

SENATE BILL No. 197

By Committee on Ways and Means

2-15

1 AN ACT concerning social work; creating the social work examining
2 committee within the behavioral sciences regulatory board; providing
3 the powers, duties and functions thereof; amending K.S.A. 65-6302,
4 65-6303, 65-6306, 65-6308, 65-6317 and 65-6319 and K.S.A. 2016
5 Supp. 22-4612, 59-2132, 59-2946, 65-6309, 65-6309a, 65-6311, 65-
6 6616 and 74-7501 and repealing the existing sections.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) There is hereby created a social work examining
10 committee consisting of seven members appointed by the governor. The
11 membership of the examining committee shall be as follows: Five
12 members of the examining committee shall be licensed to engage in the
13 practice of social work and two members of the examining committee
14 shall be from and represent the general public. Each member of the
15 examining committee shall be a citizen of the United States and a resident
16 of this state.

17 (b) The term of office of each member of the examining committee
18 shall be four years. No member of the examining committee shall be
19 appointed for more than two successive terms. Upon the expiration of a
20 member's term of office, the governor shall appoint a qualified successor
21 as provided in this subsection. Each member shall serve until a successor
22 is appointed and qualified. Whenever a vacancy occurs in the membership
23 of the examining committee prior to the expiration of a term of office, the
24 governor shall appoint a qualified successor to fill the unexpired term as
25 provided in this subsection. The governor may remove any member of the
26 examining committee for misconduct, incompetency or neglect of duty.
27 Upon the expiration of the term of a member of the examining committee
28 who is licensed to engage in the practice of social work or upon the
29 vacancy in a position of a member of the examining committee who is
30 licensed to engage in the practice of social work, the Kansas chapter of the
31 national association of social workers shall submit to the governor a list of
32 at least three names of licensed social workers for each vacancy who meet
33 the qualifications for the position. In making appointments to the
34 examining committee, the governor shall give consideration to such list of
35 persons.

36 (c) The examining committee shall organize annually at its first

1 meeting subsequent to June 30 and shall select from its members a
2 chairperson and a vice-chairperson. Other meetings shall be held as the
3 examining committee designates. A majority of members appointed to the
4 examining committee shall constitute a quorum for the transaction of
5 business.

6 (d) Members of the social work examining committee attending
7 meetings of the examining committee, or attending a subcommittee
8 meeting thereof authorized by the examining committee, shall be paid
9 compensation, subsistence allowances, mileage and other expenses as
10 provided in K.S.A. 75-3223, and amendments thereto.

11 (e) (1) The social work examining committee shall be within the
12 behavioral sciences regulatory board as a part thereof and shall constitute
13 the successor to the powers, duties and functions of the behavioral
14 sciences regulatory board with regard to the regulation of the practice of
15 social work and the licensing of social workers. All budgeting, purchasing
16 and related management functions of the examining committee shall be
17 administered under the direction and supervision of the behavioral
18 sciences regulatory board. The behavioral sciences regulatory board shall
19 serve as the administrative and enforcement agency of the examining
20 committee in all respects and shall perform such services and duties as it
21 may be legally called upon to perform. All vouchers for expenditures and
22 all payrolls of the social work examining committee shall be approved by
23 the chairperson of the examining committee or by a person or persons
24 designated by the chairperson. The behavioral sciences regulatory board
25 shall provide office and meeting space and clerical and other staff
26 assistance as may be necessary to assist the examining committee to carry
27 out its powers, duties and functions.

28 (2) Every act performed in the exercise of the powers, duties and
29 functions transferred to the social work examining committee under this
30 act by or under the authority of the examining committee shall be deemed
31 to have the same force and effect as if performed by the behavioral
32 sciences regulatory board in which the same were vested prior to the
33 effective date of this act.

34 (3) Whenever the behavioral sciences regulatory board, or words of
35 like effect, in regard to the powers, duties and functions transferred under
36 this act to the social work examining committee are referred to or
37 designated by a statute, contract or other document, such reference or
38 designation shall be deemed to apply to the social work examining
39 committee.

40 (4) All rules and regulations and all orders or directives of the
41 behavioral sciences regulatory board in existence on the effective date of
42 this act that relate specifically to the regulation of the practice of social
43 work or the licensing of social workers, or both, shall continue to be

1 effective and shall be deemed to the rules and regulations and orders or
2 directives of the social work examining committee until revised, amended,
3 revoked or nullified pursuant to law.

4 (5) No suit, action or other proceeding, judicial or administrative,
5 lawfully commenced or that could have been commenced by or against
6 any state agency, or by or against any officer of the state in such officer's
7 official capacity or in relation to the discharge of the officer's official
8 duties, shall abate by reason of the taking effect of the changes made by
9 this act. The court may allow any such suit, action or other proceeding to
10 be maintained by or against such state agency or officer. No criminal
11 action commenced or which could have been commenced by the state shall
12 abate by the taking effect of the act.

13 New Sec. 2. (a) The social work examining committee shall have the
14 following powers, duties and functions:

15 (1) Recommend to the appropriate district or county attorneys
16 prosecution for violations of the social workers licensure act;

17 (2) compile and publish annually a list of the names and addresses of
18 all persons who are licensed under the social workers licensure act;

19 (3) prescribe the form and contents of examinations required under
20 the social workers licensure act;

21 (4) adopt and enforce rules and regulations for professional conduct
22 of persons licensed under the social workers licensure act;

23 (5) adopt and enforce rules and regulations establishing requirements
24 for the continuing education of persons licensed under the social workers
25 licensure act;

26 (6) adopt rules and regulations establishing classes of social work
27 specialties that will be recognized for licensure under K.S.A. 65-6301
28 through 65-6318, and amendments thereto;

29 (7) adopt rules and regulations establishing procedures for
30 examination of candidates for licensure under the social workers licensure
31 act; and

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

34 (b) If an order of the social work examining committee is adverse to a
35 licensee under the social workers licensure act, the actual costs shall be
36 charged to such person as in ordinary civil actions in the district court. The
37 examining committee shall pay any additional costs and, if the board is the
38 unsuccessful party, the costs shall be paid by the examining committee.
39 Witness fees and costs may be taxed in accordance with statutes governing
40 taxation of witness fees and costs in the district court.

41 Sec. 3. K.S.A. 2016 Supp. 22-4612 is hereby amended to read as
42 follows: 22-4612. (a) Except as otherwise provided in this section, a
43 county, a city, a county or city law enforcement agency, a county

1 department of corrections or the Kansas highway patrol shall be liable to
2 pay a health care provider for health care services rendered to persons in
3 the custody of such agencies the lesser of the actual amount billed by such
4 health care provider or the medicaid rate. The provisions of this section
5 shall not apply if a person in the custody of a county or city law
6 enforcement agency, a county department of corrections or the Kansas
7 highway patrol is covered under a current individual or group accident and
8 health insurance policy, medical service plan contract, hospital service
9 corporation contract, hospital and medical service corporation contract,
10 fraternal benefit society or health maintenance organization contract.

11 (b) Nothing in this section shall prevent a county or city law
12 enforcement agency, a county department of corrections, the Kansas
13 highway patrol or such agencies authorized vendors from entering into
14 agreements with health care providers for the provision of health care
15 services at terms, conditions and amounts which are different than the
16 medicaid rate.

17 (c) It shall be the responsibility of the custodial county or city law
18 enforcement agency, county department of corrections or the Kansas
19 highway patrol or such agencies' agents, to determine, under agreement
20 with the secretary of health and environment, the amount payable for the
21 services provided and to communicate that determination along with the
22 remittance advice and payment for the services provided.

23 (d) Nothing in this section shall be construed to create a duty on the
24 part of a health care provider to render health care services to a person in
25 the custody of a county or city law enforcement agency, a county
26 department of corrections or the Kansas highway patrol.

27 (e) As used in this section:

28 (1) "County or city law enforcement agency" means a city police
29 department, a county sheriff's department, a county law enforcement
30 department as defined in K.S.A. 19-4401, and amendments thereto, or a
31 law enforcement agency established pursuant to the consolidated city-
32 county powers in K.S.A. 12-345, and amendments thereto.

33 (2) "Health care provider" means a person licensed to practice any
34 branch of the healing arts by the state board of healing arts, a person who
35 holds a temporary permit to practice any branch of the healing arts issued
36 by the state board of healing arts, a person engaged in a postgraduate
37 training program approved by the state board of healing arts, a licensed
38 physician assistant, a person licensed by the behavioral sciences regulatory
39 board, *a person licensed by the social work examining committee*, a
40 medical care facility licensed by the department of health and
41 environment, a podiatrist licensed by the state board of healing arts, an
42 optometrist licensed by the board of examiners in optometry, a registered
43 nurse, and advanced nurse practitioner, a licensed professional nurse who

1 is authorized to practice as a registered nurse anesthetist, a licensed
2 practical nurse, a licensed physical therapist, a professional corporation
3 organized pursuant to the professional corporation law of Kansas by
4 persons who are authorized by such law to form such a corporation and
5 who are health care providers as defined by this subsection, a Kansas
6 limited liability company organized for the purpose of rendering
7 professional services by its members who are health care providers as
8 defined by this subsection and who are legally authorized to render the
9 professional services for which the limited liability company is organized,
10 a partnership of persons who are health care providers under this
11 subsection, a Kansas not-for-profit corporation organized for the purpose
12 of rendering professional services by persons who are health care
13 providers as defined by this subsection, a dentist certified by the state
14 board of healing arts to administer anesthetics under K.S.A. 65-2899, and
15 amendments thereto, a psychiatric hospital licensed under K.S.A. 75-
16 3307b, and amendments thereto, a licensed social worker or a mental
17 health center or mental health clinic licensed by the secretary for aging and
18 disability services and any health care provider licensed by the appropriate
19 regulatory body in another state that has a current approved provider
20 agreement with the secretary of health and environment.

21 (3) "Medicaid rate" means the terms, conditions and amounts a health
22 care provider would be paid for health care services rendered pursuant to a
23 contract or provider agreement with the secretary of health and
24 environment.

25 Sec. 4. K.S.A. 2016 Supp. 59-2132 is hereby amended to read as
26 follows: 59-2132. (a) Except as provided in subsection (h), in independent
27 and agency adoptions, the court shall require the petitioner to obtain an
28 assessment of the advisability of the adoption by a court approved:

29 (1) (A) Licensed social worker, licensed specialist social worker,
30 licensed specialist clinical social worker, licensed masters social worker,
31 licensed baccalaureate social worker or licensed associate social worker
32 licensed by the ~~behavioral sciences regulatory board~~ *social work*
33 *examining committee*;

34 (B) licensed clinical marriage and family therapist as defined in
35 K.S.A. 65-6402, and amendments thereto;

36 (C) licensed marriage and family therapist as defined in K.S.A. 65-
37 6402, and amendments thereto;

38 (D) licensed clinical professional counselor as defined in K.S.A. 65-
39 5802, and amendments thereto;

40 (E) licensed professional counselor as defined in K.S.A. 65-5802, and
41 amendments thereto;

42 (F) licensed psychologist as defined in K.S.A. 65-6319, and
43 amendments thereto;

1 (G) licensed masters level psychologist as defined in K.S.A. 74-5362,
2 and amendments thereto;

3 (H) licensed clinical psychotherapist as defined in K.S.A. 74-5363,
4 and amendments thereto; or

5 (I) a licensed child-placing agency.

6 (2) Any person performing an assessment pursuant to this subsection
7 shall:

8 (A) Possess a minimum of two years experience in adoption services
9 or be supervised by a person with such experience; or

10 (B) if licensed by the behavioral sciences regulatory board *or by the*
11 *social work examining committee* to diagnose and treat mental disorders in
12 independent practice, possess a minimum of one year of experience in
13 adoption services or be supervised by a person with such experience.

14 (b) The petitioner shall file with the court, not less than 10 days
15 before the hearing on the petition, a report of the assessment and, if
16 necessary, confirmation or clarification of the information filed under
17 K.S.A. 59-2130, and amendments thereto.

18 (c) If there is no one authorized pursuant to this section available to
19 make the assessment and report to the court, the court may use the Kansas
20 department for children and families for that purpose.

21 (d) The costs of making the assessment and report may be assessed as
22 court costs in the case as provided in article 20 of chapter 60 of the Kansas
23 Statutes Annotated, and amendments thereto.

24 (e) In making the assessment, the person authorized pursuant to this
25 section or Kansas department for children and families is authorized to
26 observe the child in the petitioner's home, verify financial information of
27 the petitioner, shall clear the name of the petitioner with the child abuse
28 and neglect registry through the Kansas department for children and
29 families and, when appropriate, with a similar registry in another state or
30 nation, shall determine whether the petitioner has been convicted of a
31 felony for any act described in articles 34, 35 or 36 of chapter 21 of the
32 Kansas Statutes Annotated, prior to their repeal, or articles 54, 55 or 56 of
33 chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2016 Supp. 21-
34 6104, 21-6325, 21-6326 or 21-6418 through 21-6422, and amendments
35 thereto, or, within the last five years been convicted of a felony violation
36 of K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer,
37 or article 57 of chapter 21 of the Kansas Statutes Annotated, and
38 amendments thereto, or any felony violation of any provision of the
39 uniform controlled substances act prior to July 1, 2009, and, when
40 appropriate, any similar conviction in another jurisdiction, and to contact
41 the agency or individuals consenting to the adoption and confirm and, if
42 necessary, clarify any genetic and medical history filed with the petition.
43 This information shall be made a part of the report to the court. The report

1 to the court by any person authorized pursuant to this section to perform
2 this assessment shall include the results of the investigation of the
3 petitioner, the petitioner's home and the ability of the petitioner to care for
4 the child.

5 (f) In the case of a nonresident who is filing a petition to adopt a child
6 in Kansas, the assessment and report required by this section must be
7 completed in the petitioner's state of residence by a person authorized in
8 that state to conduct such assessments. Such report shall be filed with the
9 court not less than 10 days before the hearing on the petition.

10 (g) The assessment and report required by this section shall comply
11 with any applicable rules and regulations of the department of health and
12 environment and shall have been completed not more than one year prior
13 to the filing of the petition for adoption.

14 (h) The assessment and report required by this section may be waived
15 by the court upon: (1) Review of a petition requesting such waiver by a
16 relative of the child; or

17 (2) the court's own motion.

18 Sec. 5. K.S.A. 2016 Supp. 59-2946 is hereby amended to read as
19 follows: 59-2946. When used in the care and treatment act for mentally ill
20 persons:

21 (a) "Discharge" means the final and complete release from treatment,
22 by either the head of a treatment facility acting pursuant to K.S.A. 59-
23 2950, and amendments thereto, or by an order of a court issued pursuant to
24 K.S.A. 59-2973, and amendments thereto.

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

27 (c) "Law enforcement officer" shall have the meaning ascribed to it in
28 K.S.A. 22-2202, and amendments thereto.

29 (d) (1) "Mental health center" means any community mental health
30 center organized pursuant to the provisions of K.S.A. 19-4001 through 19-
31 4015, and amendments thereto, or mental health clinic organized pursuant
32 to the provisions of K.S.A. 65-211 through 65-215, and amendments
33 thereto, or a mental health clinic organized as a not-for-profit or a for-
34 profit corporation pursuant to K.S.A. 17-1701 through 17-1775, and
35 amendments thereto, or K.S.A. 17-6001 through 17-6010, and
36 amendments thereto, and licensed in accordance with the provisions of
37 K.S.A. 75-3307b, and amendments thereto.

38 (2) "Participating mental health center" means a mental health center
39 which has entered into a contract with the secretary for aging and
40 disability services pursuant to the provisions of K.S.A. 39-1601 through
41 39-1612, and amendments thereto.

42 (e) "Mentally ill person" means any person who is suffering from a
43 mental disorder which is manifested by a clinically significant behavioral

1 or psychological syndrome or pattern and associated with either a painful
2 symptom or an impairment in one or more important areas of functioning,
3 and involving substantial behavioral, psychological or biological
4 dysfunction, to the extent that the person is in need of treatment.

5 (f) (1) "Mentally ill person subject to involuntary commitment for
6 care and treatment" means a mentally ill person, as defined in subsection
7 (e), who also lacks capacity to make an informed decision concerning
8 treatment, is likely to cause harm to self or others, and whose diagnosis is
9 not solely one of the following mental disorders: Alcohol or chemical
10 substance abuse; antisocial personality disorder; intellectual disability;
11 organic personality syndrome; or an organic mental disorder.

12 (2) "Lacks capacity to make an informed decision concerning
13 treatment" means that the person, by reason of the person's mental
14 disorder, is unable, despite conscientious efforts at explanation, to
15 understand basically the nature and effects of hospitalization or treatment
16 or is unable to engage in a rational decision-making process regarding
17 hospitalization or treatment, as evidenced by an inability to weigh the
18 possible risks and benefits.

19 (3) "Likely to cause harm to self or others" means that the person, by
20 reason of the person's mental disorder: (A) Is likely, in the reasonably
21 foreseeable future, to cause substantial physical injury or physical abuse to
22 self or others or substantial damage to another's property, as evidenced by
23 behavior threatening, attempting or causing such injury, abuse or damage;
24 except that if the harm threatened, attempted or caused is only harm to the
25 property of another, the harm must be of such a value and extent that the
26 state's interest in protecting the property from such harm outweighs the
27 person's interest in personal liberty; or (B) is substantially unable, except
28 for reason of indigency, to provide for any of the person's basic needs,
29 such as food, clothing, shelter, health or safety, causing a substantial
30 deterioration of the person's ability to function on the person's own.

31 No person who is being treated by prayer in the practice of the religion
32 of any church which teaches reliance on spiritual means alone through
33 prayer for healing shall be determined to be a mentally ill person subject to
34 involuntary commitment for care and treatment under this act unless
35 substantial evidence is produced upon which the district court finds that
36 the proposed patient is likely in the reasonably foreseeable future to cause
37 substantial physical injury or physical abuse to self or others or substantial
38 damage to another's property, as evidenced by behavior threatening,
39 attempting or causing such injury, abuse or damage; except that if the harm
40 threatened, attempted or caused is only harm to the property of another, the
41 harm must be of such a value and extent that the state's interest in
42 protecting the property from such harm outweighs the person's interest in
43 personal liberty.

1 (g) "Patient" means a person who is a voluntary patient, a proposed
2 patient or an involuntary patient.

3 (1) "Voluntary patient" means a person who is receiving treatment at
4 a treatment facility pursuant to K.S.A. 59-2949, and amendments thereto.

5 (2) "Proposed patient" means a person for whom a petition pursuant
6 to K.S.A. 59-2952 or 59-2957, and amendments thereto, has been filed.

7 (3) "Involuntary patient" means a person who is receiving treatment
8 under order of a court or a person admitted and detained by a treatment
9 facility pursuant to an application filed pursuant to ~~subsection (b) or (c)~~ of
10 K.S.A. 59-2954(b) or (c), and amendments thereto.

11 (h) "Physician" means a person licensed to practice medicine and
12 surgery as provided for in the Kansas healing arts act or a person who is
13 employed by a state psychiatric hospital or by an agency of the United
14 States and who is authorized by law to practice medicine and surgery
15 within that hospital or agency.

16 (i) "Psychologist" means a licensed psychologist, as defined by
17 K.S.A. 74-5302, and amendments thereto.

18 (j) "Qualified mental health professional" means a physician or
19 psychologist who is employed by a participating mental health center or
20 who is providing services as a physician or psychologist under a contract
21 with a participating mental health center, a licensed masters level
22 psychologist, a licensed clinical psychotherapist, a licensed marriage and
23 family therapist, a licensed clinical marriage and family therapist, a
24 licensed professional counselor, a licensed clinical professional counselor,
25 a licensed specialist social worker or a licensed master social worker or a
26 registered nurse who has a specialty in psychiatric nursing, who is
27 employed by a participating mental health center and who is acting under
28 the direction of a physician or psychologist who is employed by, or under
29 contract with, a participating mental health center.

30 (1) "Direction" means monitoring and oversight including regular,
31 periodic evaluation of services.

32 (2) "Licensed master social worker" means a person licensed as a
33 master social worker by the ~~behavioral sciences regulatory board~~ *social*
34 *work examining committee* under K.S.A. 65-6301 through 65-6318, and
35 amendments thereto.

36 (3) "Licensed specialist social worker" means a person licensed in a
37 social work practice specialty by the ~~behavioral sciences regulatory board~~
38 *social work examining committee* under K.S.A. 65-6301 through 65-6318,
39 and amendments thereto.

40 (4) "Licensed masters level psychologist" means a person licensed as
41 a licensed masters level psychologist by the behavioral sciences regulatory
42 board under K.S.A. 74-5361 through 74-5373, and amendments thereto.

43 (5) "Registered nurse" means a person licensed as a registered

1 professional nurse by the board of nursing under K.S.A. 65-1113 through
2 65-1164, and amendments thereto.

3 (k) "Secretary" means the secretary for aging and disability services.

4 (l) "State psychiatric hospital" means Larned state hospital,
5 Osawatomie state hospital or Rainbow mental health facility.

6 (m) "Treatment" means any service intended to promote the mental
7 health of the patient and rendered by a qualified professional, licensed or
8 certified by the state to provide such service as an independent practitioner
9 or under the supervision of such practitioner.

10 (n) "Treatment facility" means any mental health center or clinic,
11 psychiatric unit of a medical care facility, state psychiatric hospital,
12 psychologist, physician or other institution or person authorized or
13 licensed by law to provide either inpatient or outpatient treatment to any
14 patient.

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

17 Sec. 6. K.S.A. 65-6302 is hereby amended to read as follows: 65-
18 6302. As used in this act, unless the context clearly requires otherwise, the
19 following words and phrases shall have the meaning ascribed to them in
20 this section:

21 (a) "Board" means the behavioral sciences regulatory board created
22 by K.S.A. 74-7501, *and amendments thereto*.

23 (b) "*Examining committee*" means the social work examining
24 committee created by section 1, *and amendments thereto*.

25 (c) "Social work practice" means the professional activity of helping
26 individuals, groups or communities enhance or restore their capacity for
27 physical, social and economic functioning and the professional application
28 of social work values, principles and techniques in areas such as
29 psychotherapy, social service administration, social planning, social work
30 consultation and social work research to one or more of the following
31 ends: Helping people obtain tangible services; counseling with individuals,
32 families and groups; helping communities or groups provide or improve
33 social and health services; and participating in relevant social action. The
34 practice of social work requires knowledge of human development and
35 behavior; of social, economic and cultural institutions and forces; and of
36 the interaction of all these factors. Social work practice includes the
37 teaching of practicum courses in social work and includes the diagnosis
38 and treatment of mental disorders as authorized under K.S.A. 65-6306 and
39 65-6319, and amendments thereto.

40 ~~(e)~~(d) "Psychotherapy" means the use of psychological and social
41 methods within a professional relationship, to assist the person or persons
42 to achieve a better psychosocial adaptation to acquire greater human
43 realization of psychosocial potential and adaptation; to modify internal and

1 external conditions which affect individuals, groups or communities in
2 respect to behavior, emotions and thinking, in respect to their intra-
3 personal and inter-personal processes. Forms of psychotherapy include but
4 are not restricted to individual psychotherapy, conjoint marital therapy,
5 family therapy and group psychotherapy.

6 Sec. 7. K.S.A. 65-6303 is hereby amended to read as follows: 65-
7 6303. (a) No person shall engage in the practice of social work for
8 compensation or hold forth as performing the services of a social worker
9 unless such person is licensed in accordance with the provisions of this act,
10 nor may any person participate in the delivery of social work service
11 unless under the supervision of a person who is licensed under this act.
12 Temporary licenses to practice may be issued by the ~~board~~ *social work*
13 *examining committee* in accordance with K.S.A. 65-6309, and
14 amendments thereto.

15 (b) Nothing in this act shall be construed to prevent qualified persons
16 from doing work within the standards and ethics of their respective
17 professions and callings provided they do not hold themselves out to the
18 public by any title or description of services as being engaged in the
19 practice of social work.

20 (c) Nothing in this act shall be construed to permit the practice of
21 psychotherapy by anyone who does not have a baccalaureate degree in
22 social work or a related field except that those practicing psychotherapy
23 without a baccalaureate degree in social work or a related field prior to
24 July 1, 1974, shall not be prohibited from so practicing after the effective
25 date of this act.

26 (d) Any violation of this section shall constitute a class B
27 misdemeanor.

28 Sec. 8. K.S.A. 65-6306 is hereby amended to read as follows: 65-
29 6306. (a) The ~~board~~ *social work examining committee* shall issue a license
30 as a baccalaureate social worker to an applicant who:

31 (1) Has a baccalaureate degree from an accredited college or
32 university, including completion of a social work program recognized and
33 approved by the ~~board~~ *examining committee*, pursuant to rules and
34 regulations adopted by the ~~board~~ *examining committee*;

35 (2) has passed an examination approved by the ~~board~~ *examining*
36 *committee* for this purpose; and

37 (3) has satisfied the ~~board~~ *examining committee* that the applicant is a
38 person who merits the public trust.

39 (b) The ~~board~~ *examining committee* shall issue a license as a master
40 social worker to an applicant who:

41 (1) Has a master's degree from an accredited college or university,
42 including completion of a social work program recognized and approved
43 by the ~~board~~ *examining committee*, pursuant to rules and regulations

1 adopted by the ~~board~~ *examining committee*;

2 (2) has passed an examination approved by the ~~board~~ *examining*
3 *committee* for this purpose; and

4 (3) has satisfied the ~~board~~ *examining committee* that the applicant is a
5 person who merits the public trust.

6 (c) The ~~board~~ *examining committee* shall issue a license in one of the
7 social work specialties to an applicant who:

8 (1) Has a master's or doctor's degree from an accredited graduate
9 school of social work, including completion of a social work program
10 recognized and approved by the ~~board~~ *examining committee*, pursuant to
11 rules and regulations adopted by the ~~board~~ *examining committee*;

12 (2) has had two years of full-time post-master's or post-doctor's
13 degree experience under the supervision of a licensed social worker in the
14 area of the specialty in which such applicant seeks to be licensed;

15 (3) has passed an examination approved by the ~~board~~ *examining*
16 *committee* for this purpose; and

17 (4) has satisfied the ~~board~~ *examining committee* that the applicant is a
18 person who merits the public trust.

19 (d) (1) The ~~board~~ *examining committee* shall issue a license as a
20 specialist clinical social worker to an applicant who:

21 (A) Has met the requirements of subsection (c);

22 (B) has completed 15 credit hours as part of or in addition to the
23 requirements under subsection (c) supporting diagnosis or treatment of
24 mental disorders with use of the American psychiatric association's
25 diagnostic and statistical manual, through identifiable study of the
26 following content areas: Psychopathology, diagnostic assessment,
27 interdisciplinary referral and collaboration, treatment approaches and
28 professional ethics;

29 (C) has completed a graduate level supervised clinical practicum of
30 supervised professional experience including psychotherapy and
31 assessment, integrating diagnosis and treatment of mental disorders with
32 use of the American psychiatric association's diagnostic and statistical
33 manual, with not less than 350 hours of direct client contact or additional
34 postgraduate supervised experience as determined by the ~~board~~ *examining*
35 *committee*;

36 (D) has completed as part of or in addition to the requirements of
37 subsection (c) not less than two years of postgraduate supervised
38 professional experience in accordance with a clinical supervision plan
39 approved by the ~~board~~ *examining committee* of not less than 4,000 hours
40 of supervised professional experience including at least 1,500 hours of
41 direct client contact conducting psychotherapy and assessments with
42 individuals, couples, families or groups and not less than ~~150~~ 100 hours of
43 clinical supervision, including not less than ~~75~~ 50 hours of person-to-

1 person individual supervision, integrating diagnosis and treatment of
2 mental disorders with use of the American psychiatric association's
3 diagnostic and statistical manual;

4 (E) for persons earning a degree under subsection (c) prior to July 1,
5 2003, in lieu of the education and training requirements under ~~parts~~
6 *subparagraphs* (B) and (C) of this subsection, has completed the education
7 requirements for licensure as a specialist clinical social worker in effect on
8 the day immediately preceding the effective date of this act;

9 (F) for persons who apply for and are eligible for a temporary license
10 to practice as a specialist clinical social worker on the day immediately
11 preceding the effective date of this act, in lieu of the education and training
12 requirements under ~~parts~~ *subparagraphs* (B), (C) and (D) of this
13 subsection, has completed the education and training requirements for
14 licensure as a specialist clinical social worker in effect on the day
15 immediately preceding the effective date of this act;

16 (G) has passed an examination approved by the ~~board~~ *examining*
17 *committee*; and

18 (H) has paid the application fee.

19 (2) A licensed specialist clinical social worker may engage in the
20 social work practice and is authorized to diagnose and treat mental
21 disorders specified in the edition of the diagnostic and statistical manual of
22 mental disorders of the American psychiatric association designated by the
23 ~~board~~ *examining committee* by rules and regulations. When a client has
24 symptoms of a mental disorder, a licensed specialist clinical social worker
25 shall consult with the client's primary care physician or psychiatrist to
26 determine if there may be a medical condition or medication that may be
27 causing or contributing to the client's symptoms of a mental disorder. A
28 client may request in writing that such consultation be waived and such
29 request shall be made a part of the client's record. A licensed specialist
30 clinical social worker may continue to evaluate and treat the client until
31 such time that the medical consultation is obtained or waived.

32 (3) Notwithstanding any other provision of this subsection, a licensed
33 master social worker who has provided to the ~~board~~ *examining committee*
34 an acceptable clinical supervision plan for licensure as a specialist clinical
35 social worker prior to the effective date of this act shall be licensed as a
36 specialist clinical social worker under this act upon completion of the
37 requirements in effect for licensure as a specialist clinical social worker at
38 the time the acceptable training plan is submitted to the ~~board~~ *examining*
39 *committee*.

40 (4) A person licensed as a specialist clinical social worker on the day
41 immediately preceding the effective date of this act shall be deemed to be
42 a licensed specialist clinical social worker under this act. Such person shall
43 not be required to file an original application for licensure as a specialist

1 clinical social worker under this act.

2 (e) The ~~board~~ *examining committee* shall adopt rules and regulations
3 establishing the criteria which a social work program of a college or
4 university shall satisfy to be recognized and approved by the ~~board~~
5 *examining committee* under this section. The ~~board~~ *examining committee*
6 may send a questionnaire developed by the ~~board~~ *examining committee* to
7 any college or university conducting a social work program for which the
8 ~~board~~ *examining committee* does not have sufficient information to
9 determine whether the program should be recognized and approved by the
10 ~~board~~ *examining committee* and whether the program meets the rules and
11 regulations adopted under this section. The questionnaire providing the
12 necessary information shall be completed and returned to the ~~board~~
13 *examining committee* in order for the program to be considered for
14 recognition and approval. The ~~board~~ *examining committee* may contract
15 with investigative agencies, commissions or consultants to assist the ~~board~~
16 *examining committee* in obtaining information about a social work
17 program of a college or university. In entering such contracts the authority
18 to recognize and approve a social work program of a college or university
19 shall remain solely with the ~~board~~ *examining committee*.

20 Sec. 9. K.S.A. 65-6308 is hereby amended to read as follows: 65-
21 6308. (a) No person may engage in the private, independent clinical
22 practice of social work unless such person:

23 (1) Is licensed under this act as a specialist clinical social worker or
24 specialist social worker; and

25 (2) has had two years' supervised experience approved by the ~~board~~
26 *social work examining committee*, pursuant to rules and regulations
27 ~~adopted by the board~~ *of the examining committee*, as a licensed social
28 worker in the specialty to be offered in private practice subsequent thereto.

29 (b) Any violation of this section shall constitute a class B
30 misdemeanor.

31 Sec. 10. K.S.A. 2016 Supp. 65-6309 is hereby amended to read as
32 follows: 65-6309. (a) Except as provided in subsections (b) and (c), an
33 applicant shall be exempted from the requirement for any examination
34 provided for herein if:

35 (1) The applicant proves to the ~~board~~ *social work examining*
36 *committee* that the applicant is licensed or registered under the laws of a
37 state or territory of the United States that imposes substantially the same
38 requirements as this act as determined by the ~~board~~ *examining committee*;
39 and

40 (2) pursuant to the laws of any such state or territory, the applicant
41 has taken and passed an examination similar to that for which exemption is
42 sought, as determined by the ~~board~~ *examining committee*.

43 (b) The ~~board~~ *examining committee* may issue a license to an

1 individual who is currently licensed to practice social work at the clinical
2 level in another jurisdiction if the ~~board~~ *examining committee* determines
3 that:

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

7 (2) the applicant demonstrates on forms provided by the ~~board~~
8 *examining committee* compliance with the following standards as adopted
9 by the board:

10 (A) Licensure to practice social work at the clinical level for at least
11 60 of the last 66 months immediately preceding the application with at
12 least the minimum professional experience as established by rules and
13 regulations of the ~~board~~ *examining committee*;

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

16 (C) a master's or doctoral degree in social work from a regionally
17 accredited university or college and from an accredited graduate social
18 work program recognized and approved by the ~~board~~ *examining*
19 *committee* pursuant to rules and regulations ~~adopted by~~ *of* the ~~board~~
20 *examining committee*.

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

24 (1) Passing a national clinical examination approved by the ~~board~~
25 *examining committee* or, in the absence of the national examination,
26 continuous licensure to practice as a clinical social worker during the 10
27 years immediately preceding the application; and

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

30 (d) An applicant for a license under this section shall pay an
31 application fee established by the ~~board~~ *examining committee* under
32 K.S.A. 65-6314, and amendments thereto, if required by the ~~board~~
33 *examining committee*.

34 (e) Upon application, the ~~board~~ *examining committee* shall issue
35 temporary licenses to persons who have submitted documentation and met
36 all qualifications for licensure under provisions of this act, except passage
37 of the required examination, and who have paid the required fee.

38 (f) Absent extenuating circumstances approved by the ~~board~~
39 *examining committee*, a temporary license issued by the ~~board~~ *examining*
40 *committee* shall expire upon the date the ~~board~~ *examining committee* issues
41 or denies a license to practice social work or six months after the date of
42 issuance of the temporary license. No temporary license will be renewed
43 or issued again on any subsequent applications for the same license level.

1 The preceding provisions in no way limit the number of times an applicant
2 may take the examination.

3 (g) No person may work under a temporary license except under the
4 supervision of a licensed social worker.

5 (h) Nothing in this section shall affect any temporary license to
6 practice issued under this section prior to the effective date of this act and
7 in effect on the effective date of this act. Such temporary license shall be
8 subject to the provisions of this section in effect at the time of its issuance
9 and shall continue to be effective until the date of expiration of the license
10 as provided under this section at the time of issuance of such temporary
11 license.

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

15 Sec. 11. K.S.A. 2016 Supp. 65-6309a is hereby amended to read as
16 follows: 65-6309a. (a) Upon written application and ~~board~~ *social work*
17 *examining committee* approval, an individual who is licensed to engage in
18 the independent clinical practice of social work at the clinical level in
19 another jurisdiction and who is in good standing in that other jurisdiction
20 may engage in the independent practice of clinical social work as provided
21 by K.S.A. 65-6308, and amendments thereto, in this state for no more than
22 15 days per year upon receipt of a temporary permit to practice issued by
23 the ~~board~~ *examining committee*.

24 (b) Any clinical social work services rendered within any 24-hour
25 period shall count as one entire day of clinical social work services.

26 (c) The temporary permit to practice shall be effective on the date of
27 approval by the ~~board~~ *examining committee* and shall expire December 31
28 of that year. Upon written application and for good cause shown, the ~~board~~
29 *examining committee* may extend the temporary permit to practice no
30 more than 15 additional days.

31 (d) The ~~board~~ *examining committee* may charge a fee of a maximum
32 of \$200 for a temporary permit to practice and a fee of a maximum of
33 \$200 for an extension of a temporary permit to practice as established by
34 rules and regulations of the ~~board~~ *examining committee*.

35 (e) A person who holds a temporary permit to practice clinical social
36 work in this state shall be deemed to have submitted to the jurisdiction of
37 the ~~board~~ *examining committee* and shall be bound by the statutes and
38 regulations that govern the practice of clinical social work in this state.

39 (f) In accordance with the Kansas administrative procedure act, the
40 ~~board~~ *examining committee* may issue a cease and desist order or assess a
41 fine of up to \$1,000 per day, or both, against a person licensed in another
42 jurisdiction who engages in the independent practice of clinical social
43 work in this state without complying with the provisions of this section.

1 (g) This section shall be part of and supplemental to article 63 of
2 chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

3 Sec. 12. K.S.A. 2016 Supp. 65-6311 is hereby amended to read as
4 follows: 65-6311. (a) The ~~board~~ *social work examining committee* may
5 refuse to issue, renew or reinstate a license, may condition, limit, revoke or
6 suspend a license, may publicly or privately censure a licensee or may
7 impose a fine not to exceed \$1,000 per violation upon a finding that a
8 licensee or an applicant for license:

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

10 (A) One or more instances involving failure to adhere to the
11 applicable standard of care to a degree that constitutes gross negligence, as
12 determined by the ~~board~~ *examining committee*;

13 (B) repeated instances involving failure to adhere to the applicable
14 standard of care to a degree that constitutes ordinary negligence, as
15 determined by the ~~board~~ *examining committee*; or

16 (C) a pattern of practice or other behavior that demonstrates a
17 manifest incapacity or incompetence to practice social work;

18 (2) has been convicted of a felony offense and has not demonstrated
19 to the ~~board's~~ *examining committee's* satisfaction that such person has been
20 sufficiently rehabilitated to merit the public trust;

21 (3) has been convicted of a misdemeanor against persons and has not
22 demonstrated to the ~~board's~~ *examining committee's* satisfaction that such
23 person has been sufficiently rehabilitated to merit the public trust;

24 (4) is currently listed on a child abuse registry or an adult protective
25 services registry as the result of a substantiated finding of abuse or neglect
26 by any state agency, agency of another state or the United States, territory
27 of the United States or another country and the applicant or licensee has
28 not demonstrated to the ~~board's~~ *examining committee's* satisfaction that
29 such person has been sufficiently rehabilitated to merit the public trust;

30 (5) has violated a provision of the social workers licensure act or one
31 or more rules and regulations of the ~~board~~ *examining committee*;

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

34 (7) has knowingly made a false statement on a form required by the
35 ~~board~~ *examining committee* for a license or license renewal;

36 (8) has failed to obtain continuing education credits as required by
37 rules and regulations adopted by the ~~board~~ *examining committee*;

38 (9) has been found to have engaged in unprofessional conduct as
39 defined by applicable rules and regulations adopted by the ~~board~~
40 *examining committee*; or

41 (10) has had a license, registration or certificate to practice social
42 work revoked, suspended or limited, or has had other disciplinary action
43 taken, or an application for a license, registration or certificate denied, by

1 the proper regulatory authority of another state, territory, District of
2 Columbia, or other country, a certified copy of the record of the action of
3 the other jurisdiction being conclusive evidence thereof.

4 (b) For issuance of a new license or reinstatement of a revoked or
5 suspended license for a licensee or applicant for licensure with a felony
6 conviction, the ~~board~~ *examining committee* may only issue or reinstate
7 such license by a $\frac{2}{3}$ majority vote.

8 (c) Administrative proceedings and disciplinary actions regarding
9 licensure under the social workers licensure act shall be conducted in
10 accordance with the Kansas administrative procedure act. Judicial review
11 and civil enforcement of agency actions under the social workers licensure
12 act shall be in accordance with the Kansas judicial review act.

13 Sec. 13. K.S.A. 65-6317 is hereby amended to read as follows: 65-
14 6317. No new social work associate license shall be issued by the ~~board~~
15 *social work examining committee*. A person holding a license as a social
16 work associate under K.S.A. 65-6301 ~~to~~ *through* 65-6316, ~~inclusive~~, and
17 amendments thereto, on the day immediately preceding the effective date
18 of this act shall continue to be a licensed social work associate for all
19 purposes under this act and K.S.A. 65-6301 ~~to~~ *through* 65-6316, ~~inclusive~~,
20 and amendments thereto, and may renew such license as provided by this
21 act and by K.S.A. 65-6301 ~~to~~ *through* 65-6316, ~~inclusive~~, and amendments
22 thereto. The ~~board~~ *examining committee* may refuse to renew, or may
23 suspend or revoke a social work associate license as provided under this
24 act and K.S.A. 65-6301 ~~to~~ *through* 65-6316, ~~inclusive~~, and amendments
25 thereto. All proceedings pursuant to this section shall be conducted in
26 accordance with the provisions of the Kansas administrative procedure act.

27 Sec. 14. K.S.A. 65-6319 is hereby amended to read as follows: 65-
28 6319. The following licensed social workers may diagnose and treat
29 mental disorders specified in the edition of the diagnostic and statistical
30 manual of mental disorders of the American psychiatric association
31 designated by the ~~board~~ *social work examining committee* by rules and
32 regulations: (a) A licensed specialist clinical social worker; and (b) a
33 licensed master social worker who engages in the practice of social work
34 only under the direction of a licensed specialist clinical social worker, a
35 licensed psychologist, a person licensed to practice medicine and surgery
36 or a person licensed to provide mental health services as an independent
37 practitioner and whose licensure allows for the diagnosis and treatment of
38 mental disorders. When a client has symptoms of a mental disorder, a
39 licensed master social worker shall consult with the client's primary care
40 physician or psychiatrist to determine if there may be a medical condition
41 or medication that may be causing or contributing to the client's symptoms
42 of a mental disorder. A client may request in writing that such consultation
43 be waived and such request shall be made a part of the client's record. A

1 licensed master social worker may continue to evaluate and treat the client
2 until such time that the medical consultation is obtained or waived.

3 Sec. 15. K.S.A. 2016 Supp. 65-6616 is hereby amended to read as
4 follows: 65-6616. Nothing in the addiction counselor licensure act shall be
5 construed:

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

12 (b) to authorize the practice of psychology, medicine and surgery,
13 professional counseling, marriage and family therapy, master's level
14 psychology ~~or social work~~ or other professions licensed by the behavioral
15 sciences regulatory board *or to authorize the practice of social work*;

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

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

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

32 Sec. 16. K.S.A. 2016 Supp. 74-7501 is hereby amended to read as
33 follows: 74-7501. (a) There is hereby created a behavioral sciences
34 regulatory board consisting of ~~12~~ 10 members appointed by the governor.
35 The membership of the board shall be as follows: Two members of the
36 board shall be licensed psychologists; ~~two members of the board shall be~~
37 ~~licensed to engage in the practice of social work~~; one member of the board
38 shall be a professional counselor; one member of the board shall be a
39 marriage and family therapist ~~and~~; one member of the board shall be a
40 licensed masters level psychologist; one member of the board shall be a
41 licensed addiction counselor or a licensed clinical addiction counselor; and
42 four members of the board shall be from and represent the general public.
43 Each member of the board shall be a citizen of the United States and a

1 resident of this state.

2 (b) The term of office of each member of the board shall be four
3 years. No member of the board shall be appointed for more than two
4 successive terms. Upon the expiration of a member's term of office, the
5 governor shall appoint a qualified successor. Each member shall serve
6 until a successor is appointed and qualified. Whenever a vacancy occurs in
7 the membership of the board prior to the expiration of a term of office, the
8 governor shall appoint a qualified successor to fill the unexpired term. The
9 governor may remove any member of the board for misconduct,
10 incompetency or neglect of duty.

11 (c) The board shall organize annually at its first meeting subsequent
12 to June 30 and shall select from its members a chairperson and a vice-
13 chairperson. Other meetings shall be held as the board designates. A
14 majority of members appointed to the board shall constitute a quorum for
15 the transaction of business.

16 (d) The board, *in consultation with the social work examining*
17 *committee*, may appoint an executive director who shall be in the
18 unclassified service of the Kansas civil service act and shall receive an
19 annual salary fixed by the board, subject to approval by the governor. The
20 board may employ clerical personnel and other assistants, all of whom
21 shall be in the classified service under the Kansas civil service act. The
22 board may make and enter into contracts of employment with such
23 professional personnel as necessary, in the board's judgment, for the
24 performance of its duties and functions and the execution of its powers.

25 (e) Members of the behavioral sciences regulatory board attending
26 meetings of the board, or attending a subcommittee meeting thereof
27 authorized by the board, shall be paid compensation, subsistence
28 allowances, mileage and other expenses as provided in K.S.A. 75-3223,
29 and amendments thereto.

30 Sec. 17. K.S.A. 65-6302, 65-6303, 65-6306, 65-6308, 65-6317 and
31 65-6319 and K.S.A. 2016 Supp. 22-4612, 59-2132, 59-2946, 65-6309, 65-
32 6309a, 65-6311, 65-6616 and 74-7501 are hereby repealed.

33 Sec. 18. This act shall take effect and be in force from and after
34 January 8, 2018, and its publication in the statute book.