
42 inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the
43 licensure of psychologists act, the marriage and family therapists licensure

1 act or the alcohol and other drug abuse counselor registration act, or any
2 valid rule or regulation of the board, the board may make application to
3 any court of competent jurisdiction for an order enjoining such acts or
4 practices, and upon a showing by the board that such person has engaged,
5 or is about to engage in any such acts or practices, an injunction,
6 restraining order, or such other order as may be appropriate shall be
7 granted by such court without bond.

8 (c) Any complaint or report, record or other information relating to a
9 complaint which is received, obtained or maintained by the behavioral
10 sciences regulatory board shall be confidential and shall not be disclosed
11 by the board or its employees in a manner which identifies or enables
12 identification of the person who is the subject or source of the information
13 except the information may be disclosed:

14 (1) In any proceeding conducted by the board under the law or in an
15 appeal of an order of the board entered in a proceeding, or to any party to a
16 proceeding or appeal or the party's attorney;

17 (2) to the person who is the subject of the information or to any
18 person or entity when requested by the person who is the subject of the
19 information, but the board may require disclosure in such a manner that
20 will prevent identification of any other person who is the subject or source
21 of the information; or

22 (3) to a state or federal licensing, regulatory or enforcement agency
23 with jurisdiction over the subject of the information or to an agency with
24 jurisdiction over acts or conduct similar to acts or conduct which would
25 constitute grounds for action under this act. Any confidential complaint or
26 report, record or other information disclosed by the board as authorized by
27 this section shall not be redisclosed by the receiving agency except as
28 otherwise authorized by law.

29 (d) Nothing in this section or any other provision of law making
30 communications between a practitioner of one of the behavioral sciences
31 and the practitioner's client or patient a privileged or confidential
32 communication shall apply to investigations or proceedings conducted
33 pursuant to this section. The behavioral sciences regulatory board and its
34 employees, agents and representatives shall keep in confidence the content
35 and the names of any clients or patients whose records are reviewed during
36 the course of investigations and proceedings pursuant to this section.

37 (e) In all matters pending before the behavioral sciences regulatory
38 board, the board shall have the power to revoke the license or registration
39 of any licensee or registrant who voluntarily surrenders such person's
40 license or registration pending investigation of misconduct or while
41 charges of misconduct against the licensee are pending or anticipated.

42 ~~(f) In all matters pending before the behavioral sciences regulatory~~
43 ~~board, the board shall have the option to censure the licensee or registrant~~

1 in lieu of other disciplinary action.

2 *{New Sec. 48. No state agency shall enter into any agreement to*
3 *outsource or privatize any operations or facilities of the Larned state*
4 *hospital or Osawatamie state hospital without prior specific*
5 *authorization by an act of the legislature or an appropriation act of the*
6 *legislature.}*

7 **Sec. 49. K.S.A. 2015 Supp. 59-29b46 is hereby amended to read as**
8 **follows: 59-29b46. When used in the care and treatment act for**
9 **persons with an alcohol or substance abuse problem:**

10 (a) **"Discharge"** means the final and complete release from
11 treatment, by either the head of a treatment facility acting pursuant to
12 K.S.A. 59-29b50, and amendments thereto, or by an order of a court
13 issued pursuant to K.S.A. 59-29b73, and amendments thereto.

14 (b) **"Head of a treatment facility"** means the administrative
15 director of a treatment facility or such person's designee.

16 (c) **"Law enforcement officer"** ~~shall have the meaning ascribed to it~~
17 ~~means the same as defined in K.S.A. 22-2202, and amendments thereto.~~

18 (d) **"Licensed addiction counselor"** means a person who engages in
19 the practice of addiction counseling limited to substance use disorders and
20 who is licensed by the behavioral sciences regulatory board. Such person
21 shall engage in the practice of addiction counseling in a state-licensed or
22 certified alcohol and other drug treatment program or while completing a
23 Kansas domestic violence offender assessment for participants in a
24 certified batterer intervention program pursuant to K.S.A. 2015 Supp. 75-
25 7d01 through 75-7d13, and amendments thereto, unless otherwise exempt
26 from licensure under subsection (n).

27 (e) **"Licensed clinical addiction counselor"** means a person who
28 engages in the independent practice of addiction counseling and diagnosis
29 and treatment of substance use disorders specified in the edition of the
30 American psychiatric association's diagnostic and statistical manual of
31 mental disorders (DSM) designated by the board by rules and regulations
32 and is licensed by the behavioral sciences regulatory board.

33 (f) **"Other facility for care or treatment"** means any mental
34 health clinic, medical care facility, nursing home, the detox units at
35 either Osawatamie state hospital or Larned state hospital, any
36 physician or any other institution or individual authorized or licensed
37 by law to give care or treatment to any person.

38 (g) **"Patient"** means a person who is a voluntary patient, a
39 proposed patient or an involuntary patient.

40 (1) **"Voluntary patient"** means a person who is receiving
41 treatment at a treatment facility pursuant to K.S.A. 59-29b49, and
42 amendments thereto.

43 (2) **"Proposed patient"** means a person for whom a petition

1 pursuant to K.S.A. 59-29b52 or 59-29b57, and amendments thereto,
2 has been filed.

3 (3) "Involuntary patient" means a person who is receiving
4 treatment under order of a court or a person admitted and detained
5 by a treatment facility pursuant to an application filed pursuant to
6 subsection ~~(b) or (c)~~ of K.S.A. 59-29b54 ~~(b) or (c)~~, and amendments
7 thereto.

8 ~~(g)~~ (h) "Person with an alcohol or substance abuse problem"
9 means a person who: (1) Lacks self-control as to the use of alcoholic
10 beverages or any substance as defined in subsection ~~(k)~~ (l); or

11 (2) uses alcoholic beverages or any substance as defined in
12 subsection ~~(k)~~ (l) to the extent that the person's health may be
13 substantially impaired or endangered without treatment.

14 ~~(g)~~ (i) (1) "Person with an alcohol or substance abuse problem
15 subject to involuntary commitment for care and treatment" means a
16 person with an alcohol or substance abuse problem, as defined in
17 subsection ~~(f)~~ (h), who also is incapacitated by alcohol or any
18 substance and is likely to cause harm to self or others.

19 (2) "Incapacitated by alcohol or any substance" means that the
20 person, as the result of the use of alcohol or any substance as defined
21 in subsection ~~(k)~~ (l), has impaired judgment resulting in the person:

22 (A) Being incapable of realizing and making a rational decision
23 with respect to the need for treatment; or

24 (B) lacking sufficient understanding or capability to make or
25 communicate responsible decisions concerning either the person's
26 well-being or estate.

27 (3) "Likely to cause harm to self or others" means that the
28 person, by reason of the person's use of alcohol or any substance: (A)
29 Is likely, in the reasonably foreseeable future, to cause substantial
30 physical injury or physical abuse to self or others or substantial
31 damage to another's property, as evidenced by behavior threatening,
32 attempting or causing such injury, abuse or damage; except that if the
33 harm threatened, attempted or caused is only harm to the property of
34 another, the harm must be of such a value and extent that the state's
35 interest in protecting the property from such harm outweighs the
36 person's interest in personal liberty; or

37 (B) is substantially unable, except for reason of indigency, to
38 provide for any of the person's basic needs, such as food, clothing,
39 shelter, health or safety, causing a substantial deterioration of the
40 person's ability to function on the person's own.

41 ~~(h)~~ (j) "Physician" means a person licensed to practice medicine
42 and surgery as provided for in the Kansas healing arts act or a person
43 who is employed by a state psychiatric hospital or by an agency of the

1 **United States and who is authorized by law to practice medicine and**
2 **surgery within that hospital or agency.**

3 ~~(i)~~ **(k) "Psychologist" means a licensed psychologist, as defined by**
4 **K.S.A. 74-5302, and amendments thereto.**

5 ~~(j) "State certified alcohol and drug abuse counselor" means a person~~
6 ~~approved by the secretary for aging and disability services to perform~~
7 ~~assessments using the American Society of Addiction Medicine criteria~~
8 ~~and employed at a state funded and designated assessment center.~~

9 ~~(k)~~ **(l) "Substance" means: (1) The same as the term "controlled**
10 **substance" as defined in K.S.A. 2015 Supp. 21-5701, and amendments**
11 **thereto; or**

12 **(2) fluorocarbons, toluene or volatile hydrocarbon solvents.**

13 ~~(l)~~ **(m) "Treatment" means the broad range of emergency,**
14 **outpatient, intermediate and inpatient services and care, including**
15 **diagnostic evaluation, medical, psychiatric, psychological and social**
16 **service care, vocational rehabilitation and career counseling, which**
17 **may be extended to persons with an alcohol or substance abuse**
18 **problem.**

19 ~~(m)~~ **(n) (1) "Treatment facility" means a treatment program,**
20 **public or private treatment facility, or any facility of the United States**
21 **government available to treat a person for an alcohol or other**
22 **substance abuse problem, but such term shall not include a licensed**
23 **medical care facility, a licensed adult care home, a facility licensed**
24 **under K.S.A. 75-3307b, and amendments thereto, a community-based**
25 **alcohol and drug safety action program certified under K.S.A. 8-1008,**
26 **and amendments thereto, and performing only those functions for**
27 **which the program is certified to perform under K.S.A. 8-1008, and**
28 **amendments thereto, or a professional licensed by the behavioral**
29 **sciences regulatory board to diagnose and treat mental disorders at**
30 **the independent level or a physician, who may treat in the usual**
31 **course of the behavioral sciences regulatory board licensee's or**
32 **physician's professional practice individuals incapacitated by alcohol**
33 **or other substances, but who are not primarily engaged in the usual**
34 **course of the individual's professional practice in treating such**
35 **individuals, or any state institution, even if detoxification services may**
36 **have been obtained at such institution.**

37 **(2) "Private treatment facility" means a private agency providing**
38 **facilities for the care and treatment or lodging of persons with either**
39 **an alcohol or other substance abuse problem and meeting the**
40 **standards prescribed in either K.S.A. 65-4013 or 65-4603, and**
41 **amendments thereto, and licensed under either K.S.A. 65-4014 or 65-**
42 **4607, and amendments thereto.**

43 **(3) "Public treatment facility" means a treatment facility owned**

1 and operated by any political subdivision of the state of Kansas and
2 licensed under either K.S.A. 65-4014 or 65-4603, and amendments
3 thereto, as an appropriate place for the care and treatment or lodging
4 of persons with an alcohol or other substance abuse problem.

5 ~~(b)~~ (o) The terms defined in K.S.A. 59-3051, and amendments
6 thereto, shall have the meanings provided by that section.

7 Sec. 50. K.S.A. 59-29b54 is hereby amended to read as follows:
8 59-29b54. (a) A treatment facility may admit and detain any person
9 for emergency observation and treatment upon an ex parte emergency
10 custody order issued by a district court pursuant to K.S.A. 59-29b58,
11 and amendments thereto.

12 (b) A treatment facility or the detox unit at Osawatomie state
13 hospital or at Larned state hospital may admit and detain any person
14 presented for emergency observation and treatment upon written
15 application of a law enforcement officer having custody of that person
16 pursuant to K.S.A. 59-29b53, and amendments thereto. The
17 application shall state:

18 (1) The name and address of the person sought to be admitted, if
19 known;

20 (2) the name and address of the person's spouse or nearest
21 relative, if known;

22 (3) the officer's belief that the person is or may be a person with
23 an alcohol or substance abuse problem subject to involuntary
24 commitment for care and treatment and is likely to cause harm to self
25 or others if not immediately detained;

26 (4) the factual circumstances in support of that belief and the
27 factual circumstances under which the person was taken into custody
28 including any known pending criminal charges; and

29 (5) the fact that the law enforcement officer will file the petition
30 provided for in K.S.A. 59-29b57, and amendments thereto, by the
31 close of business of the first day thereafter that the district court is
32 open for the transaction of business, or that the officer has been
33 informed by a parent, legal guardian or other person, whose name
34 shall be stated in the application will file the petition provided for in
35 K.S.A. 59-29b57, and amendments thereto, within that time.

36 (c) A treatment facility may admit and detain any person
37 presented for emergency observation and treatment upon the written
38 application of any individual. The application shall state:

39 (1) The name and address of the person sought to be admitted, if
40 known;

41 (2) the name and address of the person's spouse or nearest
42 relative, if known;

43 (3) the applicant's belief that the person may be a person with an

1 alcohol or substance abuse problem subject to involuntary
2 commitment and is likely to cause harm to self or others if not
3 immediately detained;

4 (4) the factual circumstances in support of that belief;

5 (5) any pending criminal charges, if known;

6 (6) the fact that the applicant will file the petition provided for in
7 K.S.A. 59-29b57, and amendments thereto, by the close of business of
8 the first day thereafter that the district court is open for the
9 transaction of business; and

10 (7) the application shall also be accompanied by a statement in
11 writing of a physician, psychologist or ~~state certified alcohol and drug~~
12 ~~abuse licensed addiction~~ counselor finding that the person is likely to be
13 a person with an alcohol or substance abuse problem subject to
14 involuntary commitment for care and treatment under this act.

15 (d) Any treatment facility or personnel thereof, who in good faith
16 renders treatment in accordance with law to any person admitted
17 pursuant to subsection (b) or (c), shall not be liable in a civil or
18 criminal action based upon a claim that the treatment was rendered
19 without legal consent.

20 Sec. 51. K.S.A. 59-29b61 is hereby amended to read as follows:
21 59-29b61. (a) The order for an evaluation required by ~~subsection (a)(5)~~
22 ~~of K.S.A. 59-29b60(a)(5)~~, and amendments thereto, shall be served in
23 the manner provided for in ~~a subsections (c) and (d) of K.S.A. 59-~~
24 ~~29b63(c) and (d)~~, and amendments thereto. It shall order the proposed
25 patient to submit to an evaluation to be conducted by a physician,
26 psychologist or ~~state certified alcohol and drug abuse licensed addiction~~
27 counselor and to undergo such other medical examinations or
28 evaluations as may be designated by the court in the order, except that
29 any proposed patient who is not subject to a temporary custody order
30 issued pursuant to K.S.A. 59-29b59, and amendments thereto, and
31 who requests a hearing pursuant to K.S.A. 59-29b62, and amendments
32 thereto, need not submit to such evaluations or examinations until that
33 hearing has been held and the court finds that there is probable cause
34 to believe that the proposed patient is a person with an alcohol or
35 substance abuse problem subject to involuntary commitment for care
36 and treatment under this act. The evaluation may be conducted at a
37 treatment facility, the home of the proposed patient or any other
38 suitable place that the court determines is not likely to have a harmful
39 effect on the welfare of the proposed patient.

40 (b) At the time designated by the court in the order, but in no
41 event later than three days prior to the date of the trial provided for in
42 K.S.A. 59-29b65, and amendments thereto, the examiner shall submit
43 to the court a report, in writing, of the evaluation which report also

1 shall be made available to counsel for the parties at least three days
2 prior to the trial. The report also shall be made available to the
3 proposed patient and to whomever the patient directs, unless for good
4 cause recited in the order, the court orders otherwise. Such report
5 shall state that the examiner has made an examination of the proposed
6 patient and shall state the opinion of the examiner on the issue of
7 whether or not the proposed patient is a person with an alcohol or
8 substance abuse problem subject to involuntary commitment for care
9 and treatment under this act and the examiner's opinion as to the least
10 restrictive treatment alternative which will protect the proposed
11 patient and others and allow for the improvement of the proposed
12 patient if treatment is ordered.

13 Sec. 52. K.S.A. 2015 Supp. 59-3077 is hereby amended to read as
14 follows: 59-3077. (a) At any time after the filing of the petition
15 provided for in K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and
16 amendments thereto, any person may file in addition to that original
17 petition, or as a part thereof, or at any time after the appointment of a
18 temporary guardian as provided for in K.S.A. 59-3073, and
19 amendments thereto, or a guardian as provided for in K.S.A. 59-3067,
20 and amendments thereto, the temporary guardian or guardian may
21 file, a verified petition requesting that the court grant authority to the
22 temporary guardian or guardian to admit the proposed ward or ward
23 to a treatment facility, as defined in subsection (h), and to consent to
24 the care and treatment of the proposed ward or ward therein. The
25 petition shall include:

26 (1) The petitioner's name and address, and if the petitioner is the
27 proposed ward's or ward's court appointed temporary guardian or
28 guardian, that fact;

29 (2) the proposed ward's or ward's name, age, date of birth,
30 address of permanent residence, and present address or whereabouts,
31 if different from the proposed ward's or ward's permanent residence;

32 (3) the name and address of the proposed ward's or ward's court
33 appointed temporary guardian or guardian, if different from the
34 petitioner;

35 (4) the factual basis upon which the petitioner alleges the need for
36 the proposed ward or ward to be admitted to and treated at a
37 treatment facility, or for the proposed ward or ward to continue to be
38 treated at the treatment facility to which the proposed ward or ward
39 has already been admitted, or for the guardian to have continuing
40 authority to admit the ward for care and treatment at a treatment
41 facility pursuant to ~~subsection (b)(3) of K.S.A. 59-2949;(b)(3) or~~
42 ~~subsection (b)(3) of K.S.A. 59-29b49(b)(3), and amendments thereto;~~

43 (5) the names and addresses of witnesses by whom the truth of

1 this petition may be proved; and

2 (6) a request that the court find that the proposed ward or ward
3 is in need of being admitted to and treated at a treatment facility, and
4 that the court grant to the temporary guardian or guardian the
5 authority to admit the proposed ward or ward to a treatment facility
6 and to consent to the care and treatment of the proposed ward or
7 ward therein.

8 (b) The petition may be accompanied by a report of an
9 examination and evaluation of the proposed ward or ward conducted
10 by an appropriately qualified professional, which shows that the
11 criteria set out in K.S.A. 39-1803, ~~subsection (e) of K.S.A. 59-2946(e),~~
12 ~~subsection (f) of K.S.A. 59-29b46(h) or K.S.A. 76-12b03,~~ and
13 amendments thereto, are met.

14 (c) Upon the filing of such a petition, the court shall issue the
15 following:

16 (1) An order fixing the date, time and place of a hearing on the
17 petition. Such hearing, in the court's discretion, may be conducted in a
18 courtroom, a treatment facility or at some other suitable place. The
19 time fixed in the order shall in no event be earlier than seven days or
20 later than 21 days after the date of the filing of the petition. The court
21 may consolidate this hearing with the trial upon the original petition
22 filed pursuant to K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and
23 amendments thereto, or with the trial provided for in the care and
24 treatment act for mentally ill persons or the care and treatment act for
25 persons with an alcohol or substance abuse problem, if the petition
26 also incorporates the allegations required by, and is filed in
27 compliance with, the provisions of either of those acts.

28 (2) An order requiring that the proposed ward or ward appear at
29 the time and place of the hearing on the petition unless the court
30 makes a finding prior to the hearing that the presence of the proposed
31 ward or ward will be injurious to the person's health or welfare, or
32 that the proposed ward's or ward's impairment is such that the person
33 could not meaningfully participate in the proceedings, or that the
34 proposed ward or ward has filed with the court a written waiver of
35 such ward's right to appear in person. In any such case, the court shall
36 enter in the record of the proceedings the facts upon which the court
37 has found that the presence of the proposed ward or ward at the
38 hearing should be excused. Notwithstanding the foregoing provisions
39 of this subsection, if the proposed ward or ward files with the court at
40 least one day prior to the date of the hearing a written notice stating
41 the person's desire to be present at the hearing, the court shall order
42 that the person must be present at the hearing.

43 (3) An order appointing an attorney to represent the proposed

1 ward or ward. The court shall give preference, in the appointment of
2 this attorney, to any attorney who has represented the proposed ward
3 or ward in other matters, if the court has knowledge of that prior
4 representation. The proposed ward, or the ward with the consent of
5 the ward's conservator, if one has been appointed, shall have the right
6 to engage an attorney of the proposed ward's or ward's choice and, in
7 such case, the attorney appointed by the court shall be relieved of all
8 duties by the court. Any appointment made by the court shall
9 terminate upon a final determination of the petition and any appeal
10 therefrom, unless the court continues the appointment by further
11 order.

12 (4) An order fixing the date, time and a place that is in the best
13 interest of the proposed ward or ward, at which the proposed ward or
14 ward shall have the opportunity to consult with such ward's attorney.
15 This consultation shall be scheduled to occur prior to the time at
16 which the examination and evaluation ordered pursuant to subsection
17 (d)(1), if ordered, is scheduled to occur.

18 (5) A notice similar to that provided for in K.S.A. 59-3066, and
19 amendments thereto.

20 (d) Upon the filing of such a petition, the court may issue the
21 following:

22 (1) An order for a psychological or other examination and
23 evaluation of the proposed ward or ward, as may be specified by the
24 court. The court may order the proposed ward or ward to submit to
25 such an examination and evaluation to be conducted through a
26 general hospital, psychiatric hospital, community mental health
27 center, community developmental disability organization, or by a
28 private physician, psychiatrist, psychologist or other person appointed
29 by the court who is qualified to examine and evaluate the proposed
30 ward or ward. The costs of this examination and evaluation shall be
31 assessed as provided for in K.S.A. 59-3094, and amendments thereto.

32 (2) If the petition is accompanied by a report of an examination
33 and evaluation of the proposed ward or ward as provided for in
34 subsection (b), an order granting temporary authority to the
35 temporary guardian or guardian to admit the proposed ward or ward
36 to a treatment facility and to consent to the care and treatment of the
37 proposed ward or ward therein. Any such order shall expire
38 immediately after the hearing upon the petition, or as the court may
39 otherwise specify, or upon the discharge of the proposed ward or ward
40 by the head of the treatment facility, if the proposed ward or ward is
41 discharged prior to the time at which the order would otherwise
42 expire.

43 (3) For good cause shown, an order of continuance of the hearing.

1 **(4) For good cause shown, an order of advancement of the**
2 **hearing.**

3 **(5) For good cause shown, an order changing the place of the**
4 **hearing.**

5 **(e) The hearing on the petition shall be held at the time and place**
6 **specified in the court's order issued pursuant to subsection (c), unless**
7 **an order of advancement, continuance, or a change of place of the**
8 **hearing has been issued pursuant to subsection (d). The petitioner and**
9 **the proposed ward or ward shall each be afforded an opportunity to**
10 **appear at the hearing, to testify and to present and cross-examine**
11 **witnesses. If the hearing has been consolidated with a trial being held**
12 **pursuant to either the care and treatment act for mentally ill persons**
13 **or the care and treatment act for persons with an alcohol or substance**
14 **abuse problem, persons not necessary for the conduct of the**
15 **proceedings may be excluded as provided for in those acts. The**
16 **hearing shall be conducted in as informal a manner as may be**
17 **consistent with orderly procedure. The court shall have the authority**
18 **to receive all relevant and material evidence which may be offered,**
19 **including the testimony or written report, findings or**
20 **recommendations of any professional or other person who has**
21 **examined or evaluated the proposed ward or ward pursuant to any**
22 **order issued by the court pursuant to subsection (d). Such evidence**
23 **shall not be privileged for the purpose of this hearing.**

24 **(f) Upon completion of the hearing, if the court finds by clear and**
25 **convincing evidence that the criteria set out in K.S.A. 39-1803,**
26 **subsection (e) of K.S.A. 59-2946(e), ~~subsection (f) of K.S.A. 59-29b46(h)~~**
27 **or K.S.A. 76-12b03, and amendments thereto, are met, and after a**
28 **careful consideration of reasonable alternatives to admission of the**
29 **proposed ward or ward to a treatment facility, the court may enter an**
30 **order granting such authority to the temporary guardian or guardian**
31 **as is appropriate, including continuing authority to the guardian to**
32 **readmit the ward to an appropriate treatment facility as may later**
33 **become necessary. Any such grant of continuing authority shall expire**
34 **two years after the date of final discharge of the ward from such a**
35 **treatment facility if the ward has not had to be readmitted to a**
36 **treatment facility during that two-year period of time. Thereafter, any**
37 **such grant of continuing authority may be renewed only after the**
38 **filing of another petition seeking authority in compliance with the**
39 **provision of this section.**

40 **(g) Nothing herein shall be construed so as to prohibit the head of**
41 **a treatment facility from admitting a proposed ward or ward to that**
42 **facility as a voluntary patient if the head of the treatment facility is**
43 **satisfied that the proposed ward or ward at that time has the capacity**

1 to understand such ward's illness and need for treatment, and to
2 consent to such ward's admission and treatment. Upon any such
3 admission, the head of the treatment facility shall give notice to the
4 temporary guardian or guardian as soon as possible of the ward's
5 admission, and shall provide to the temporary guardian or guardian
6 copies of any consents the proposed ward or ward has given.
7 Thereafter, the temporary guardian or guardian shall timely either
8 seek to obtain proper authority pursuant to this section to admit the
9 proposed ward or ward to a treatment facility and to consent to
10 further care and treatment, or shall otherwise assume responsibility
11 for the care of the proposed ward or ward, consistent with the
12 authority of the temporary guardian or guardian, and may arrange
13 for the discharge from the facility of the proposed ward or ward,
14 unless the head of the treatment facility shall file a petition requesting
15 the involuntary commitment of the proposed ward or ward to that or
16 some other facility.

17 (h) As used herein, "treatment facility" means the Kansas
18 neurological institute, Larned state hospital, Osawatomie state
19 hospital, Parsons state hospital and training center, the rainbow
20 mental health facility, any intermediate care facility for people with
21 intellectual disability, any psychiatric hospital licensed pursuant to
22 K.S.A. 75-3307b, and amendments thereto, and any other facility for
23 mentally ill persons or people with intellectual or developmental
24 disabilities licensed pursuant to K.S.A. 75-3307b, and amendments
25 thereto, if the proposed ward or ward is to be admitted as an inpatient
26 or resident of that facility.

27 Sec. 53. K.S.A. 65-4016 is hereby amended to read as follows: 65-
28 4016. The secretary shall adopt rules and regulations with respect to
29 treatment facilities to be licensed and designed to further the
30 accomplishment of the purposes of this law in promoting a safe and
31 adequate treatment program for individuals in treatment facilities in
32 the interest of public health, safety and welfare ~~including, but not~~
33 ~~limited to, minimum qualifications for employees of licensed or certified~~
34 ~~programs which are less than the qualifications required for a registered~~
35 ~~alcohol and other drug abuse counselor. Boards of trustees or directors~~
36 ~~of institutions licensed under this act shall have the right to select the~~
37 ~~professional staff members of such institutions and to select and~~
38 ~~employ interns, nurses and other personnel.~~

39 Sec. 54. K.S.A. 2015 Supp. 65-4024a is hereby amended to read as
40 follows: 65-4024a. As used in this act:

41 (a) "Act" means the alcohol or other drug addiction treatment
42 act.

43 (b) "Alcohol or other drug addiction" means a pattern of

1 substance use, leading to significant impairment or distress,
2 manifested by three or more of the following occurring at any time in
3 the same 12-month period:

4 (1) Tolerance, defined as: (A) A need for markedly increased
5 amounts of the substance to achieve intoxication or desired effect; or
6 (B) a markedly diminished effect with continued use of the same
7 amount of substance;

8 (2) withdrawal, as manifested by either of the following: (A) The
9 characteristic withdrawal syndrome for the substance; or (B) the same
10 or a closely related substance is taken to relieve or avoid withdrawal
11 symptoms;

12 (3) the substance is often taken in larger amounts or over a longer
13 period than was intended;

14 (4) there is a persistent desire or unsuccessful efforts to cut down
15 or control substance use;

16 (5) a great deal of time is spent in activities necessary to obtain
17 the substance, use the substance or recover from its effects;

18 (6) important social, occupational or recreational activities are
19 given up or reduced because of substance use;

20 (7) the substance use is continued despite knowledge of having a
21 persistent or recurrent physical or psychological problem that is likely
22 to have been caused or exacerbated by the substance.

23 (c) "Care or treatment" means such necessary services as are in
24 the best interests of the physical and mental health of the patient.

25 (d) "Committee" means the Kansas citizens committee on alcohol
26 and other drug abuse.

27 (e) ~~"Counselor" means an individual whose education, experience
28 and training has been evaluated and approved by the Kansas department
29 for aging and disability services to provide the scope of practice afforded
30 to an alcohol and drug credentialed counselor or counselor assistant
31 working in a licensed, certified alcohol and drug treatment program.~~

32 (f) ~~"Department" means the Kansas department for aging and
33 disability services.~~

34 (g) (f) "Designated state funded assessment center" or
35 "assessment center" means a treatment facility designated by the
36 secretary.

37 (h) (g) ~~"Discharge" shall have the meaning ascribed to it means the
38 same as defined in K.S.A. 59-29b46, and amendments thereto.~~

39 (i) (h) "Government unit" means any county, municipality or
40 other political subdivision of the state; or any department, division,
41 board or other agency of any of the foregoing.

42 (j) (i) ~~"Head of the treatment facility" shall have the meaning
43 ascribed to it means the same as defined in K.S.A. 59-29b46, and~~

1 **amendments thereto.**

2 ~~(k)~~ (j) **"Incapacitated by alcohol"** shall have the meaning ascribed
3 ~~to it means the same as defined in K.S.A. 59-29b46, and amendments~~
4 **thereto.**

5 ~~(l)~~ (k) **"Intoxicated individual"** means an individual who is under
6 **the influence of alcohol or drugs or both.**

7 ~~(m)~~ (l) **"Law enforcement officer"** shall have the meaning ascribed
8 ~~to it means the same as defined in K.S.A. 59-29b46, and amendments~~
9 **thereto.**

10 (m) *"Licensed addiction counselor" means a person who engages in*
11 *the practice of addiction counseling limited to substance use disorders and*
12 *who is licensed by the behavioral sciences regulatory board. Such person*
13 *shall engage in the practice of addiction counseling in a state-licensed or*
14 *certified alcohol and other drug treatment program or while completing a*
15 *Kansas domestic violence offender assessment for participants in a*
16 *certified batterer intervention program pursuant to K.S.A. 2015 Supp. 75-*
17 *7d01 through 75-7d13, and amendments thereto, unless otherwise exempt*
18 *from licensure under K.S.A. 59-29b46(n), and amendments thereto.*

19 (n) *"Licensed clinical addiction counselor" means a person who*
20 *engages in the independent practice of addiction counseling and diagnosis*
21 *and treatment of substance use disorders specified in the edition of the*
22 *American psychiatric association's diagnostic and statistical manual of*
23 *mental disorders (DSM) designated by the board by rules and regulations*
24 *and is licensed by the behavioral sciences regulatory board.*

25 ~~(o)~~ **"Patient"** shall have the meaning ascribed to it means the same
26 **as defined in K.S.A. 59-29b46, and amendments thereto.**

27 ~~(p)~~ (p) **"Private treatment facility"** shall have the meaning ascribed
28 ~~to it means the same as defined in K.S.A. 59-29b46, and amendments~~
29 **thereto.**

30 ~~(q)~~ (q) **"Public treatment facility"** shall have the meaning ascribed
31 ~~to it means the same as defined in K.S.A. 59-29b46, and amendments~~
32 **thereto.**

33 ~~(r)~~ (r) **"Treatment"** shall have the meaning ascribed to it means the
34 **same as defined in K.S.A. 59-29b46, and amendments thereto.**

35 ~~(s)~~ (s) **"Treatment facility"** shall have the meaning ascribed to it
36 **means the same as defined in K.S.A. 59-29b46, and amendments**
37 **thereto.**

38 ~~(t)~~ (t) **"Secretary"** means the secretary for aging and disability
39 **services.**

40 Sec. ~~49-48-149-1~~ 55. K.S.A. 59-29b54, 59-29b61, 65-4016, 65-5806,
41 65-5808, 65-6314, 65-6407, 65-6408, 65-6411, 74-5311, 74-5318, 74-
42 5319, 74-5320, 74-5321, 74-5325, 74-5326, 74-5327, 74-5328, 74-5332,
43 74-5333, 74-5334, 74-5336, 74-5338, 74-5361, 74-5362, 74-5363, 74-

1 5365 and 74-5370 and K.S.A. 2015 Supp. **59-29b46, 59-3077, 65-4024a,**
2 65-5807, 65-5809, 65-5815, 65-6309, 65-6311, 65-6313, 65-6405, 65-
3 6406, 65-6412, 65-6607, 65-6608, 65-6609, 65-6610, 65-6611, 65-6612,
4 65-6613, 65-6614, 65-6615, 65-6616, 65-6617, 65-6618, 65-6619, 65-
5 6620, 74-5310, 74-5315, 74-5316, 74-5324, 74-5337, 74-5367, 74-5369,
6 74-5375, 74-5376, 74-7507 and 74-7508 are hereby repealed.

7 Sec. ~~50-49-150.1~~ **56.** This act shall take effect and be in force from
8 and after its publication in the statute book.