

HOUSE BILL No. 2149

By Committee on Health and Human Services

1-25

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, and by the chairperson of the behavioral
25 sciences regulatory board, or by a person or persons designated by the
26 chairperson. The behavioral sciences regulatory board shall provide office
27 and meeting space and clerical and other staff assistance as may be
28 necessary to assist the examining committee to carry out its powers, duties
29 and functions.

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

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

42 (4) All rules and regulations and all orders or directives of the
43 behavioral sciences regulatory board in existence on the effective date of

1 this act that relate specifically to the regulation of the practice of social
2 work or the licensing of social workers, or both, shall continue to be
3 effective and shall be deemed to the rules and regulations and orders or
4 directives of the social work examining committee until revised, amended,
5 revoked or nullified pursuant to law.

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

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

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

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

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

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

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

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

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

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

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

43 Sec. 3. K.S.A. 2016 Supp. 22-4612 is hereby amended to read as

1 follows: 22-4612. (a) Except as otherwise provided in this section, a
2 county, a city, a county or city law enforcement agency, a county
3 department of corrections or the Kansas highway patrol shall be liable to
4 pay a health care provider for health care services rendered to persons in
5 the custody of such agencies the lesser of the actual amount billed by such
6 health care provider or the medicaid rate. The provisions of this section
7 shall not apply if a person in the custody of a county or city law
8 enforcement agency, a county department of corrections or the Kansas
9 highway patrol is covered under a current individual or group accident and
10 health insurance policy, medical service plan contract, hospital service
11 corporation contract, hospital and medical service corporation contract,
12 fraternal benefit society or health maintenance organization contract.

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

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

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

29 (e) As used in this section:

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

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

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

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

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

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

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

38 (C) licensed marriage and family therapist as defined in K.S.A. 65-
39 6402, and amendments thereto;

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

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

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

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

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

7 (I) a licensed child-placing agency.

8 (2) Any person performing an assessment pursuant to this subsection
9 shall:

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

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

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

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

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

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

1 necessary, clarify any genetic and medical history filed with the petition.
2 This information shall be made a part of the report to the court. The report
3 to the court by any person authorized pursuant to this section to perform
4 this assessment shall include the results of the investigation of the
5 petitioner, the petitioner's home and the ability of the petitioner to care for
6 the child.

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

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

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

19 (2) the court's own motion.

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

23 (a) "Discharge" means the final and complete release from treatment,
24 by either the head of a treatment facility acting pursuant to K.S.A. 59-
25 2950, and amendments thereto, or by an order of a court issued pursuant to
26 K.S.A. 59-2973, and amendments thereto.

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

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

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

40 (2) "Participating mental health center" means a mental health center
41 which has entered into a contract with the secretary for aging and
42 disability services pursuant to the provisions of K.S.A. 39-1601 through
43 39-1612, and amendments thereto.

1 (e) "Mentally ill person" means any person who is suffering from a
2 mental disorder which is manifested by a clinically significant behavioral
3 or psychological syndrome or pattern and associated with either a painful
4 symptom or an impairment in one or more important areas of functioning,
5 and involving substantial behavioral, psychological or biological
6 dysfunction, to the extent that the person is in need of treatment.

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

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

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

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

1 protecting the property from such harm outweighs the person's interest in
2 personal liberty.

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

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

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

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

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

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

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

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

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

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

42 (4) "Licensed masters level psychologist" means a person licensed as
43 a licensed masters level psychologist by the behavioral sciences regulatory

1 board under K.S.A. 74-5361 through 74-5373, and amendments thereto.

2 (5) "Registered nurse" means a person licensed as a registered
3 professional nurse by the board of nursing under K.S.A. 65-1113 through
4 65-1164, and amendments thereto.

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

6 (l) "State psychiatric hospital" means Larned state hospital,
7 Osawatomic state hospital or Rainbow mental health facility.

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

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

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

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

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

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

27 (c) "Social work practice" means the professional activity of helping
28 individuals, groups or communities enhance or restore their capacity for
29 physical, social and economic functioning and the professional application
30 of social work values, principles and techniques in areas such as
31 psychotherapy, social service administration, social planning, social work
32 consultation and social work research to one or more of the following
33 ends: Helping people obtain tangible services; counseling with individuals,
34 families and groups; helping communities or groups provide or improve
35 social and health services; and participating in relevant social action. The
36 practice of social work requires knowledge of human development and
37 behavior; of social, economic and cultural institutions and forces; and of
38 the interaction of all these factors. Social work practice includes the
39 teaching of practicum courses in social work and includes the diagnosis
40 and treatment of mental disorders as authorized under K.S.A. 65-6306 and
41 65-6319, and amendments thereto.

42 (e) (d) "Psychotherapy" means the use of psychological and social
43 methods within a professional relationship, to assist the person or persons

1 to achieve a better psychosocial adaptation to acquire greater human
2 realization of psychosocial potential and adaptation; to modify internal and
3 external conditions which affect individuals, groups or communities in
4 respect to behavior, emotions and thinking, in respect to their intra-
5 personal and inter-personal processes. Forms of psychotherapy include but
6 are not restricted to individual psychotherapy, conjoint marital therapy,
7 family therapy and group psychotherapy.

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

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

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

28 (d) Any violation of this section shall constitute a class B
29 misdemeanor.

30 Sec. 8. K.S.A. 65-6306 is hereby amended to read as follows: 65-
31 6306. (a) The ~~board~~ *social work examining committee* shall issue a license
32 as a baccalaureate social worker to an applicant who:

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

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

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

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

43 (1) Has a master's degree from an accredited college or university,

1 including completion of a social work program recognized and approved
2 by the ~~board~~ *examining committee*, pursuant to rules and regulations
3 adopted by the ~~board~~ *examining committee*;

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

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

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

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

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

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

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

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

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

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

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

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

1 individuals, couples, families or groups and not less than ~~150~~ 100 hours of
2 clinical supervision, including not less than ~~75~~ 50 hours of person-to-
3 person individual supervision, integrating diagnosis and treatment of
4 mental disorders with use of the American psychiatric association's
5 diagnostic and statistical manual;

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

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

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

20 (H) has paid the application fee.

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

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

42 (4) A person licensed as a specialist clinical social worker on the day
43 immediately preceding the effective date of this act shall be deemed to be

1 a licensed specialist clinical social worker under this act. Such person shall
2 not be required to file an original application for licensure as a specialist
3 clinical social worker under this act.

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

22 Sec. 9. K.S.A. 65-6308 is hereby amended to read as follows: 65-
23 6308. (a) No person may engage in the private, independent clinical
24 practice of social work unless such person:

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

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

31 (b) Any violation of this section shall constitute a class B
32 misdemeanor.

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

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

42 (2) pursuant to the laws of any such state or territory, the applicant
43 has taken and passed an examination similar to that for which exemption is

1 sought, as determined by the ~~board~~ *examining committee*.

2 (b) The ~~board~~ *examining committee* may issue a license to an
3 individual who is currently licensed to practice social work at the clinical
4 level in another jurisdiction if the ~~board~~ *examining committee* determines
5 that:

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

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

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

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

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

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

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

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

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

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

40 (f) Absent extenuating circumstances approved by the ~~board~~
41 *examining committee*, a temporary license issued by the ~~board~~ *examining*
42 *committee* shall expire upon the date the ~~board~~ *examining committee* issues
43 or denies a license to practice social work or six months after the date of

1 issuance of the temporary license. No temporary license will be renewed
2 or issued again on any subsequent applications for the same license level.
3 The preceding provisions in no way limit the number of times an applicant
4 may take the examination.

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

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

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

17 Sec. 11. K.S.A. 2016 Supp. 65-6309a is hereby amended to read as
18 follows: 65-6309a. (a) Upon written application and ~~board~~ *social work*
19 *examining committee* approval, an individual who is licensed to engage in
20 the independent clinical practice of social work at the clinical level in
21 another jurisdiction and who is in good standing in that other jurisdiction
22 may engage in the independent practice of clinical social work as provided
23 by K.S.A. 65-6308, and amendments thereto, in this state for no more than
24 15 days per year upon receipt of a temporary permit to practice issued by
25 the ~~board~~ *examining committee*.

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

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

33 (d) The ~~board~~ *examining committee* may charge a fee of a maximum
34 of \$200 for a temporary permit to practice and a fee of a maximum of
35 \$200 for an extension of a temporary permit to practice as established by
36 rules and regulations of the ~~board~~ *examining committee*.

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

41 (f) In accordance with the Kansas administrative procedure act, the
42 ~~board~~ *examining committee* may issue a cease and desist order or assess a
43 fine of up to \$1,000 per day, or both, against a person licensed in another

1 jurisdiction who engages in the independent practice of clinical social
2 work in this state without complying with the provisions of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (10) has had a license, registration or certificate to practice social

1 work revoked, suspended or limited, or has had other disciplinary action
2 taken, or an application for a license, registration or certificate denied, by
3 the proper regulatory authority of another state, territory, District of
4 Columbia, or other country, a certified copy of the record of the action of
5 the other jurisdiction being conclusive evidence thereof.

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

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

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

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

1 of a mental disorder. A client may request in writing that such consultation
2 be waived and such request shall be made a part of the client's record. A
3 licensed master social worker may continue to evaluate and treat the client
4 until such time that the medical consultation is obtained or waived.

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

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

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

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

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

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

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

1 four members of the board shall be from and represent the general public.
2 Each member of the board shall be a citizen of the United States and a
3 resident of this state.

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

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

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

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

31 Sec. 17. K.S.A. 65-6302, 65-6303, 65-6306, 65-6308, 65-6317 and
32 65-6319 and K.S.A. 2016 Supp. 22-4612, 59-2132, 59-2946, 65-6309, 65-
33 6309a, 65-6311, 65-6616 and 74-7501 are hereby repealed.

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