

## HOUSE BILL No. 2690

By Committee on Insurance and Financial Institutions

2-12

1 AN ACT concerning the applied behavior analysis licensure act; relating to  
2 definitions; licenses; requirements; fees; powers, duties and functions  
3 of the behavioral sciences regulatory board; amending K.S.A. 2015  
4 Supp. 65-7501, 65-7502, 65-7503, 65-7504 and 74-7507 and repealing  
5 the existing sections; also repealing K.S.A. 2015 Supp. 65-7505.  
6

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

8 New Section 1. Nothing in this act shall be construed to prohibit the  
9 activities of:

10 (a) An individual who has a bachelor's or graduate degree and  
11 completed course work for licensure as a behavior analyst and is obtaining  
12 supervised field experience under a licensed behavior analyst pursuant to  
13 required supervised work experience for licensure at the behavior analyst  
14 or assistant behavior analyst level;

15 (b) persons licensed by the board who practice any component of  
16 applied behavior analysis within the scope of such person's license and  
17 scope of practice as required by law;

18 (c) persons who provide services under the individuals with  
19 disabilities education act (IDEA), 20 U.S.C. § 1400 et seq., or who provide  
20 services under § 504 of the federal rehabilitation act of 1973, 20 U.S.C. §  
21 794;

22 (d) persons enrolled in a course of study at a recognized educational  
23 institution through which such persons provide applied behavior analysis  
24 as part of supervised clinical experience;

25 (e) an autism specialist, an intensive individual service provider or  
26 any other individual qualified to provide services under the home and  
27 community based services autism waiver administered by the Kansas  
28 department for aging and disability services;

29 (f) an occupational therapist licensed by the state board of healing  
30 arts, acting within the scope of such person's license and scope of practice  
31 as required by law; or

32 (g) a speech-language pathologist or audiologist licensed by the  
33 Kansas department for aging and disability services, acting within the  
34 scope of such person's license and scope of practice as required by law.

35 New Sec. 2. (a) An applicant for licensure as an assistant behavior  
36 analyst shall furnish evidence that the applicant has:

- 1 (1) Attained the age of 21;
- 2 (2) (A) completed at least a baccalaureate degree from a behavior  
3 analysis program that is part of a college or university approved by the  
4 board that includes a minimum number of semester hours of coursework  
5 supporting behavior analysis as approved by the board; or  
6 (B) completed at least a baccalaureate degree from a college or  
7 university approved by the board in a related field and has completed a  
8 minimum number of semester hours of coursework supporting behavior  
9 analysis as approved by the board;
- 10 (3) passed an examination approved by the board;
- 11 (4) satisfied the board that the applicant is a person who merits the  
12 public trust; and
- 13 (5) paid the application fee established by the board under section 6,  
14 and amendments thereto.
- 15 (b) An applicant for licensure as a behavior analyst shall furnish  
16 evidence that the applicant has:
  - 17 (1) Attained the age of 21;
  - 18 (2) passed an examination approved by the board;
  - 19 (3) satisfied the board that the applicant is a person who merits the  
20 public trust;
  - 21 (4) paid the application fee established by the board under section 6,  
22 and amendments thereto;
  - 23 (5) (A) completed at least a master's degree from a behavior analysis  
24 program that is part of a college or university approved by the board that  
25 includes a minimum number of semester hours of coursework supporting  
26 behavior analysis as approved by the board;
  - 27 (B) completed at least a master's degree from a behavior analysis  
28 program that is part of a college or university approved by the board that  
29 includes a minimum number of semester hours of coursework supporting  
30 behavior analysis as approved by the board; and
  - 31 (C) met the postgraduate supervised experience requirements as  
32 approved by the board;
  - 33 (6) (A) completed at least a master's degree in behavior analysis or a  
34 related field with a minimum number of semester hours of coursework  
35 supporting behavior analysis from a college or university approved by the  
36 board;
  - 37 (B) at least three years of full time work as a faculty member that  
38 includes teaching graduate level behavior analysis coursework as approved  
39 by the board;
  - 40 (C) published one article that includes specific characteristics as  
41 approved by the board; or
  - 42 (D) met the postgraduate supervised experience requirements as  
43 approved by the board; or

1 (7) (A) completed a doctoral degree in behavior analysis or a related  
2 field from a college or university approved by the board. The doctoral  
3 degree must have a conferral date at least 10 years prior to the application  
4 for a licensed behavior analyst;

5 (B) completed at least 10 years of postdoctoral full-time experience  
6 practicing applied behavior analysis; and

7 (C) completed at least 500 hours of board approved supervised  
8 experience following the 10 years of postdoctoral experience.

9 (c) Applicants for assistant behavior analysts and behavior analysts  
10 who were certified by the behavior analyst certification board prior to the  
11 effective date of this act shall meet the education requirements in effect at  
12 the time of initial certification.

13 New Sec. 3. (a) An applicant who meets the requirements for  
14 licensure pursuant to this act, has paid the license fee provided by section  
15 6, and amendments thereto, and has otherwise complied with the  
16 provisions of this act shall be licensed by the board.

17 (b) Licenses issued pursuant to this act shall expire 24 months from  
18 the date of issuance unless revoked prior to such time. A license may be  
19 renewed upon application and payment of the fee provided for by section  
20 6, and amendments thereto. The application for renewal shall be  
21 accompanied by evidence satisfactory to the board that the applicant has  
22 completed during the previous 24 months the continuing education  
23 required by rules and regulations of the board. As part of such continuing  
24 education, the licensee shall complete not less than three continuing  
25 education hours of professional ethics.

26 (c) A person whose license has been suspended or revoked may make  
27 written application to the board requesting reinstatement of the license  
28 upon termination of the period of suspension or revocation in a manner  
29 prescribed by the board, which application shall be accompanied by the  
30 fee provided for by section 6, and amendments thereto.

31 New Sec. 4. (a) Upon written application and board approval, an  
32 individual who is licensed to engage in the independent practice of applied  
33 behavior analysis in another jurisdiction and who is in good standing in  
34 that other jurisdiction may engage in the independent practice of applied  
35 behavior analysis as provided by this act, in this state for not more than 15  
36 days per year upon receipt of a temporary permit to practice issued by the  
37 board.

38 (b) Any applied behavior analysis services rendered within any 24-  
39 hour period shall count as one entire day of applied behavior analysis  
40 services.

41 (c) The temporary permit to practice shall be effective on the date of  
42 approval by the board and shall expire December 31 of that year. Upon  
43 written application and for good cause shown, the board may extend the

1 temporary permit to practice no more than 15 additional days.

2 (d) The board shall charge a fee for a temporary permit to practice  
3 and a fee for an extension of a temporary permit to practice as provided in  
4 section 6, and amendments thereto.

5 (e) A person who holds a temporary permit to practice applied  
6 behavior analysis in this state shall be deemed to have submitted to the  
7 jurisdiction of the board and shall be bound by the statutes and rules and  
8 regulations that govern the practice of applied behavior analysis in this  
9 state.

10 (f) In accordance with the Kansas administrative procedure act, the  
11 board may issue a cease and desist order or assess a fine of up to \$1,000  
12 per day, or both, against a person licensed in another jurisdiction who  
13 engages in the independent practice of applied behavior analysis in this  
14 state without complying with the provisions of this section.

15 New Sec. 5. (a) A person licensed under this act and employees and  
16 professional associates of such person shall not be required to disclose any  
17 information that the person, employee or associate may have acquired in  
18 rendering applied behavior analysis services unless:

19 (1) Disclosure is required by state law;

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 such 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 such defendant's behalf;  
28 or

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

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

43 New Sec. 6. (a) The board shall fix by rules and regulations and may

1 collect the following fees:

- 2 (1) For application for licensure as an assistant behavior analyst, not  
3 to exceed \$150;
  - 4 (2) for original licensure as an assistant behavior analyst, not to  
5 exceed \$150;
  - 6 (3) for renewal of a license as an assistant behavior analyst, not to  
7 exceed \$150;
  - 8 (4) for application for licensure as a behavior analyst, not to exceed  
9 \$150;
  - 10 (5) for original licensure as a behavior analyst, not to exceed \$150;
  - 11 (6) for renewal for licensure as a behavior analyst, not to exceed  
12 \$150;
  - 13 (7) for a temporary permit to practice independent applied behavior  
14 analysis, not to exceed \$200;
  - 15 (8) for extension of a temporary permit to practice independent  
16 applied behavior analysis, not to exceed \$200;
  - 17 (9) for reinstatement of a license, not to exceed \$150;
  - 18 (10) for late renewal penalty, an amount equal to the fee for renewal;
  - 19 (11) for replacement of a license, not to exceed \$20; and
  - 20 (12) for replacement of a wallet card license, not to exceed \$5.
- 21 (b) The board shall require that fees paid for any examination under  
22 this act be paid directly to the examination services by the person taking  
23 the examination.
- 24 (c) Fees paid to the board are not refundable.

25 New Sec. 7. (a) The board may issue a license to an individual who is  
26 currently registered, certified or licensed to practice applied behavior  
27 analysis at the assistant level in another jurisdiction if the board determines  
28 that:

- 29 (1) The standards for registration, certification or licensure to practice  
30 applied behavior analysis at the assistant level in the other jurisdiction are  
31 substantially equivalent to the requirements of this state;
- 32 (2) the applicant holds certification from the behavior analyst  
33 certification board at the assistant level; or
- 34 (3) 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 applied behavior analysis at the assistant level during 60 of the 66 months  
38 immediately preceding the date of application with at least the minimum  
39 professional experience as established by rules and regulations of the  
40 board;
  - 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) at least a bachelor's degree in behavior analysis or a related field

1 approved by the board from a college or university approved by the board.

2 (b) The board may issue a license to an individual who is currently  
 3 registered, certified or licensed to practice applied behavior analysis in  
 4 another jurisdiction if the board determines that:

5 (1) The standards for registration, certification or licensure to practice  
 6 applied behavior analysis in the other jurisdiction are substantially  
 7 equivalent to the requirements of this state;

8 (2) the applicant holds certification from the behavior analyst  
 9 certification board as a behavior analyst; or

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

12 (A) Continuous registration, certification or licensure to practice  
 13 applied behavior analysis during 60 of the 66 months immediately  
 14 preceding the date of application with at least the minimum professional  
 15 experience as established by rules and regulations of the board;

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

18 (C) at least a master's degree in behavior analysis or a related field  
 19 from a college or university approved by the board.

20 Sec. 8. K.S.A. 2015 Supp. 65-7501 is hereby amended to read as  
 21 follows: 65-7501. K.S.A. 2015 Supp. 65-7501 through ~~65-7505~~ 65-7504  
 22 and sections 1 through 7, and amendments thereto, shall be known and  
 23 may be cited as the applied behavior analysis licensure act.

24 Sec. 9. K.S.A. 2015 Supp. 65-7502 is hereby amended to read as  
 25 follows: 65-7502. For the purposes of this act:

26 (a) *"Act" means the applied behavior analysis licensure act;*

27 (b) *"applied behavior analysis" means the design, implementation and*  
 28 *evaluation of environmental modifications, using behavioral stimuli and*  
 29 *consequences, to produce socially significant improvement in human*  
 30 *behavior, including the use of direct observation, measurement and*  
 31 *functional analysis of the relationship between environment and behavior;*

32 (b) ~~*"autism service provider" means any person:*~~

33 ~~(1) *That provides diagnostic or treatment services for autism*~~  
 34 ~~*spectrum disorders who is licensed or certified by the state of Kansas; or*~~

35 ~~(2) *who is licensed by the behavioral sciences regulatory board as a*~~  
 36 ~~*licensed behavior analyst or a licensed assistant behavior analyst;*~~

37 ~~(e) *"autism spectrum disorder" has the meaning ascribed to such term*~~  
 38 ~~*by K.S.A. 2015 Supp. 40-2,194, and amendments thereto.*~~

39 ~~(d) (c) *"board" means the behavioral sciences regulatory board*~~  
 40 ~~*created under K.S.A. 74-7501, and amendments thereto;*~~

41 ~~(e) (d) *"certifying entity" means the national accredited behavior*~~  
 42 ~~*analyst certification board or other equivalent nationally accredited*~~  
 43 ~~*nongovernmental agency approved by the behavioral sciences regulatory*~~

1 board which certifies individuals who have completed academic,  
 2 examination, training and supervision requirements in applied behavior  
 3 analysis;

4 (f) (e) "controlled substance" means any drug, substance or  
 5 immediate precursor included in any of the schedules designated in K.S.A.  
 6 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments  
 7 thereto;

8 (g) ~~"diagnosis of autism spectrum disorders" means any medically~~  
 9 ~~necessary assessments, evaluations or tests in order to diagnose whether an~~  
 10 ~~individual has an autism spectrum disorder;~~

11 (h) (f) ~~"licensed assistant behavior analyst" or "LaBA" means an~~  
 12 ~~individual who is certified by the certifying entity as a certified assistant~~  
 13 ~~behavior analyst and meets the licensing criteria as established by the~~  
 14 ~~board by rules and regulations a person who is licensed under this act and~~  
 15 ~~who engages in the practice of applied behavior analysis. Such person~~  
 16 ~~shall engage in the practice of applied behavior analysis only under the~~  
 17 ~~supervision of a licensed behavior analyst;~~

18 (i) (g) ~~"licensed behavior analyst" or "LBA" means an individual who~~  
 19 ~~is certified by the certifying entity as a certified behavior analyst and~~  
 20 ~~meets the licensing criteria as established by the board by rules and~~  
 21 ~~regulations;~~

22 (j) ~~"line therapist" means an individual who:~~

23 (1) ~~Provides supervision of an individual diagnosed with autism~~  
 24 ~~spectrum disorder and other neurodevelopmental disorders pursuant to the~~  
 25 ~~prescribed treatment plan; and~~

26 (2) ~~implements specific behavioral interventions as outlined in the~~  
 27 ~~prescribed treatment plan under the direct supervision of a licensed~~  
 28 ~~behavior analyst; and~~

29 (k) ~~"treatment for autism spectrum disorder" means care prescribed or~~  
 30 ~~ordered for an individual diagnosed with an autism spectrum disorder by a~~  
 31 ~~licensed physician or licensed psychologist, including equipment~~  
 32 ~~medically necessary for such care, pursuant to the powers granted under~~  
 33 ~~such licensed physician's or licensed psychologist's license a person who~~  
 34 ~~is licensed under this act and who engages in the practice of applied~~  
 35 ~~behavior analysis.~~

36 Sec. 10. K.S.A. 2015 Supp. 65-7503 is hereby amended to read as  
 37 follows: 65-7503. (a) On or after July 1, 2016, no person shall practice  
 38 applied behavior analysis *or represent that such person is a licensed*  
 39 *behavior analyst* in this state ~~unless they are:~~

40 (1) ~~Licensed behavior analysts;~~

41 (2) ~~licensed assistant behavior analysts working under the supervision~~  
 42 ~~of a licensed behavior analyst;~~

43 (3) ~~an individual who has a bachelor's or graduate degree and~~

1 completed course work for licensure as a behavior analyst and is obtaining  
 2 supervised field experience under a licensed behavior analyst pursuant to  
 3 required supervised work experience for licensure at the behavior analyst  
 4 or assistant behavior analyst level; or

5 ~~(4) licensed psychologists practicing within the rules and standards of  
 6 practice for psychologists in the state of Kansas and whose practice is  
 7 commensurate with their level of training and experience.~~

8 ~~(b) The licensing requirements of subsection (a) shall not apply to  
 9 any person:~~

10 ~~(1) Licensed by the board who practices any component of applied  
 11 behavior analysis within the scope of such person's license and scope of  
 12 practice as required by law;~~

13 ~~(2) who provides services under the individuals with disabilities  
 14 education act (IDEA), 20 U.S.C. § 1400 et seq.;~~

15 ~~(3) who provides services under § 504 of the federal rehabilitation act  
 16 of 1973, 20 U.S.C. § 794;~~

17 ~~(4) is enrolled in a course of study at a recognized educational  
 18 institution through which such person provides applied behavior analysis  
 19 as part of supervised clinical experience;~~

20 ~~(5) who is an autism specialist, an intensive individual service  
 21 provider or any other individual qualified to provide services under the  
 22 home and community based services autism waiver administered by the  
 23 Kansas department for aging and disability services;~~

24 ~~(6) who is an occupational therapist licensed by the state board of  
 25 healing arts, acting within the scope of such person's license and scope of  
 26 practice as required by law; or~~

27 ~~(7) who is a speech language pathologist or audiologist licensed by  
 28 the Kansas department for aging and disability services, acting within the  
 29 scope of such person's license and scope of practice as required by law  
 30 without having first obtained a license as a licensed behavior analyst  
 31 under this act.~~

32 ~~(b) On or after July 1, 2016, no person shall practice applied  
 33 behavior analysis or represent that such person is a licensed assistant  
 34 behavior analyst in this state without having first obtained a license as an  
 35 assistant behavior analyst under this act.~~

36 ~~(c) Violation of this section is a class B misdemeanor.~~

37 ~~(e) (d) The board shall not issue a license under this act until the  
 38 license applicant provides proof that such applicant has met the  
 39 certification requirements of a certifying entity.~~

40 Sec. 11. K.S.A. 2015 Supp. 65-7504 is hereby amended to read as  
 41 follows: 65-7504. (a) The board may deny, suspend, revoke or refuse  
 42 renewal of any license issued under this act if the board finds that the  
 43 applicant or license holder has:

1       ~~(1) Used any controlled substance or alcoholic beverage to an extent~~  
2 ~~that such use impairs such person's ability to perform the work of any~~  
3 ~~profession licensed or regulated by this act.~~

4       ~~(2) The person has been finally adjudicated and found guilty, or~~  
5 ~~entered a plea of guilty or nolo contendere, in a criminal prosecution under~~  
6 ~~the laws of any state or of the United States, for any offense reasonably~~  
7 ~~related to the qualifications, functions or duties of any professional~~  
8 ~~licensed or regulated under this act, for any offense an essential element of~~  
9 ~~which is fraud, dishonesty or an act of violence, or for any offense~~  
10 ~~involving moral turpitude, whether or not a sentence is imposed.~~

11       ~~(3) Used any fraud, deception or misrepresentation in securing any~~  
12 ~~license issued under this act.~~

13       ~~(4) Obtained or attempted to obtain any fee, charge, tuition or other~~  
14 ~~compensation by fraud, deception or misrepresentation.~~

15       ~~(5) Committed any act of incompetency, misconduct, gross~~  
16 ~~negligence, fraud, misrepresentation or dishonesty in the performance of~~  
17 ~~the functions or duties of any profession licensed by the board.~~

18       ~~(6) Committed any violation of or assisted or enabled any person to~~  
19 ~~violate any provision of this act or any rule and regulation promulgated~~  
20 ~~thereunder.~~

21       ~~(7) Impersonated any person holding a certificate of registration or~~  
22 ~~authority, permit or license or allowed any other person to use such~~  
23 ~~person's certificate of registration or authority, permit, license or diploma~~  
24 ~~from any school.~~

25       ~~(8) Been disciplined in any action by another state, territory, federal~~  
26 ~~agency or country which would constitute grounds for a license issued~~  
27 ~~under this act being suspended or revoked.~~

28       ~~(9) Been finally adjudged insane or incapacitated by a court of~~  
29 ~~competent jurisdiction.~~

30       ~~(10) Assisted or enabled any person to practice or offer to practice~~  
31 ~~any profession licensed or regulated by the board when such person is not~~  
32 ~~eligible to practice such profession as required by law.~~

33       ~~(11) Issued any certificate of registration or authority, permit or~~  
34 ~~license based upon a material mistake of fact.~~

35       ~~(12) Failed to display a valid certificate or license if so required by~~  
36 ~~this act or any rules and regulations promulgated thereunder.~~

37       ~~(13) Violated any professional trust or confidence.~~

38       ~~(14) Used any advertisement or solicitation which is false, misleading~~  
39 ~~or deceptive to the general public or persons to whom the advertisement or~~  
40 ~~solicitation is primarily directed.~~

41       ~~(15) Been found guilty of unprofessional conduct or professional~~  
42 ~~incompetency as defined by the board by rules and regulations.~~

43       ~~(b) Any action taken under this section which affects any license or~~

1 imposes any administrative penalty shall be taken only after notice and an  
2 opportunity for a hearing conducted in accordance with the provisions of  
3 the Kansas administrative procedure act refuse to issue, renew or reinstate  
4 a license, may condition, limit, revoke or suspend a license or may  
5 publicly or privately censure a licensee or may impose a fine not to exceed  
6 \$1,000 per violation upon a finding that a licensee or an applicant for  
7 license:

8 (1) *Is incompetent to practice applied behavior analysis, which*  
9 *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,*  
12 *as determined by the board;*

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

16 (C) *a pattern of practice or other behavior that demonstrates a*  
17 *manifest incapacity or incompetence to practice applied behavior*  
18 *analysis;*

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

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

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

31 (5) *has knowingly made a false statement on a form required by the*  
32 *board for a license or license renewal by bribery or fraudulent*  
33 *representation;*

34 (6) *has failed to obtain continuing education credits required by rules*  
35 *and regulations of the board;*

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

38 (8) *has had a registration, license or certificate as an assistant*  
39 *behavior analyst or behavior analyst revoked, suspended or limited, or*  
40 *has had other disciplinary action taken, or an application for a*  
41 *registration, license or certificate denied by the proper regulatory*  
42 *authority of another state, territory, District of Columbia or another*  
43 *country, a certified copy of the record of the action of the other*

1 *jurisdiction being conclusive evidence thereof.*

2 (b) *Administrative proceedings and disciplinary actions regarding*  
3 *licensure under this act shall be conducted in accordance with the Kansas*  
4 *administrative procedure act. Judicial review and civil enforcement of*  
5 *board actions under this act shall be in accordance with the Kansas*  
6 *judicial review act.*

7 Sec. 12. K.S.A. 2015 Supp. 74-7507 is hereby amended to read as  
8 follows: 74-7507. (a) The behavioral sciences regulatory board shall have  
9 the following powers, duties and functions:

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

17 (2) compile and publish annually a list of the names and addresses of  
18 all persons who are licensed under this act, are licensed under the licensure  
19 of psychologists act of the state of Kansas, are licensed under the  
20 professional counselors licensure act, are licensed under K.S.A. 65-6301 to  
21 65-6320, inclusive, and amendments thereto, are licensed under K.S.A. 74-  
22 5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and  
23 amendments thereto, are licensed under the marriage and family therapists  
24 licensure act~~or~~, are licensed under the addictions counselor licensure act  
25 *or are licensed under the applied behavior analysis licensure act;*

26 (3) prescribe the form and contents of examinations required under  
27 this act, the licensure of psychologists act of the state of Kansas, the  
28 professional counselors licensure act, K.S.A. 65-6301 to 65-6320,  
29 inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive,  
30 and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the marriage  
31 and family therapists licensure act~~or~~, the addictions counselor licensure  
32 act *or the applied behavior analysis licensure act;*

33 (4) enter into contracts necessary to administer this act, the licensure  
34 of psychologists act of the state of Kansas, the professional counselors  
35 licensure act, K.S.A. 65-6301 to 65-6320, inclusive, and amendments  
36 thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-  
37 5375, and amendments thereto, the marriage and family therapists  
38 licensure act~~or~~, the addictions counselor licensure act *or the applied*  
39 *behavior analysis licensure act;*

40 (5) adopt an official seal;

41 (6) adopt and enforce rules and regulations for professional conduct  
42 of persons licensed under the licensure of psychologists act of the state of  
43 Kansas, licensed under the professional counselors licensure act, licensed

1 under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto,  
2 licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015  
3 Supp. 74-5375, and amendments thereto, licensed under the marriage and  
4 family therapists licensure act ~~or~~, licensed under the addictions counselor  
5 licensure act *or the applied behavior analysis licensure act*;

6 (7) adopt and enforce rules and regulations establishing requirements  
7 for the continuing education of persons licensed under the licensure of  
8 psychologists act of the state of Kansas, licensed under the professional  
9 counselors licensure act, licensed under K.S.A. 65-6301 to 65-6320,  
10 inclusive, and amendments thereto, licensed under K.S.A. 74-5361 to 74-  
11 5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto,  
12 licensed under the marriage and family therapists licensure act ~~or~~, licensed  
13 under the addictions counselor licensure act *or licensed under the applied*  
14 *behavior analysis licensure act*;

15 (8) adopt rules and regulations establishing classes of social work  
16 specialties which will be recognized for licensure under K.S.A. 65-6301 to  
17 65-6318, inclusive, and amendments thereto;

18 (9) adopt rules and regulations establishing procedures for  
19 examination of candidates for licensure under the licensure of  
20 psychologists act of the state of Kansas, for licensure under the  
21 professional counselors licensure act, for licensure under K.S.A. 65-6301  
22 to 65-6320, inclusive, and amendments thereto, for licensure under K.S.A.  
23 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and  
24 amendments thereto, for licensure under the marriage and family therapists  
25 licensure act, for licensure under the addictions counselor licensure act, *for*  
26 *licensure under the applied behavior analysis licensure act*, and for  
27 issuance of such certificates and such licenses;

28 (10) adopt rules and regulations as may be necessary for the  
29 administration of this act, the licensure of psychologists act of the state of  
30 Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-  
31 6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374,  
32 inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the  
33 marriage and family therapists licensure act ~~and~~, the addictions counselor  
34 licensure act, *and the applied behavior analysis licensure act* and to carry  
35 out the purposes thereof;

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

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

40 (b) The behavioral sciences regulatory board, in addition to any other  
41 penalty, may assess an administrative penalty, after notice and an  
42 opportunity to be heard, against a licensee or registrant for a violation of  
43 any of the provisions of the licensure of psychologists act of the state of

1 Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-  
2 6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374,  
3 inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the  
4 marriage and family therapists licensure act or the addictions counselor  
5 licensure act in an amount not to exceed \$1,000. All fines assessed and  
6 collected under this section shall be remitted to the state treasurer in  
7 accordance with the provisions of K.S.A. 75-4215, and amendments  
8 thereto. Upon receipt of each such remittance, the state treasurer shall  
9 deposit the entire amount in the state treasury to the credit of the state  
10 general fund.

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

18 Sec. 13. K.S.A. 2015 Supp. 65-7501, 65-7502, 65-7503, 65-7504, 65-  
19 7505 and 74-7507 are hereby repealed.

20 Sec. 14. This act shall take effect and be in force from and after its  
21 publication in the statute book.