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Behavioral Sciences Regulatory Board  
700 SW Harrison St. Suite 420  
Topeka, KS 66603-3929



Proposed

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David B. Fye, JD, Executive Director

Laura Kelly, Governor

## NOTICE OF PUBLIC HEARING ON PROPOSED PERMANENT REGULATIONS

**K.A.R. 102-1-1; K.A.R. 102-1-5a; K.A.R. 102-2-1a; K.A.R. 102-2-8; K.A.R. 102-2-12;  
K.A.R. 102-3-1a; K.A.R. 102-3-3a; K.A.R. 102-3-7a; K.A.R. 102-4-1a; K.A.R. 102-4-7a;  
K.A.R. 102-5-1; K.A.R. 102-5-7a; K.A.R. 102-7-1; K.A.R. 102-7-6**

A public hearing will be conducted by the staff of the Behavioral Sciences Regulatory Board on Tuesday, November 8, 2022, from 10:00 a.m. until 11:00 a.m. in the BSRB conference room at 700 SW Harrison St. Ste. 420, Topeka, to consider proposed changes to administrative regulations for several professions regulated by the BSRB. There is metered parking all around the Eisenhower State Office Building. The public entrance is on the north side of the building. To ensure that there is adequate space for public attendees, all individuals wishing to attend the hearing must notify David Fye, Executive Director for the BSRB, no later than two business days prior to the hearing by sending an e-mail to [david.fye@ks.gov](mailto:david.fye@ks.gov). At the hearing on November 8, all interested parties will be given a reasonable opportunity to present their views orally. To give all parties an opportunity to present their views, it may be necessary to request each participant limit any oral presentation to five minutes or less, depending on the number of attendees that wish to speak. Oral comments will be recorded by staff members of the BSRB and summarized for the Board at the next full Board meeting when changes or adoption of the regulations are considered by the Board.

Any individual with a disability may request accommodation to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five business days in advance of the hearing by contacting Leslie Allen, Assistant Director, at 785-296-3240 or [leslie.allen@ks.gov](mailto:leslie.allen@ks.gov).

This 60-day notice of the public hearing constitutes a public comment period for purposes of receiving written public comments on the proposed amendments. All interested parties may submit written comments prior to the hearing to David B. Fye, JD, Executive Director, Behavioral Sciences Regulatory Board, 700 SW Harrison St. Ste. 420, Topeka, KS 66603. E-mail comments may be directed to [david.fye@ks.gov](mailto:david.fye@ks.gov).

A copy of the full text of the regulations and the economic impact statements may be reviewed or obtained at the board office. They are also available on the board website at [ksbsrb.ks.gov](http://ksbsrb.ks.gov) under proposed regulations. The board does not have a less costly or less intrusive method for achieving the stated purpose of these regulations. The regulations that will be considered during the regulatory hearing portion of the meeting are as follows:

**K.A.R. 102-1-1 and K.A.R. 102-1-5a** language is being changed to allow individuals seeking licensure as Licensed Psychologists to attain all required supervision hours either in person or by televideo, rather than requiring some hours to be in the same physical space as the supervisor. Additionally, the modifications allow for supervision by phone, under extenuating circumstances as approved by the Board. These changes better align with statutory changes enacted for other professions under the BSRB in 2021 Senate Sub. for HB 2208.

**K.A.R. 102-2-1a, K.A.R. 102-2-8, and K.A.R. 102-2-12** language is being changed to sync regulatory language with statutory language changes enacted in 2021 Senate Sub. for HB 2208, which allows individuals seeking licensure as a Clinical Level Social Worker to attain all required supervision hours either in person or by televideo, rather than requiring some hours to be in the same physical space as the supervisor; allows for supervision by phone, under extenuating circumstances as approved by the Board; allows all required postgraduate supervised hours of experience to be in person, by televideo, or by phone; and deletes previous statutory language requiring not less than 350 hours of direct client contact as part of a practicum (other decreases in supervision hours were enacted by the 2019 Legislature). These changes also include a

definition of "one-hour" to provide clarity to questions relating to the length of supervision and include changes to supervision requirements to bring the language for this profession more in line with requirements of other professions overseen by the BSRB.

**K.A.R. 102-3-1a, K.A.R. 102-3-3a, and K.A.R. 102-3-7a** language is being changed to sync regulatory language with statutory language changes enacted in 2021 Senate Sub. for HB 2208, which allows individuals seeking licensure as a Clinical Professional Counselor to attain all required supervision hours either in person or by televideo, rather than requiring some hours to be in the same physical space as the supervisor; allows for supervision by phone, under extenuating circumstances as approved by the Board; allows all required postgraduate supervised hours of experience to be in person, by televideo, or by phone; decreases the number of direct client contact hours during the practicum experience from 350 hours to 280 hours; and decreases the number of hours of post-graduate supervised work experience required for clinical licensure from 4,000 hours to 3,000 hours and decreases the number of direct supervision hours required for clinical licensure from 150 hours to 100 hours. The changes also provide a definition of "one-hour" and "quarter credit hour" to provide clarity to questions relating to the length of supervision and better align with other professions under the BSRB. A definition of "related field" was added to clarify what other areas of practice could qualify for licensure as a professional counselor.

**K.A.R. 102-4-1a and K.A.R. 102-4-7a** language is being changed to sync regulatory language with statutory language changes enacted in 2021 Senate Sub. for HB 2208, which allows individuals seeking licensure as Clinical Psychotherapists (the clinical level for Master's Level Psychologists) to attain all required supervision hours either in person or by televideo, rather than requiring some hours to be in the same physical space as the supervisor; allows for supervision by phone, under extenuating circumstances as approved by the Board; allows all required postgraduate supervised hours of experience to be in person, by televideo, or by phone; and decreases the number of direct supervision hours required for clinical licensure from 150 hours to 100 hours. These changes also provide a definition of "one hour" to provide clarity to questions relating to the length of supervision.

**K.A.R. 102-5-1 and K.A.R. 102-5-7a** language is being changed to sync regulatory language with statutory language changes enacted in 2021 Senate Sub. for HB 2208, which allows individuals seeking licensure as a Clinical Level Marriage and Family Therapist to attain all required supervision hours either in person or by televideo, rather than requiring some hours to be in the same physical space as the supervisor; allows for supervision by phone, under extenuating circumstances as approved by the Board; allows all required postgraduate supervised hours of experience to be in person, by televideo, or by phone; and decreases the number of hours of post-graduate supervised work experience required for clinical licensure from 4,000 hours to 3,000 hours and decreases the number of direct supervision hours required for clinical licensure from 150 hours to 100 hours. These changes also include a definition of "one-hour" to provide clarity to questions relating to the length of supervision.

**K.A.R. 102-7-1 and K.A.R. 102-7-6** language is being changed to sync regulatory language with statutory language changes enacted in 2021 Senate Sub. for HB 2208, which allows individuals seeking licensure as a Clinical Level Addiction Counselors to attain all required supervision hours either in person or by televideo, rather than requiring some hours to be in the same physical space as the supervisor; allows for supervision by phone, under extenuating circumstances as approved by the Board; allows all required postgraduate supervised hours of experience to be in person, by televideo, or by phone; and decreases the number of hours of post-graduate supervised work experience required for clinical licensure from 4,000 hours to 3,000 hours and decreases the number of direct supervision hours required for clinical licensure from 150 hours to 100 hours. These changes also provide a definition of "one-hour" to provide clarity to questions relating to the length of supervision.

**Economic impact:** There would be a small economic impact for individuals seeking a license as a psychologist, clinical social worker, clinical professional counselor, clinical psychotherapist, clinical marriage and family therapist, and clinical addiction counselor, as these applicants would be able to complete necessary supervision hours and other postgraduate supervised work experience requirements more quickly.

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**102-1-1. Definitions.** Each of the following terms, as used in this article of the board's regulations, shall have the meaning specified in this regulation:

(a) "Academically eligible" means having a doctoral degree in psychology from an institution of higher education that meets the standards identified in K.A.R. 102-1-12.

(b) "Client" ~~or~~ and "patient" ~~means~~ mean a person who meets either of the following criteria:

(1) Is a recipient of direct psychological services within a relationship that is initiated either by mutual consent of the person and a psychologist or according to law; or

(2) is a recipient of a psychological assessment or diagnosis for a third party.

(c) "Clinical psychological services" means the application by persons trained in psychology of established principles of learning, motivation, perception, thinking, and emotional relationships to problems of behavior adjustment, group relations, and behavior modification when those principles are applied through either or both of the following activities:

(1) Providing psychological assessment and therapeutic treatment to individuals or groups with the intent of modifying attitudes, emotions, and behaviors that are intellectually, physically, socially, or emotionally maladaptive; or

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(2) performing any other clinical applications of psychological principles as approved by the board.

(d) "Consultation" means providing the provision of professional guidance, information, or advice without administrative or professional authority over or responsibility for the professional functioning of the recipient.

(e) "Continuing education" means programs or activities designed to enhance the psychologist's level of knowledge, skill, and ability to practice psychology. These programs and activities shall have content clearly related to the enhancement of psychology practice, values, and knowledge. Continuing education credits shall not be used as a substitute for basic professional education preparation as defined in K.A.R. 102-1-12.

(f) "Direct client contact" means the provision of psychology services to a client or clients in an individual, family, or group format with interaction being conducted in person or remotely with real-time, two-way interactive audio, visual, or audiovisual communications, including the application of videoconferencing, in which confidentiality is protected. Interaction that includes electronic mail, instant messaging, texting, or facsimile shall not be considered direct client contact.

(g) "Extenuating circumstances" means any condition or situation caused by events beyond a person's control that is sufficiently extreme in nature to result in either of the following:

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(1) The person's inability to comply with the requirements of this regulation; or

(2) the inadvisability of requiring the person to comply with the requirements of this regulation.

~~(f)~~ (h) "Harmful dual relationship" means a professional relationship between a psychologist and a client, patient, student, or supervisee in which the objectivity or competency of the psychologist is impaired or compromised because of any of the following present or previous relationships:

- (1) Familial;
- (2) sexual;
- (3) social;
- (4) emotional;
- (5) financial;
- (6) supervisory; or
- (7) administrative.

~~(g)~~ (i) "Intern" ~~or~~ and "resident" ~~means~~ mean a person who is actively enrolled in a program as defined by K.A.R. 102-1-12 and who is attaining the predoctoral supervised experience necessary for licensure as a psychologist.

~~(h)~~ (j) "Nonclinical, general psychological services" means the application by persons trained in psychology of established principles of learning, motivation, perception, thinking, and emotional relationships to problems of behavior

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adjustment, group relations, and behavior modification when those principles are applied through the following activities:

- (1) Conducting applied research on problems relating to human behavior or program evaluation;
- (2) providing consultation or psychological supervision;
- (3) providing instruction in areas of psychology pertinent to the clinical practice of psychology;
- (4) measuring and testing personality, intelligence, aptitudes, public opinion, attitudes, and skills; and
- (5) other applications of nonclinical, general psychological principles as approved by the board.

(j) (k) "Psychological assessment" means the use, in any manner, of established psychological tests, procedures, and techniques with the intent of diagnosing adjustment, functional, mental, vocational, or emotional problems or recommending treatment methods for persons having these problems.

(j) (l) "Quarter credit hour" means two-thirds of a semester hour. Quarter credit hours shall be rounded as follows:

- (1) One quarter credit hour equals .7 semester hours.
- (2) Two quarter credit hours equal 1.3 semester hours.
- (3) Three quarter credit hours equal 2.0 semester hours.
- (4) Four quarter credit hours equal 2.7 semester hours.
- (5) Five quarter credit hours equal 3.3 semester hours.

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~~(k)~~ (m) "Supervision" means the formal relationship between the supervisor and supervisee that promotes the development of responsibility, skill, knowledge, appropriate attitudes, and ethical standards in the practice of psychology. Supervision shall include both general training supervision and individual clinical supervision: as follows:

(1) "General training supervision" means supervision of any of the following areas of practice:

(A) Consultation;

(B) psychological supervision of other mental health service providers;

(C) applied research or program evaluation;

(D) instruction in areas of psychology pertinent to the clinical practice of psychology; or

(E) other applications of psychological principles as approved by the board.

(2) "Individual clinical supervision" means supervision of the following areas of practice:

(A) Psychological assessment; and

(B) therapeutic treatment for individuals or groups with the intent of modifying attitudes, emotions, and behaviors that are intellectually, physically, socially, or emotionally maladaptive.

~~(m)~~ (n) "Termination," for purposes of unprofessional conduct, means the

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end of the professional psychologist-client relationship or treatment for any of the following reasons:

- (1) The mutual consent of the psychologist and the client or clients;
- (2) the completion of treatment;
- (3) dismissal of the psychologist or discontinuation of the relationship by the client or clients;
- (4) dismissal of the client or clients by the psychologist; or
- (5) the referral or transfer of the client to another professional with the belief that treatment will continue.

~~(n)~~ (o) "Trimester credit hour" means a unit of academic credit received under an academic year consisting of three terms. A trimester credit hour is equivalent to a semester credit hour.

~~(e)~~ (p) "Undue influence" means ~~misusing~~ the misuse of one's professional position of confidence, trust, or authority over a client or supervisee, or the taking advantage of a client's vulnerability, weakness, infirmity, or distress, for either of the following purposes:

- (1) To improperly influence or change a client's or supervisee's actions or decisions; or
- (2) to exploit a client or supervisee for the financial gain, personal gratification, or advantage of the psychologist or a third party.

~~(p)~~ (q) "Unlicensed assistant" means a person who is employed by a person, association, partnership, or corporation furnishing psychological services

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to assist a licensed psychologist in providing psychological services and who is under the licensed psychologist's direct supervision.

(q) (r) "Year of supervised experience" means ~~a minimum of at least 1,800~~  
~~clock-hours~~ clock-hours of supervised experience that meets the requirements of  
K.A.R. 102-1-5. (Authorized by K.S.A. ~~2000-Supp. 74-5314 and 74-7507 and~~  
~~K.S.A. 74-5314~~; implementing K.S.A. ~~2000-Supp. 74-5302, K.S.A. 2000~~ 2021  
Supp. 74-5310, K.S.A. 74-5314, K.S.A. 2000 2021 Supp. 74-5316, K.S.A. 2000  
2021 Supp. 74-5344, and K.S.A. 2000-Supp. 74-7507; effective May 1, 1982;  
amended May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1,  
1985; amended May 1, 1986; amended May 1, 1987; amended Aug. 4, 1995;  
amended Dec. 18, 1998; amended Jan. 4, 2002; amended P-  
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**102-1-5a. Supervised experience and supervisor qualifications. (a)**

Supervised experience. Each applicant for licensure as a psychologist shall demonstrate satisfactory completion of two years of supervised experience in the practice of psychology, one year of which may be predoctoral supervised experience and at least one year of which shall be postdoctoral supervised experience, unless the applicant meets the ~~criteria~~ requirements in paragraph (b)(2).

(b) Predoctoral supervised experience.

(1) The year of predoctoral supervised experience shall meet the internship requirements specified in K.A.R. 102-1-12(b)(11).

(2) This year of predoctoral supervision may be completed on a postdoctoral basis if the applicant completes the predoctoral supervision ~~in the course of~~ while successfully completing a program that meets both of the following requirements:

(A) Prepares the applicant to practice in an area of emphasis that is different ~~than~~ from the area of emphasis that the applicant originally completed at ~~the time~~ when the applicant received the doctoral degree; and

(B) substantially complies with the program requirements of K.A.R. 102-1-12.

(c) Postdoctoral supervised experience. The postdoctoral supervised experience shall meet the following requirements:

(1) The supervised experience shall be attained in a public or private

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setting, institution, or organization that provides the supervisee with contact with other disciplines, the opportunity to utilize a variety of theories, and the opportunity to work with a broad range of populations and techniques.

(2) At least 900 hours per-year of supervised experience each year shall be spent providing clinical psychological services.

(3) At least 180 hours per-year of supervised experience each year shall be spent providing general or nonclinical psychological services.

(4) The supervised clinical experience shall be consistent with the supervisee's educational background and with the area of emphasis in which the applicant intends to offer services to the public. At least one-half of the supervisee's general training experience shall be relevant to the supervisee's emphasis area, which may include clinical psychology, counseling psychology, school psychology, industrial psychology, or organizational psychology.

(d) Supervisor qualifications. Each supervisor of a person who is obtaining the supervised experience required to become licensed as a psychologist shall meet the following criteria requirements:

(1) If providing general training supervision, be a licensed or certified provider of a health-related service ~~at the time~~ when the supervision occurred or, if the experience occurs in a state or jurisdiction without a provision for licensing or certifying that health-related profession, have attained the appropriate degree or training in the topic area in which supervision is provided;

(2) if providing supervision for the predoctoral supervised experience, be

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licensed at the doctoral level in psychology;

(3) if providing supervision for the postdoctoral supervised experience, have at least two years of experience that includes the clinical practice of psychology after the date of licensure at the doctoral level in psychology;

(4) meet at least one of the following conditions:

(i) Be a staff member of the practice setting or have an understanding of the practice setting's organization and administrative policies and procedures; or

(ii) be vested by the agency with authority over the supervisee's professional contacts with each of the supervisee's clients or patients. This authority shall be focused on the supervisee's skills as well as the welfare of those clients or patients whose treatment the supervisor is reviewing;

(5) if the supervisor is not employed by the public or private institution or agency that employs the supervisee, ensure that the scope of the supervisor's own responsibility and authority in that practice setting has been clearly and expressly defined;

(6) not have a familial or harmful dual relationship with the supervisee;

(7) not be under sanction from a disciplinary proceeding, unless this prohibition is waived by the board for good cause shown by the proposed supervisor; and

(8) use forms supplied by the board and submit information that is sufficiently detailed regarding the supervisee's application for psychology licensure to enable the board to evaluate the extent and quality of the

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supervisee's supervised experience.

(e) Supervised experience requirements.

(1) For predoctoral psychology experience settings, the supervisor shall provide one hour of individual clinical supervision for every 10 hours during which the supervisee has direct patient or client contact.

(2) For postdoctoral supervised experience settings, the supervisor shall provide one hour of individual clinical supervision for every 20 hours during which the supervisee has direct patient or client contact.

(3) The supervisor, in addition to meeting the requirements listed in subsection (d), shall perform the following:

(A) Provide individual face-to-face supervision by meeting in person or, if confidentiality is technologically protected, by televideo, with the supervisee. The means of supervision shall have the ability to include discussion, observation, and review of documentation. When meeting in person face-to-face is not practical due to an emergency, geographic distance, or other exigent extenuating circumstances approved by the board, telephonic supervision may be approved by the board ~~the supervisor may meet with the supervisee by interactive video or other electronic or telephonic means of communication. The supervisor and supervisee may use any electronic or telephonic means of communication that protects the confidentiality of their supervision. The use of these means of communication shall not exceed one out of every four supervisory sessions;~~

(B) be available to the supervisee at the points of decision making

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regarding the diagnosis and treatment of clients or patients;

(C) conduct supervision as a process that is distinct from providing personal therapy, didactic instruction, or consultation;

(D) in conjunction with the supervisee, review and evaluate the psychological services delivered and procedures used;

(E) ensure that each client or patient knows that the supervisee is practicing psychology under supervision;

(F) be available to the supervisee for emergency consultation and intervention; and

(G) maintain documentation of the supervision that details each type of the psychological services and procedures in which the supervisee engages and the supervisee's competence in each.

(f) Supervisee requirements. Each person attaining the supervised experience necessary for licensure as a psychologist shall meet the following criteria requirements:

(1) Fully participate in the supervisory process in a responsible manner; and

(2) inform, in writing, each client or patient for whom the supervisee is practicing psychology of the name of and the means to contact the supervisor.

(Authorized by K.S.A. ~~2005-Supp. 74-7507~~; implementing K.S.A. 2021 Supp. 74-5310 and K.S.A. 74-5317; effective Oct. 27, 2000; amended March 10, 2006; amended P-\_\_\_\_\_.)

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**102-2-1a. Definitions.** Each of the following terms, as used in this article of the board's regulations, shall have the meaning specified in this regulation:

(a) "Approved-provider status" means that the provider has been approved by the board to provide any continuing education program. Approved-provider status may be granted for a one-year probationary period to new applicants. After completion of the probationary year, any approved providers provider may reapply for approval every three years.

(b) "Client" means an individual, a family, or a group that receives social work services.

(c) "Client-therapist relationship" means a professional relationship in which an LMSW or LCSW is engaged in the diagnosis and treatment of a mental disorder of the client.

(d) "Clinical practicum" means a formal component of the academic curriculum in a graduate-level social work educational program that engages the student in supervised clinical social work practice including direct client contact and that provides opportunities to apply classroom learning to actual practice situations in the field setting.

(e) "Clinical social work practice" means the professional application of social work theory and methods to the treatment and prevention of psychosocial problems, disability, or impairment, including emotional and mental disorders.

Clinical social work practice shall include the following:

(1) Assessment;

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(2) diagnosis;

(3) treatment, including psychotherapy and counseling;

(4) client-centered advocacy;

(5) consultation;

(6) evaluation; and

(7) interventions directed to interpersonal interactions, intrapsychic dynamics, and life support and management issues.

(f) "Clinical supervision training plan" means a formal, written contract between a supervisor and a supervisee that establishes the supervisory framework for postgraduate clinical experience and the expectations and responsibilities of the supervisor and the supervisee.

(g) "Consult," as used in K.S.A. 65-6306 and K.S.A. 65-6319, and amendments thereto, means a contact made by the licensee with the appropriate medical professional for the purpose of promoting a collaborative approach to the client's care and informing the medical professional of the client's symptoms, but not for the purpose of confirming the diagnosis. The timing of any consult by the licensee shall be managed in a way that enhances the progress of assessment, diagnosis, and treatment, and shall not be required to be completed in the initial session of service delivery.

(h) "Continuing education" means a formally organized learning experience that has education as its explicit, principal intent and that is oriented toward the enhancement of social work practice, values, skills, knowledge, and

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ethics.

(i) "Direct client contact" means ~~a service to a client system that utilizes individual, family, or group interventions through face to face interaction or the use of electronic mediums of face to face interaction in which confidentiality is protected~~ the provision of social work services to a client or clients in an individual, family, or group format with interaction being conducted in person or remotely with real-time, two-way interactive audio, visual, or audiovisual communications, including the application of videoconferencing, in which confidentiality is protected. Interaction that includes electronic mail, instant messaging, texting, or facsimile shall not be considered direct client contact.

(j) "Dual relationship" means a professional relationship with a client, student, or supervisee in which the objectivity of the licensee is impaired or compromised because of any of the following present or previous relationships:

- (1) Familial;
- (2) sexual;
- (3) social;
- (4) emotional;
- (5) financial;
- (6) supervisory; or
- (7) administrative.

(k) "Extenuating circumstances" means ~~conditions caused by unexpected events beyond the person's control~~ any condition or situation caused by events

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beyond a person's control that is sufficiently extreme in nature to result in either  
of the following:

(1) The person's inability to comply with the requirements of this  
regulation; or

(2) the inadvisability of requiring the person to comply with the  
requirements of this regulation.

(l) "LBSW" means a licensed baccalaureate social worker.

(m) "LMSW" means a licensed master social worker.

(n) "LSCSW" means a licensed specialist clinical social worker.

(o) "Malfeasance" means the performance of an act that a licensee should  
not perform.

(p) "Merits the public trust" means that an applicant or licensee possesses  
the high standard of good moral character and fitness required to practice social  
work as demonstrated by the following personal qualities:

(1) Good judgement;

(2) integrity;

(3) honesty;

(4) fairness;

(5) credibility;

(6) reliability;

(7) respect for others;

(8) respect for the laws of the state and the nation;

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(9) self-discipline;

(10) self-evaluation;

(11) initiative; and

(12) commitment to the social work profession values and ethics.

(q) "Misfeasance" means the improper performance of a lawful act by a licensee.

(r) "Nonfeasance" means the omission of an act that a licensee should perform.

(s) "Practice setting" means the public or private social work delivery system within which social work is practiced or social work services are delivered.

(t) "One hour" means either of the following:

(1) One period of 50-60 continuous minutes; or

(2) two periods of 25-30 continuous minutes each.

~~(t)~~ (u) "Practicum" means a formal component of the academic curriculum in the social work educational program that engages the student in supervised social work practice and provides opportunities to apply classroom learning to actual practice situations in the field setting.

~~(u)~~ (v) "Prior-approved continuing education" means any of the following forms of continuing education:

(1) Any single-program material that has been submitted by a provider to the board, approved by the board, and assigned a continuing education number;

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- (2) any program offered by a provider with approved-provider status; or
- (3) academic social work courses audited or taken for credit.

~~(v)~~ (w) "Private, independent practice of social work" means the unsupervised provision of social work services as a self-employed person, a member of a partnership, a member of a professional corporation, or a member of a group, and not as a salaried employee of a person or a public or private agency, organization, institution, or other entity.

~~(w)~~ (x) "Retroactively approved continuing education" means material submitted for continuing education credit by the licensee after attending the workshop, conference, seminar, or other offering and that is reviewed and subsequently approved by the board.

~~(x)~~ (y) "Single-program provider status" means that the provider has been granted approval to offer a specific continuing education program.

~~(y)~~ (z) "Social work consultation" means a voluntary professional relationship in which the consultant offers advice and expertise that the consultee can either accept or reject and in which the objectives and requirements of social work supervision as defined in K.A.R. 102-2-1a~~(aa)~~ subsection (bb) and K.A.R. 102-2-8 are lacking. Social work consultation shall not be substituted for supervision.

~~(z)~~ (aa) "Social work practice specialty" means a postgraduate practice with emphasis upon a specific, identifiable field of practice.

~~(aa)~~ (bb) "Social work supervision" means a formal professional

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relationship between the supervisor and supervisee that promotes the development of responsibility, skill, knowledge, attitudes, and ethical standards in the practice of social work.

~~(bb)~~ (cc) "Termination of a client relationship" means the end of the professional relationship resulting from any of the following:

- (1) The mutual consent of the social worker and the client;
- (2) the completion of therapeutic or casework services;
- (3) dismissal of the social worker by the client;
- (4) dismissal of the client by the social worker; or
- (5) the transfer of the client to another professional for active therapy or casework services with the belief that services will continue.

~~(ee)~~ (dd) (1) "Under the direction" means the formal relationship between the individual providing direction and the licensee in which both of the following conditions are met:

(A) The directing individual provides the licensee, commensurate with the welfare of the client and the education, training, and experience of the licensee with the following:

- (i) Professional monitoring and oversight of the social work services provided by the licensee;
- (ii) regular and periodic evaluation of treatment provided to clients by the licensee; and
- (iii) verification that direction was provided to the licensee.

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(B) The licensee receiving direction provides the following to the board,  
with each license renewal:

(i) The name, identifying information, and type of licensee of the directing  
individual;

(ii) a description of the work setting and the social work services provided  
under direction; and

(iii) documentation that direction was provided, including dates, location,  
and length of time as verified by the directing individual.

(2) A licensed master social worker who is practicing clinical social work  
under supervision as specified in K.A.R. 102-2-8(d) shall be deemed to be  
practicing under direction.

~~(dd)~~ (ee) "Undue influence" means ~~misusing~~ the misuse of one's  
professional position of confidence, trust, or authority, or the taking advantage of  
the vulnerability, weakness, infirmity, or distress of a client, supervisee, or  
student for either of the following purposes:

(1) To improperly influence or change the actions or decisions of a client,  
supervisee, or student; or

(2) to exploit a client, supervisee, or student for the financial gain, personal  
gratification, or advantage of the social worker or a third party. (Authorized by  
and implementing K.S.A. 4999-Supp. 74-7507; effective, T-85-36, Dec. 19, 1984;  
effective May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended

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April 3, 1989; amended Feb. 25, 1991; amended Aug. 4, 2000; amended P-

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**102-2-8. Supervision.** (a) Supervision of nonlicensed social work service providers who participate in the delivery of social work services.

(1) Social work consultation shall not meet the supervision requirements for any nonlicensed social work service provider.

(2) Each licensee supervising one or more nonlicensed individuals who participate in the delivery of social work services shall specifically delineate the duties of each nonlicensed individual and provide a level of supervision that is consistent with the training and ability of the nonlicensed social work service provider.

(3) Each licensee supervising one or more nonlicensed persons who participate in the delivery of social work services shall develop a written agreement. The agreement shall consist of specific goals and objectives, the means to attain the goals, and the manner in which the goals relate to the overall objective for supervision of the nonlicensed social work service provider. The licensee shall maintain the following documentation associated with the written agreement:

(A) A copy of the written agreement signed by both the licensee and the nonlicensed person;

(B) a summary of the types of clients and situations dealt with at each supervisory session;

(C) a written explanation of the relationship of the goals and objectives of supervision to each supervisory session; and

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(D) the length of time spent in each supervisory session.

(4) The supervisor shall provide no fewer than four hours of supervision per month for each supervisee.

(5) The supervisor shall not have a dual relationship with the supervisee.

(b) Supervision of nonlicensed student social work service providers.

(1) Social work consultation shall not meet the supervision requirements for any nonlicensed student social work service provider.

(2) Each licensee supervising one or more nonlicensed students in the delivery of social work services shall specifically delineate each student's duties and provide a level of supervision consistent with the training and ability of each student.

(3) Each licensee supervising one or more nonlicensed students who participate in the delivery of social work services shall develop a written agreement for each student that is consistent with the requirements of the student's academic social work program.

(4) The supervisor shall not have a dual relationship with the supervisee.

(c) Supervision of holders of temporary social work licenses.

(1) Social work consultation shall not meet the supervision requirements for any holder of a temporary social work license.

(2) Each licensee supervising one or more individuals who hold a temporary social work licensure permit license shall specifically delineate the

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duties of each temporary license holder and provide a level of supervision consistent with the training and ability of each individual.

(3) Each licensee supervising a temporary social work license holder and that individual shall develop a written agreement. This agreement shall consist of specific goals and objectives, the means to attain the goals, and the manner in which the goals relate to the overall objective for supervision of that person. The licensee shall maintain the following documentation associated with the written agreement:

(A) A copy of the written agreement signed by both the licensee and the temporary social work license holder;

(B) a summary of the types of clients and situations dealt with at each supervisory session;

(C) a written explanation of the relationship of the goals and objectives of supervision to each supervisory session; and

(D) the length of time spent in each supervisory session.

(4) ~~A minimum of~~ At least one hour of supervision shall be provided for each 40 hours of service delivery.

(5) The supervisor shall not have a dual relationship with the supervisee.

(d) Supervision of persons engaged in private practice or persons seeking licensure as a specialist clinical social worker.

(1) A licensed specialist clinical social worker shall supervise the practice or delivery of social work services by the following persons:

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(A) Any licensee who is attaining the two years of supervised experience required for licensure as a specialist clinical social worker; and

(B) any licensee who is not a licensed specialist clinical social worker and who is engaged in private clinical practice.

(2) Any person attaining the supervised experience required for licensure as a specialist clinical social worker may be supervised by a social worker who is licensed as a clinical social worker authorized to engage in the private, independent practice of social work in another state and who is otherwise qualified.

(3) ~~Supervisor qualifications.~~ To qualify as a supervisor, a licensed specialist clinical social worker shall ~~fulfill~~ meet these requirements:

(A) Have practiced as a specialist clinical social worker, in a position that included assessment, diagnoses, and psychotherapy, for two years beyond the date of clinical licensure. This requirement shall apply to each individual commencing a new supervisory relationship on or after April 15, 2009;

(B) have, in full or in part, professional responsibility for the supervisee's practice of social work or delivery of social work services;

(C) not have a dual relationship with the supervisee;

(D) not be under sanction from a disciplinary proceeding, unless this prohibition is waived by the board for good cause shown by the proposed supervisor;

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- (E) have knowledge of and experience with the supervisee's client population;
- (F) have knowledge of and experience with the methods of practice that the supervisee employs;
- (G) have an understanding of the organization and administrative policies and procedures of the supervisee's practice setting; and
- (H) be a member of the staff for that practice setting or meet the requirements of paragraph (d)(4).

(4) If a qualified supervisor is not available from among staff in the supervisee's practice setting, the supervisee may secure an otherwise qualified supervisor outside of the practice setting if all of the following conditions are met:

- (A) The supervisor has a complete understanding of the practice setting's mission, policy, and procedures.
- (B) The extent of the supervisor's responsibility for the supervisee is clearly defined with respect to client cases to be supervised, the supervisor's role in personnel evaluation within the practice setting, and other aspects of the clinical supervision training plan.
- (C) The responsibility for payment for supervision is clearly defined.
- (D) If the supervisee pays the supervisor directly for the supervision, the supervisor maintains responsibility to the client and to the practice setting.
- (E) The parameters of client confidentiality are clearly defined and agreed to by the client.

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(5) ~~Supervisory duties.~~ Each social work practice supervisor shall perform these duties:

(A) ~~Meet in person or by videoconferencing~~ according to K.A.R. 102-2-12(c)(4) with the supervisee for clinical supervision throughout the postgraduate supervised professional experience ~~at a ratio of~~ for a minimum of at least one hour of clinical supervision for every ~~20~~ 15 hours of direct, ~~face-to-face~~ client contact, ~~with a maximum of two hours of supervision allowed for each 20 hours of clinical social work practice to be counted toward licensure requirements;~~

(B) meet with not more than ~~four~~ six supervisees at a time in the supervisory meetings;

(C) provide oversight, guidance, and direction of the supervisee's practice of social work or delivery of social work services by assessing and evaluating the supervisee's performance;

(D) conduct supervision as a process distinct from personal therapy, didactic instruction, or social work consultation;

(E) ensure that the scope of the supervisor's own responsibility and authority in the practice setting has been clearly ~~and expressly~~ defined;

(F) provide documentation of supervisory qualifications to the supervisee;

(G) periodically evaluate the supervisee's role, use of a theoretical base, and use of social work principles;

(H) provide supervision in accordance with the written clinical supervision training plan;

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(I) maintain documentation of supervision;

(J) provide the documentation required by the board upon a supervisee's application for licensure in sufficient detail to enable the board to evaluate the extent and quality of the supervisee's supervised experience;

(K) provide a level of supervision that is consistent with the education, training, experience, and ability of the supervisee; and

(L) ensure that each client knows that the supervisee is practicing social work or participating in the delivery of social work services under supervision.

(6) ~~Clinical supervision training plan.~~ Each supervisor and supervisee shall develop and ~~co-sign~~ cosign a written clinical supervision training plan at the beginning of the supervisory relationship. The supervisee shall submit an official position description and the training plan to the board and shall receive board approval of the plan before any supervised professional experience hours for clinical licensure can begin to accrue. This plan shall clearly define and delineate the following items:

(A) The supervisory context, which shall include the purpose of supervision;

(B) a summary of the types of clients with whom and the situations in which the supervisee will typically work, as evidenced by the supervisee's official position description;

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(C) a plan that describes the supervision goals and objectives, the means to attain and evaluate progress towards the goals, and the manner in which the goals relate to the overall objective of supervision;

(D) the format and schedule for supervision;

(E) the supervisor's responsibilities;

(F) the supervisee's responsibilities;

(G) the plans for both the supervisee's and the supervisor's documentation of the date, length, method, content, and format of each supervisory meeting and the supervisee's progress toward the learning goals;

(H) the plans for documenting the ~~4,000~~ 3,000 hours of postgraduate supervised clinical social work experience, which shall include specifically documenting the 1,500 hours of direct client contact providing psychotherapy and assessment;

(I) the plan for notifying clients of the following information:

(i) The fact that the supervisee is practicing social work or participating in the delivery of social work services under supervision;

(ii) the limits of client confidentiality within the supervisory process; and

(iii) the name, address, and telephone number of the supervisor or other person with administrative authority over the supervisee;

(J) a plan to address and remedy circumstances in which there is a conflict between the supervisor and the supervisee;

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(K) the date on which the supervisor and supervisee entered into the clinical supervision training plan, the time frame that the plan is intended to encompass, and the process for termination of the supervisory relationship by either party;

(L) the steps for amending or renegotiating the clinical supervision training plan, if warranted, including submitting written notification of these changes to the board office as ~~provided~~ specified in paragraph (d)(7); and

(M) a statement identifying the person who is responsible for payment, the terms of payment, and the mutual obligations and rights of each party with respect to compensation, if there is any compensation for supervisory services.

(7) ~~Revision of the clinical supervision training plan.~~ All changes to the clinical supervision training plan shall be submitted by the supervisee to the board for its approval. The changes shall be submitted no more than 45 days after the date on which the changes took effect. If the supervisee fails to submit the changes to the board within that 45-day period, no supervised hours of practice shall be accrued or credited for any practice, beginning on the date the changes took effect through the date on which the changes to the plan are approved by the board. (Authorized by K.S.A. 2007 Supp. 74-7507; implementing K.S.A. 65-6303, K.S.A. 2021 Supp. 65-6306, as amended by 2022 SB 453, sec. 3, K.S.A. 65-6308, K.S.A. ~~2007~~ 2021 Supp. 65-6309, and K.S.A. 74-7507; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended Feb. 25, 1991; amended Oct. 24,

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1997; amended Aug. 4, 2000; amended Aug. 13, 2004; amended April 22, 2005;  
amended Feb. 13, 2009; amended P-\_\_\_\_\_.)

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**102-2-12. Licensed specialist clinical social work licensure requirements.**

(a) ~~Educational requirements.~~ In order for an applicant who earns a degree before July 1, 2003 to qualify for licensure as a licensed specialist clinical social worker, the applicant shall meet, as a part of or in addition to the educational requirements ~~provided~~ specified in K.S.A. 65-6306; and amendments thereto, the following educational requirements:

(1) Satisfactory completion of at least three graduate academic hours in a discrete academic course whose primary and explicit focus is upon psychopathology and the diagnosis and treatment of mental disorders classified in the diagnostic manuals commonly used as a part of accepted social work practice;

(2) satisfactory completion of a graduate-level, clinically oriented social work practicum that ~~fulfills these~~ meets the following requirements:

(A) Is taken after completion of the graduate-level, clinically focused academic courses that are prerequisite to entering the clinical practicum;

(B) is an integrated, conceptually organized academic experience and is not an after-the-fact tabulation of clinical experience;

(C) occurs in a practice setting that, by its nature and function, clearly supports clinical social work practice and consistently provides opportunities for the supervised application of clinical social work practice knowledge, skills, values, and ethics; and

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(D) provides training and close supervision in a wide range of clinical social work practice activities with a population of clients presenting a diverse set of problems and backgrounds.

(b) Each applicant for licensure as a specialist clinical social worker who earns a degree on or after July 1, 2003 shall meet the following requirements:

(1) Satisfactory completion of 15 graduate-level credit hours supporting diagnosis or treatment of mental disorders using the "diagnostic and statistical manual of mental disorders" ~~as specified~~ adopted in K.A.R. 102-2-14. Three of the 15 credit hours shall consist of a discrete academic course whose primary and explicit focus is upon psychopathology and the diagnosis and treatment of mental disorders as classified in the "diagnostic and statistical manual of mental disorders." The 15 graduate-level credit hours shall be from a social work program accredited by the council on social work education or a social work program in substantial compliance as prescribed in K.A.R. 102-2-6 and approved by the board; and

(2) completion of ~~one of the following experience requirements:~~

~~(A) a graduate-level, supervised clinical practicum of professional experience that includes psychotherapy and assessment. The practicum shall integrate diagnosis and treatment of mental disorders with use of the "diagnostic and statistical manual of mental disorders" as identified~~ adopted in K.A.R. 102-2-14, ~~and shall include not less than 350 hours of direct client contact; or~~

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~~(B) postgraduate supervised experience including psychotherapy and assessment. The experience shall integrate diagnosis and treatment of mental disorders with use of the diagnostic and statistical manual of mental disorders, as specified in K.A.R. 102-2-14. The experience shall consist of not less than 700 hours of supervised experience, including not less than 350 hours of direct client contact. This experience shall be in addition to the 4,000 hours of postgraduate, supervised experience required for each licensed specialist clinical social worker, as specified in subsection (c). The applicant shall provide documentation of this postgraduate experience on board approved forms. The supervision shall comply with K.A.R. 102-2-8 and K.A.R. 102-2-12(c) and shall be in addition to the supervision requirements in K.A.R. 102-2-12(c)(4).~~

(c) Each applicant for licensure as a specialist clinical social worker shall ~~fulfill~~ meet the following requirements:

(1) Develop and ~~co-sign~~ cosign with the supervisor a clinical supervision training plan for the postgraduate supervised clinical experience required under by K.S.A. 65-6306 and amendments thereto, on forms provided by the board. The applicant shall submit this plan to the board for consideration for approval before beginning clinical supervision. The clinical supervision training plan shall comply with K.A.R. 102-2-8 (d). If changes or amendments to the plan occur after initial board approval, these changes or amendments shall be submitted to the board for consideration for approval;

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(2) complete, in not less than two years and not more than six years, a minimum of 4,000 at least 3,000 hours of satisfactorily evaluated postgraduate, supervised clinical social work practice experience under the supervision of a qualified licensed specialist clinical social worker. ~~A minimum of 2,000 hours of the applicant's total postgraduate, supervised clinical experience shall consist of a combination of the following types of social work services:~~

(A) At least 1,500 hours of the applicant's total postgraduate, supervised clinical experience shall be direct client contact conducting psychotherapy and assessments with individuals, couples, families, or groups; and

~~(B) up to 500 hours of providing clinical social work practice services;~~

(3) complete all required practice under supervision in accordance with K.A.R. 102-2-8 (d); and

(4) participate in ~~a minimum of 100 supervisory meetings consisting of not less than 150~~ at least one hour of clinical supervision for each 15 hours of direct client contact to total 100 hours of clinical supervision. ~~A minimum of 75~~ At least 50 hours of the ~~150~~ required hours of supervision shall be individual supervision, of which at least 50 hours shall be obtained in person. The remainder of the 150 required hours may be obtained in person or, Unless extenuating circumstances are approved by the board, all supervision shall be conducted face-to-face either in person or, if confidentiality is technologically protected, by synchronous videoconferencing. ~~Each applicant using videoconferencing shall provide written verification of the technological security measure implemented. There shall be at~~

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least two separate clinical supervision sessions per month, at least one of which shall be individual supervision. The supervision shall integrate the diagnosis and treatment of mental disorders with the use of the "diagnostic and statistical manual of mental disorders" ~~specified~~ adopted in K.A.R. 102-2-14. ~~A maximum of two hours of supervision shall be counted for each 20 hours of clinical social work practice.~~

(d) At the time of the individual's application for licensure as a specialist clinical social worker, the applicant's supervisor shall submit documentation that is satisfactory to the board and that enables the board to evaluate the nature, quality, and quantity of the applicant's supervised clinical social work experience.

This documentation shall include the following information:

- (1) A written summary of the types of clients and situations dealt with during the supervisory sessions;
- (2) a written summary that addresses the degree to which the goals and objectives of supervision have been met;
- (3) a written statement and supportive documentation that describes the applicant's practice setting and provides a summary of the applicant's practice activities and responsibilities that occurred while under supervision;
- (4) a statement indicating whether or not the applicant merits the public trust; and
- (5) an evaluation of the applicant's supervised clinical social work experience. (Authorized by K.S.A. 2021 Supp. 65-6306, as amended by 2022

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SB 453, sec. 3, K.S.A. 65-6308, and K.S.A. ~~2007 Supp.~~ 74-7507; implementing  
K.S.A. 2021 Supp. 65-6306, as amended by 2022 SB 453, sec. 3, and K.S.A. 65-  
6308; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985; amended May 1,  
1987; amended Feb. 25, 1991; amended Oct. 24, 1997; amended Aug. 4, 2000;  
amended July 7, 2003; amended April 22, 2005; amended Feb. 13, 2009;  
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**102-3-1a. Definitions.** Each of the following terms, as used in this article of the board's regulations, shall have the meaning specified in this regulation:

(a) "Academic equivalent of a semester hour," as used in K.A.R. 102-3-3a, means the prorated, proportionate credit for formal academic coursework when the coursework is completed on the basis of trimester or quarter hours rather than semester hours.

(b) "Board" means the behavioral sciences regulatory board.

(c) "Client" means a person who is a direct recipient of professional counseling services.

(d) "Client contact" means face to face interaction between the counselor and client or clients.

(e) (c) "Clinical professional counselor practice" means the professional application of professional counseling theory and methods to the treatment and prevention of psychosocial dysfunction, disability, or impairment, including behavioral, emotional, and mental disorders. Clinical professional counseling shall include the following:

- (1) Assessment;
- (2) diagnosis of mental disorders;
- (3) planning and treatment, which may include psychotherapy and counseling;
- (4) treatment intervention directed to interpersonal interactions,

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intrapsychic dynamics, and life management issues;

(5) consultation; and

(6) evaluation, referral, and collaboration.

(f) (d) "Clinical supervision training plan" means a formal, written agreement that establishes the supervisory framework for postgraduate clinical experience and describes the expectations and responsibilities of the supervisor and the supervisee.

(g) (e) "Consultation" means a voluntary, professional relationship in which the consultant offers the consultant's best advice and expertise that the consultee can either accept or reject and in which the objectives and requirements of supervision as established in K.A.R. 102-3-7a are lacking. Professional ~~counseling~~ Consultation shall not be substituted for professional counseling supervision.

(h) (f) "Continuing education" means formally organized programs or activities that are designed to and have content intended to enhance the professional counselor's or clinical professional counselor's knowledge, skill, values, ethics, and ability to practice as a professional counselor or as a clinical professional counselor.

(g) "Direct client contact" means the provision of professional counseling services to a client or clients in an individual, family, or group format with interaction being conducted in person or remotely with real-time, two-way interactive audio, visual, or audiovisual communications, including the

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application of videoconferencing, in which confidentiality is protected. Interaction that includes electronic mail, instant messaging, texting, or facsimile shall not be considered direct client contact.

(~~h~~) (h) "Dual relationship" means a professional relationship in which the objectivity or competency of the licensee is impaired or compromised because of any of the following present or previous relationships with the client or supervisee:

- (1) Familial;
- (2) sexual;
- (3) emotional; or
- (4) financial.

(~~i~~) (i) "Extenuating circumstances" means ~~any condition that is caused by any unexpected event that is beyond the individual's control. any condition or situation caused by events beyond a person's control that is sufficiently extreme in nature to result in either of the following:~~

(1) The person's inability to comply with the requirements of this regulation; or

(2) the inadvisability of requiring the person to comply with the requirements of this regulation.

(~~j~~) (j) "Job orientation" ~~or and~~ "on-the-job training" ~~means mean~~ a training program or presentation of information that is so specific to a particular job or employment position that it bears no generalization to any other work setting.

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~~(l)~~ (k) "Malfeasance" means doing an act that a licensee should not do.

~~(m)~~ (l) "Merits the public trust" means that an applicant or licensee possesses the high standard of good moral character and fitness that is required to practice professional counseling as demonstrated by the following personal qualities:

- (1) Good judgment;
- (2) integrity;
- (3) honesty;
- (4) fairness;
- (5) credibility;
- (6) reliability;
- (7) respect for others;
- (8) respect for the laws of the state and nation;
- (9) self-discipline;
- (10) self-evaluation;
- (11) initiative; and
- (12) commitment to the professional counseling profession and its values and ethics.

~~(n)~~ (m) "Misfeasance" means the improper performance of a lawful act by a licensee.

~~(o)~~ (n) "Nonfeasance" means the omission of an act that a licensee should do.

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(o) "One hour" means either of the following:

(1) One period of 50-60 continuous minutes; or

(2) two periods of 25-30 continuous minutes each.

(p) "One year of professional experience" means a total of ~~2,000~~ 1,500 ~~clock-hours~~ clock-hours of postgraduate supervised experience in professional counseling.

(q) "Practice setting" means any public or private counseling service agency or delivery system within which professional counseling is practiced or professional counseling services are delivered.

(r) "Practicum" ~~or~~ and "internship" ~~means~~ mean a formal component of an academic curriculum in the professional counseling program that engages the student in supervised, professional counseling practice and provides opportunities to apply classroom learning to actual practice situations in a field setting.

(s) "Professional counseling supervision" means a formal relationship between the supervisor and supervisee that promotes the development of responsibility, skill, knowledge, attitudes, and ethical standards in the practice of professional counseling.

(t) "Prior-approved continuing education" means any of the following forms of continuing education:

(1) Any single-program material that has been submitted by a provider to the board, approved by the board, and assigned a continuing education number;

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(2) any program offered by a provider with approved-provider status; or

(3) academic counseling courses audited or taken for credit.

(u) "Quarter credit hour" means two-thirds of a semester hour. Quarter

credit hours shall be rounded as follows:

(1) One quarter credit hour equals .7 semester hours.

(2) Two quarter credit hours equal 1.3 semester hours.

(3) Three quarter credit hours equal 2.0 semester hours.

(4) Four quarter credit hours equal 2.7 semester hours.

(5) Five quarter credit hours equal 3.3 semester hours.

(v) "Related field" means a degree program in the helping professions

and may include any of the following:

(1) Education;

(2) human development and family studies;

(3) marriage and family therapy;

(4) psychology;

(5) social work; or

(6) theology.

~~(u)~~ (w) "Semester hour," as used in K.A.R. 102-3-3a, means a minimum of  
at least 13 clock hours clock-hours of formal didactic classroom instruction that  
occurred over the course of an academic semester and for which the applicant  
received formal graduate academic credit.

~~(v)~~ (x) "Termination of the professional counseling relationship" means the

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end of the professional relationship resulting from any of the following:

- (1) The mutual consent of the counselor and the client;
- (2) the completion of counseling services;
- (3) dismissal of the counselor by the client;
- (4) dismissal of the client by the counselor; or
- (5) the transfer of the client to another professional for active treatment or

therapy with the belief that treatment will continue.

(w) (y) "Under the direction" means the formal relationship between the individual providing direction and the licensed professional counselor in which both of the following conditions are met:

(1) The directing individual provides the licensee, commensurate with the welfare of the client and the education, training, and experience of the licensee, with the following:

(A) Professional monitoring and oversight of the professional counseling services provided by the licensee;

(B) regular and periodic evaluation of treatment provided to clients by the licensee; and

(C) verification that direction was provided to the licensee.

(2) The licensee receiving direction provides the board with the following for each license renewal:

(A) The name, identifying information, and type of license of the directing individual;

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(B) a description of the work setting and the professional counseling services conducted under direction; and

(C) documentation that direction was given, including dates, location, and length of time as verified by the directing individual.

(x) (z) "Undue influence" means ~~misusing~~ the misuse of one's professional position of confidence, trust, or authority over a client or supervisee, or the taking advantage of a client's vulnerability, weakness, infirmity, or distress for either of the following reasons:

(1) To improperly influence or change the actions or decisions of a client or supervisee; or

(2) to exploit a client or supervisee for the counselor's or a third party's financial gain, personal gratification, or advantage. (Authorized by and implementing K.S.A. ~~4999-Supp.~~ 74-7507; effective Dec. 19, 1997; amended Aug. 4, 2000; amended P-\_\_\_\_\_.)

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**102-3-3a. Education requirements.** To qualify for licensure as a professional counselor or a clinical professional counselor, the applicant's education shall meet the applicable requirements ~~provided~~ specified in the following subsections in this regulation.

(a) Each of the following terms, as used in this regulation, shall have the meaning specified in this subsection:

(1) "Core faculty member" means an individual who is part of the program's teaching staff and who meets the following conditions:

(A) Is an individual whose education, training, and experience are consistent with the individual's role within the program and are consistent with the published description of the goals, philosophy, and educational purpose of the program;

(B) is an individual whose primary professional employment is at the institution in which the program is housed; and

(C) is an individual who is identified with the program and is centrally involved in program development, decision making, and student training as demonstrated by consistent inclusion of the individual's name in public and departmental documents.

(2) "In residence," when used to describe a student, means that the student is present at the physical location of the institution for the purpose of

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completing coursework during which the student and one or more core faculty members are in face-to-face contact.

(3) "Primary professional employment" means at least 20 hours per week of instruction, research, any other service to the institution in the course of employment, and the related administrative work.

(b) At the time of application, each applicant shall have fulfilled met the following requirements:

(1) Received either a master's or a doctoral degree in counseling, or a related field, from a program that meets one of the following requirements:

(A) Is not below the accreditation standards of the council for the accreditation of counseling and related educational programs; or

(B) meets the requirements in subsections (f) and (g); and

(2) as a part of or in addition to the coursework completed for the counseling graduate degree in counseling or a related field, completed at least 60 graduate semester hours, or the academic equivalent, of which at least 45 graduate semester hours, or the academic equivalent, shall clearly satisfy meet the coursework requirements in subsection (c).

(c) Each applicant shall have satisfactorily completed formal academic coursework that contributes to the development of a broad conceptual framework for counseling theory and practice as a basis for more advanced academic studies. This formal academic coursework shall consist of at least 45 graduate semester hours, or the academic equivalent, that are distributed across the

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substantive content areas provided in this subsection. None of these credit hours shall be earned through independent study courses. There shall be at least two discrete and unduplicated semester hours, or the academic equivalent, in each of the following substantive content areas:

(1) Counseling theory and practice, which shall include studies in the basic theories, principles, and techniques of counseling and their applications to professional settings;

(2) the helping relationship, which shall include studies in the philosophical bases of helping relationships and the application of the helping relationship to counseling practice, as well as an emphasis on the development of practitioner and client self-awareness;

(3) group dynamics, processes, and counseling approaches and techniques, which shall include studies in theories and types of groups, as well as descriptions of group practices, methods, dynamics, and facilitative skills;

(4) human growth and development, which shall include studies that provide a broad understanding of the nature and needs of individuals at all developmental levels and in multicultural contexts;

(5) career development and lifestyle foundations, which shall include studies in vocational theory, the relationship between career choice and lifestyle, sources of occupational and educational information, approaches to career decision-making processes, and career development exploration techniques;

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(6) appraisal of individuals and studies and training in the development of a framework for understanding the individual, including methods of data gathering and interpretation, individual and group testing, and the study of individual differences;

(7) social and cultural foundations, which shall include studies in change processes, ethnicity, subcultures, families, gender issues, the changing roles of women, sexism, racism, urban and rural societies, population patterns, cultural mores, use of leisure time, and differing life patterns. These studies may come from the behavioral sciences, economics, political science, and similar disciplines;

(8) research and evaluation, which shall include studies in the areas of statistics, research design, development of research, development of program goals and objectives, and evaluation of program goals and objectives;

(9) professional orientation, which shall include studies in the goals and objectives of professional organizations, codes of ethics, legal considerations, standards of preparation and practice, certification, licensing, and the role identities of counselors and others in the helping professions; and

(10) supervised practical experience, which shall include studies in the application and practice of the theories and concepts presented in formal study. This experiential practice shall be performed under the close supervision of the instructor and on-site supervisor with the use of direct observation and the preparation and review of written case notes. Direct observation may include the

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use of one-way mirrors in a counseling laboratory, the use of videotaped or audiotaped sessions, or the use of ~~real time video conferencing~~ synchronous videoconferencing or similar synchronous communication devices.

(d) Each applicant for licensure as a clinical professional counselor whose master's or doctoral degree is earned before July 1, 2003 shall have earned the graduate degree in accordance with subsections (b) and (c).

(e) Each applicant for licensure as a clinical professional counselor whose master's or doctoral degree is earned on or after July 1, 2003 shall meet the following education requirements:

(1) Have earned a graduate degree in accordance with subsections (b) and (c);

(2) in addition to or as a part of the academic requirements for the graduate degree, have completed 15 graduate semester credit hours, or the academic equivalent, supporting diagnosis and treatment of mental disorders using the "diagnostic and statistical manual of mental disorders" ~~as specified~~ adopted in K.A.R. 102-3-15. The 15 graduate semester credit hours, or the academic equivalent, shall include both of the following:

(A) The applicant shall have satisfactorily completed two graduate semester hours, or the academic equivalent, of discrete coursework in ethics and two graduate semester hours, or the academic equivalent, of discrete coursework in psychopathology and diagnostic assessment, including the study

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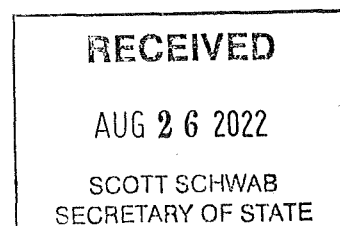
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of the latest edition of the "diagnostic and statistical manual of mental disorders" and assessment instruments that support diagnosis.

(B) The applicant shall have satisfactorily completed coursework addressing treatment approaches and interdisciplinary referral and collaboration; and

(3) ~~completion of a graduate-level, supervised clinical practicum pursuant to K.S.A. 65-5804a(c)(1)(C), and amendments thereto.~~ Have met one of the following experience requirements:

(A) Satisfactory completion of a graduate-level, supervised clinical practicum of professional experience that includes psychotherapy and assessment. The practicum shall integrate diagnosis and treatment of mental disorders with use of the "diagnostic and statistical manual of mental disorders" adopted in K.A.R. 102-3-15 and shall include at least 280 hours of direct client contact; or

(B) completion of additional direct client contact hours providing psychotherapy and assessment as part of the postgraduate supervised experience. The experience shall consist of the number of hours that the applicant was lacking to attain 280 hours of direct client contact during the practicum. The postgraduate hours and the practicum hours completed shall total at least 280 hours. This experience shall be in addition to the 3,000 hours of postgraduate, supervised experience required for each licensed clinical professional counselor as required in K.A.R. 102-3-7a.

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(f) In order to be approved by the board, each educational program in professional counseling, or a related field, shall meet the following requirements:

(1) Have established program admission requirements that are based, in part or in full, on objective measures or standardized achievement tests and measures;

(2) require an established curriculum that encompasses at least two academic years of graduate study;

(3) have clear administrative authority and primary responsibility within the program for the core and specialty areas of training in professional counseling;

(4) have an established, organized, and comprehensive sequence of study that is planned by administrators who are responsible for providing an integrated educational experience in professional counseling;

(5) engage in continuous systematic program evaluation indicating how the mission objectives and student learning outcomes are measured and met;

(6) be chaired or directed by an identifiable person who holds a doctoral degree in counseling that was earned from a regionally accredited college or university upon that person's actual completion of a formal academic training program;

(7) have an identifiable, full-time, professional faculty whose members hold earned graduate degrees in professional counseling or a related field;

(8) have an established, identifiable body of students who are formally enrolled in the program with the goal of obtaining a degree;

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(9) require an appropriate practicum, internship, or field or laboratory training in professional counseling that integrates didactic learning with supervised clinical experience;

(10) conduct an ongoing, objective review and evaluation of each student's learning and progress, and report this evaluation in the official student transcripts;

(11) require that at least 30 graduate semester credit hours, or the academic equivalent, of coursework be completed "in residence" at one institution and require that the practicum or internship be completed at the same institution; and

(12) require that the number of graduate semester hours, or the academic equivalent, delivered by adjunct faculty does not exceed the number of graduate semester hours, or the academic equivalent, delivered by core faculty members.

(g) In order for an applicant to qualify for licensure, the college or university at which the applicant completed the counseling degree requirements for counseling or a related field shall meet these requirements:

(1) Be regionally accredited, with accreditation standards equivalent to those met by Kansas colleges and universities;

(2) document in official publications, including course catalogs and announcements, the program description and standards and the admission requirements of the professional counseling education and training program;

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(3) identify and clearly describe in pertinent institutional catalogs the coursework, experiential, and other academic program requirements that must be satisfied before conferral of the graduate degree in counseling;

(4) clearly identify and specify in pertinent institutional catalogs its intent to educate and train professional counselors;

(5) have clearly established the professional counselor education program as a coherent entity within the college or university that, when the applicant's graduate degree was conferred, met the program standards in subsection (f); and

(6) have conferred the graduate degree in counseling upon the applicant's successful completion of an established and required formal program of studies.

(h) The following types of study shall not be substituted for or counted toward the coursework requirements of subsections (b), (c), (d), and (e):

(1) Academic coursework that the applicant completed as a part of or in conjunction with the undergraduate degree requirements;

(2) academic coursework that has been audited rather than graded;

(3) academic coursework for which the applicant received an incomplete or failing grade;

(4) coursework that the board determines is not closely related to the field or practice of counseling;

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(5) graduate or postgraduate coursework or training provided by any college, university, institute, or training program that does not meet the requirements of subsections (f) and (g); and

(6) any continuing education, in-service activity, or on-the-job training.

(i) The following types of study may be counted toward the 60 graduate semester hours required under paragraph (b)(2):

(1) No more than six graduate semester hours of independent study that is related to the field or practice of counseling, except that independent study shall not be used to meet any of the substantive content area requirements specified in subsection (c); and

(2) no more than four graduate semester hours for thesis research and writing. (Authorized by K.S.A. 2014 2021 Supp. 65-5804a and K.S.A. 74-7507; implementing K.S.A. 2014 2021 Supp. 65-5804a; effective Dec. 19, 1997; amended July 19, 2002; amended Aug. 8, 2003; amended Oct. 27, 2006; amended Dec. 12, 2014; amended P-\_\_\_\_\_.)

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**102-3-7a. Postgraduate supervised professional experience requirement to be licensed as a clinical professional counselor.** In order to be approved by the board for licensure as a clinical professional counselor, the applicant's postgraduate supervised professional experience of professional counseling, totaling 3,000 hours of professional experience inclusive of 1,500 hours of direct client contact, shall meet all of the following standards: requirements:

(a) Except as provided in subsection (b), one hour of clinical supervision shall be provided throughout the entirety of the postgraduate supervised professional experience at a ratio of one hour of clinical supervision for each 15 hours of direct client contact, Unless extenuating circumstances are approved by the board, all supervision shall be conducted face-to-face either in person or, if confidentiality is technologically protected, by synchronous videoconferencing, specified as follows:

(1) At least 50 hours of ~~one-on-one~~, individual supervision occurring with the supervisor and supervisee ~~in the same physical space;~~

(2) ~~at least 100~~ up to 50 hours of group supervision with one supervisor and no more than six supervisees ~~in the same physical space, except when not practical due to an emergency or other exigent circumstances, at which time person-to-person contact by interactive video or other telephonic means maintaining confidentiality shall be allowed; and~~

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(3) ~~at least two separate clinical supervision sessions meet for at least one~~  
~~hour at least twice~~ per month, at least one of which shall be ~~one-on-one~~,  
individual supervision.

(b) Each applicant with a doctor's degree in professional counseling shall  
complete a ~~minimum of~~ at least one-half of the postgraduate supervised  
professional experience requirements as follows:

(1) At least 25 hours of ~~one-on-one~~, individual supervision occurring with  
the supervisor and supervisee ~~in the same physical space~~;

(2) ~~at least 50~~ up to 25 hours of group supervision with one supervisor and  
no more than six supervisees ~~in the same physical space, except when not~~  
~~practical due to an emergency or other exigent circumstances, at which time~~  
~~person-to-person contact by interactive video or other telephonic means~~  
~~maintaining confidentiality shall be allowed~~; and

(3) at least two separate supervisory sessions per month, one of which  
shall be ~~one-on-one~~, individual supervision.

(c) The clinical supervisor of a person attaining the ~~4,000~~ 3,000 hours of  
postgraduate supervised professional experience required for licensure as a  
clinical professional counselor, at the time of providing supervision, shall be a  
board-approved clinical supervisor and shall meet one of the following qualifying  
provisions:

(1) The clinical supervisor shall be a clinical professional counselor who is  
licensed in Kansas or is registered or licensed in another jurisdiction and who

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has practiced as a clinical professional counselor for two years beyond the supervisor's licensure date.

(2) If a licensed clinical professional counselor is not available, the clinical supervisor may be a person who is qualified by educational coursework and degree for licensure as a clinical professional counselor in Kansas and who has at least five years of postgraduate professional experience in clinical professional counseling.

(3) ~~If a licensed clinical professional counselor is not available~~ Under extenuating circumstances approved by the board, the clinical supervisor may be a person who is licensed at the graduate level to practice in one of the behavioral sciences, and whose authorized scope of practice permits the independent practice of counseling, therapy, or psychotherapy. The qualifying individual shall not have had less than two years of clinical practice beyond the qualifying licensure date ~~at the time~~ when the individual provided the clinical supervision.

(d) In addition to the requirements of subsection (c), each clinical supervisor shall meet these requirements:

(1) Have professional authority over and responsibility for the supervisee's clinical functioning in the practice of professional counseling;

(2) not have a dual relationship with the supervisee;

(3) not be under any sanction from a disciplinary proceeding, unless this prohibition is waived by the board for good cause shown by the proposed supervisor;

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- (4) have knowledge of and experience with the supervisee's client population;
- (5) have knowledge of and experience with the methods of practice that the supervisee employs;
- (6) have an understanding of the organization and the administrative policies and procedures of the supervisee's practice setting; and
- (7) be a staff member of the supervisee's practice setting or meet the requirements of subsection (e).

(e) If a qualified clinical supervisor is not available from among staff in the supervisee's practice setting, the supervisee may secure an otherwise qualified clinical supervisor outside the practice setting if all of the following conditions are met:

- (1) The supervisor has a solid understanding of the practice setting's mission, policies, and procedures.
- (2) The extent of the supervisor's responsibility for the supervisee is clearly defined in terms of client cases to be supervised, role in personnel evaluation within the practice setting, and other aspects of the clinical supervision training plan.
- (3) The responsibility for payment for supervision is clearly defined.
- (4) If the supervisee pays the supervisor directly for the supervision, the supervisor maintains responsibility to the client and to the practice setting.

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(f) Each professional counseling clinical supervisor shall perform the following duties:

(1) Provide oversight, guidance, and direction of the supervisee's clinical practice of professional counseling by assessing and evaluating the supervisee's performance;

(2) conduct supervision as a process distinct from personal therapy, didactic instruction, or professional counseling consultation;

(3) provide documentation of supervisory qualifications to the supervisee;

(4) periodically evaluate the supervisee's clinical functioning;

(5) provide supervision in accordance with the clinical supervision training plan;

(6) maintain documentation of supervision in accordance with the clinical supervision training plan;

(7) provide the documentation required by the board when a supervisee completes the postgraduate supervised professional experience. The supervisor shall submit this documentation on board-approved forms and in a manner that will enable the board to evaluate the extent and quality of the supervisee's professional experience and assign credit for that experience;

(8) provide a level of supervision that is commensurate with the education, training, experience, and ability of both the supervisor and the supervisee; and

(9) ensure that each client knows that the supervisee is practicing professional counseling under supervision.

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(g) ~~Clinical supervision training plan.~~ Each supervisor and supervisee shall develop and ~~co-sign~~ cosign a written clinical supervision training plan on forms provided by the board at the beginning of the supervisory relationship. The supervisee shall submit this plan to the board and shall receive board approval of the plan before any supervised professional experience hours can begin to accrue. This plan shall clearly define and delineate the following items:

- (1) The supervisory context;
- (2) a summary of the anticipated types of clients and the services to be provided;
- (3) the format and schedule of supervision;
- (4) a plan for documenting the following information:
  - (A) The date of each supervisory meeting;
  - (B) the length of each supervisory meeting;
  - (C) a designation of each supervisory meeting as an individual or group meeting;
  - (D) a designation of each supervisory meeting as conducted in the same physical space or otherwise, in the case of emergency; and
  - (E) an evaluation of the supervisee's progress under clinical supervision;
- (5) a plan for notifying clients of the following information:
  - (A) The fact that the supervisee is practicing professional counseling under supervision;
  - (B) the limits of client confidentiality within the supervisory process; and

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- (C) the name, address, and telephone number of the clinical supervisor;
- (6) the date on which the parties entered into the clinical supervision training plan and the time frame that the plan is intended to encompass;
- (7) an agreement to amend or renegotiate the terms of the clinical supervision training plan, if warranted, including written notification of these changes to the board office, as provided in subsection (h);
- (8) the supervisee's informed consent for the supervisor to discuss supervision or performance issues with the supervisee's clients, the supervisee's other professional counseling or employment supervisors, the board, or any other individual or entity to which either the supervisee or the supervisor is professionally accountable; and
- (9) a statement signed by each supervisor and supervisee acknowledging that each person has read and agrees to the postgraduate supervised professional experience requirements ~~set forth~~ specified in this regulation.
- (h) All changes to the clinical supervision training plan shall be submitted by the supervisee to the board for its approval. The changes shall be submitted no more than 45 days after the date on which the changes took effect. If the supervisee fails to submit the changes to the board within that 45-day period, no supervised hours of practice shall be accrued or credited for any practice, beginning on the date the changes took effect through the date on which the changes to the plan are approved by the board. (Authorized by K.S.A. 74-7507; implementing K.S.A. 2021 Supp. 65-5804a; effective April 17, 1998; amended

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Aug. 4, 2000; amended July 7, 2003; amended Aug. 13, 2004; amended P-

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**102-4-1a. Definitions.** Each of the following terms, as used in this article of the board's regulations, shall have the meaning specified in this regulation:

(a) "Academic equivalent," as used in K.A.R. 102-4-3a, means the proportionate credit awarded for formal academic coursework when this coursework is completed on the basis of trimester credit hours or quarter credit hours rather than semester credit hours.

(b) "Alternate psychology supervisor" means a person who is not licensed or registered as a psychologist in the state or jurisdiction where the supervision occurred, but who ~~satisfies~~ meets all of the following alternate qualifications:

(1) The supervisor has received a graduate degree in psychology.

(2) The supervisor has practiced as a psychologist for ~~no fewer than~~ at least two calendar years before supervising the applicant.

(3) The supervisor had legal authority to engage in the independent practice of psychology in Kansas or in the state or jurisdiction where an applicant's supervision occurred.

(c) "Client" means a person who is a direct recipient of master's level psychology services or clinical psychotherapy services.

(d) "Clinical psychotherapy practice" means the independent practice of master's level psychology and the application of psychology theory and methods to the treatment and prevention of psychosocial dysfunction, disability, or impairment, including behavioral, emotional, and mental disorders. Clinical psychotherapy shall include the following:

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- (1) Assessment;
  - (2) diagnosis of mental disorders;
  - (3) planning of treatment, which may include psychotherapy and counseling;
  - (4) treatment intervention directed at interpersonal interactions, intrapsychic dynamics, and life management issues;
  - (5) consultation; and
  - (6) evaluation, referral, and collaboration.
- (e) "Clinical supervision training plan" means a formal written agreement that establishes the supervisory framework for postgraduate clinical experience and describes the expectations and responsibilities of the supervisor and supervisee.
- (f) "Consultation" means collegial deliberation within the context of a voluntary, professional relationship in which the consultant offers the consultant's best advice and expertise that the consultee can either accept or reject and in which the objectives and requirements of supervision as established in K.A.R. 102-4-7a are lacking. Professional consultation shall not be substituted for professional psychology supervision and shall not meet the requirements of K.S.A. 74-5362, and amendments thereto, regarding the practice of master's level psychology under the direction of a licensed practitioner.

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(g) "Continuing education" means programs or activities that have content designed to enhance a licensee's knowledge, skills, values, ethics, or ability to practice as a master's level psychologist or a clinical psychotherapist.

(h) "Cooperating agency" means a public or private agency, institution, or organization that provides psychological services and ~~that~~ has a prior agreement with an academic institution to participate in a practicum program in compliance with the requirements of K.A.R. 102-4-6a.

(i) "Direct client contact" means the provision of master's level psychology services to a client or clients in an individual, family, or group format with interaction being conducted in person or remotely with real-time, two-way interactive audio, visual, or audiovisual communications, including the application of videoconferencing, in which confidentiality is protected. Interaction that includes electronic mail, instant messaging, texting, or facsimile shall not be considered direct client contact.

(j) "Dual relationship" means a professional relationship in which the objectivity or competency of the licensee is impaired or compromised due to any of the following present or previous relationships with the client or supervisee:

- (1) Familial;
- (2) sexual;
- (3) emotional; or
- (4) financial.

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~~(j)~~ (k) "Extenuating circumstances" means any conditions condition or situation caused by unexpected events that are beyond the individual's control caused by events beyond a person's control that is sufficiently extreme in nature to result in either of the following:

(1) The person's inability to comply with the requirements of this regulation; or

(2) the inadvisability of requiring the person to comply with the requirements of this regulation.

~~(k)~~ (l) "Job orientation" ~~or and~~ "on-the-job training" means mean a training program or presentation of information that is so specific to a particular job or employment position that the training or information cannot be generalized to another work setting.

~~(l)~~ (m) "Malfeasance" means the performance of an act by a licensee that is prohibited or ~~that~~ constitutes wrongdoing or misconduct.

~~(m)~~ (n) "Merits the public trust" means that an applicant or licensee possesses the high standard of good moral character and fitness that is required to practice master's level psychology or clinical psychotherapy as demonstrated by the following personal qualities:

- (1) Good judgement;
- (2) integrity;
- (3) honesty;
- (4) fairness;

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- (5) credibility;
- (6) reliability;
- (7) respect for others;
- (8) respect for the laws of the state and the nation;
- (9) self-discipline;
- (10) self-evaluation;
- (11) initiative; and
- (12) commitment to the psychology profession and its values and ethics.

~~(n)~~ (o) "Misfeasance" means the improper performance of a lawful act licensee.

~~(e)~~ (p) "Nonfeasance" means the omission of an act that a licensee is required to perform.

(q) "One hour" means either of the following:

(1) One period of 50-60 continuous minutes; or

(2) two periods of 25-30 continuous minutes each.

~~(p)~~ (r) "Postgraduate work experience" means the postgraduate, supervised practice of psychology that meets the requirements provided in K.A.R. 102-4-7a.

~~(e)~~ (s) "Practice of psychology," "practice of master's level psychology," and "practice of master's level psychology or clinical psychotherapy" mean the application by persons trained in psychology of established principles of learning, motivation, perception, thinking, and emotional relationships to problems of

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behavior adjustment, group relations, and behavior modification. The application of these principles may include the following activities and services:

(1) Counseling and the use of psychological remedial measures with persons having adjustment or emotional problems in the areas of work, family, school, and personal relationships, whether those services are provided to individuals or in groups;

(2) the measuring and testing of personality, intelligence, aptitudes, attitudes, and skills;

(3) the teaching of the subject matter; and

(4) the conducting of research on problems relating to human behavior, except that in all cases involving the care of the sick and ill as defined by the laws of this state, the primary responsibility shall remain with those individuals licensed under the Kansas healing arts board.

(~~f~~) (t) "Practicum," whether entitled a residency, an internship, or a field placement, means a formal component of the academic curriculum in the professional psychology program that engages the student in the supervised, professional practice of psychology and provides opportunities to apply classroom learning to actual practice situations in the field setting.

(~~s~~) (u) "Prior-approved continuing education" means any of the following forms of continuing education:

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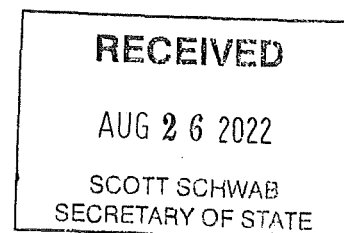
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(1) Any single program for which the program material has been submitted by a provider to the board, approved by the board, and assigned a continuing education number;

(2) any program offered by a provider with approved-provider status; or

(3) academic psychology courses audited or taken for credit.

~~(t)~~ (v) "Professional psychology supervision" means the oversight established in a formal relationship between the supervisor and supervisee for the purpose of developing the supervisee's responsibility, skill, knowledge, attitudes, and ethical standards in the practice of psychology.

~~(u)~~ (w) "Quarter credit hour" means two-thirds of a semester credit hour.

Quarter credit hours shall be rounded as follows:

(1) One quarter credit hour equals .7 semester credit hours.

(2) Two quarter credit hours equal 1.3 semester credit hours.

(3) Three quarter credit hours equal 2.0 semester credit hours.

(4) Four quarter credit hours equal 2.7 semester credit hours.

(5) Five quarter credit hours equal 3.3 semester credit hours.

~~(v)~~ (x) "Semester credit hour," as used in K.A.R. 102-4-3a, means a unit of academic credit based on a minimum of at least 13 clock-hours of formal didactic classroom instruction that occurred over the course of an academic semester and for which the applicant received formal graduate academic credit.

~~(w)~~ (y) "Substantially equivalent" means equal in value in all essential and material requirements.

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~~(x)~~ (z) "Termination of the professional relationship" means the end of the professional relationship between a licensee and a client resulting from any of the following:

- (1) The mutual consent of the licensee and the client;
- (2) the completion of the professional services;
- (3) the dismissal of the licensee by the client;
- (4) the dismissal of the client by the licensee; or
- (5) the transfer of the client to another professional for active treatment or therapy with the belief that treatment will continue.

~~(y)~~ (aa) "Trimester credit hour" means a unit of academic credit received under an academic year consisting of three equal terms. A trimester credit hour shall be equivalent to a semester credit hour.

~~(z)~~ (bb) "Under the direction," when used to describe a licensed master's level psychologist, means that the licensee has a formal relationship with an individual providing guidance and oversight in which both of the following conditions are met:

(1) The directing individual provides the licensee with the following, commensurate with the welfare of the client and the education, training, and experience of the licensee:

(A) Professional monitoring and oversight of the licensed master's level psychology services provided by the licensee;

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(B) regular and periodic evaluation of the treatment services provided to clients by the licensee; and

(C) verification that guidance and oversight was provided to the licensee.

(2) With each license renewal, the licensee receiving direction provides the board with the following:

(A) The name of the directing individual, the type of license held by the directing individual, and other pertinent identifying information; and

(B) a description of the work setting and the master's level psychology services conducted under direction.

(aa) (cc) "Undue influence" means ~~misusing~~ the misuse of one's professional position of confidence, trust, or authority over a client or supervisee or the taking advantage of a client's vulnerability, weakness, infirmity, or distress for either of the following purposes:

(1) To improperly influence or change a client's or supervisee's actions or decisions; or

(2) to exploit a client or supervisee for the financial gain, personal gratification, or advantage of the licensee or a third party. (Authorized by and implementing K.S.A. ~~2007 Supp.~~ 74-7507; effective Dec. 19, 1997; amended Aug. 4, 2000; amended Oct. 27, 2006; amended Dec. 19, 2008; amended P-  
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**102-4-7a. Postgraduate supervised professional work experience**

**requirement.** In order to be approved by the board for licensure as a clinical psychotherapist, the applicant's postgraduate supervised professional experience of master's level psychology shall meet all of the following standards.

requirements:

(a) One hour of clinical supervision shall be provided throughout the entirety of the postgraduate supervised professional experience ~~at a ratio of one hour of clinical supervision for each 15 hours of direct client contact.~~ Unless extenuating circumstances are approved by the board, all supervision shall be conducted face-to-face either in person or, if confidentiality is technologically protected, by synchronous videoconferencing specified as follows:

(1) At least 50 hours of ~~one-on-one~~, individual supervision occurring with the supervisor and supervisee ~~in the same physical space;~~

(2) ~~at least 100~~ up to 50 hours of group supervision with one supervisor and no more than six supervisees ~~in the same physical space, except when not practical due to an emergency or other exigent circumstances, at which time person-to-person contact by interactive video or other telephonic means maintaining confidentiality shall be allowed; and~~

(3) ~~at least two separate clinical supervision sessions~~ meet for at least one hour at least twice per month, at least one of which shall be ~~one-on-one~~, individual supervision.

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(b) The clinical supervisor of a person attaining the postgraduate supervised professional experience required for licensure as a clinical psychotherapist, at the time of providing supervision, shall meet one of the following ~~qualifying provisions~~ requirements:

(1) The clinical supervisor shall be a person licensed as a psychologist.

(2) The clinical supervisor shall be a person who is currently licensed in ~~the state of~~ Kansas as a clinical psychotherapist and, beginning July 1, 2003, who has practiced as a clinical psychotherapist for two years beyond the supervisor's licensure date.

(3) The clinical supervisor shall be a person with qualifications substantially equivalent to the requirements for licensure in ~~the state of~~ Kansas as a clinical psychotherapist with ~~no fewer than~~ at least two years of experience in the practice of master's level psychology beyond the date of the supervisor's registration, certification, or licensure that is acceptable to the board.

(c) In addition to the requirements of subsection (b), each clinical supervisor shall meet these requirements:

(1) Have professional authority over and responsibility for the supervisee's clinical functioning in the practice of master's level psychology;

(2) not have a dual relationship with the supervisee;

(3) not be under any sanction from a disciplinary proceeding, unless the board waives this prohibition for good cause shown by the proposed supervisor;

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(4) have knowledge of and experience with the supervisee's client population;

(5) have knowledge of and experience with the methods of practice that the supervisee employs;

(6) have an understanding of the organization and the administrative policies and procedure of the supervisee's practice setting; and

(7) be a member of the practice setting staff or meet the requirements of subsection (d).

(d) If a qualified clinical supervisor is not available from among staff in the supervisee's practice setting, the supervisee may secure an otherwise qualified clinical supervisor outside the practice setting if all of the following conditions are met:

(1) The supervisor has a sound understanding of the practice setting's mission, policies, and procedures.

(2) The extent of the supervisor's responsibility for the supervisee is clearly defined in terms of client cases to be supervised, role in personnel evaluation within the practice setting, and other aspects of the clinical supervision training plan.

(3) The responsibility for payment for supervision is clearly defined.

(4) If the supervisee pays the supervisor directly for the supervision, the supervisor maintains responsibility to the client and to the practice setting.

(e) Each clinical supervisor shall perform the following duties:

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(1) Provide oversight, guidance, and direction of the supervisee's clinical practice of master's level psychology by assessing and evaluating the supervisee's performance;

(2) conduct supervision as a process distinct from personal therapy, didactic instruction, or marriage and family therapy consultation;

(3) provide documentation of supervisory qualifications to the supervisee;

(4) periodically evaluate the supervisee's clinical functioning;

(5) provide supervision in accordance with the clinical supervision training plan;

(6) maintain documentation of supervision in accordance with the clinical supervision training plan;

(7) provide the documentation required by the board when a supervisee completes the postgraduate supervised professional experience. The supervisor shall submit this documentation on a board-approved form and in a manner that will enable the board to evaluate the extent and quality of the supervisee's professional experience and assign credit for that experience;

(8) provide a level of supervision that is commensurate with the education, training, experience, and ability of both the supervisor and the supervisee; and

(9) ensure that each client knows that the supervisee is practicing master's level psychology under supervision.

(f) Each supervisor and supervisee shall develop and ~~co-sign~~ cosign a written clinical supervision training plan on forms provided by the board at the

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beginning of the supervisory relationship. The supervisee shall submit this plan to the board and shall receive board approval of the plan before any supervised professional experience hours can begin to accrue. This plan shall clearly define and delineate the following items:

- (1) The supervisory context;
- (2) a summary of the anticipated types of clients and the services to be provided;
- (3) the format and schedule of supervision;
- (4) a plan for documenting the following information:
  - (A) The date of each supervisory meeting;
  - (B) the length of each supervisory meeting;
  - (C) a designation of each supervisory meeting as an individual or group meeting;
  - (D) a designation of each supervisory meeting as conducted in the same physical space or otherwise, in the case of emergency; and
  - (E) an evaluation of the supervisee's progress under clinical supervision;
- (5) a plan to notify clients of the following information:
  - (A) The fact that the supervisee is practicing master's level psychology under supervision;
  - (B) the limits of client confidentiality within the supervisory process; and
  - (C) the name, address, and telephone number of the clinical supervisor;

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(6) the date on which the parties entered into the clinical supervision training plan and the time frame that the plan is intended to encompass;

(7) an agreement to amend or renegotiate the terms of the clinical supervision training plan, if warranted, including written notification of these changes to the board office as provided in subsection (h);

(8) the supervisee's informed consent for the supervisor to discuss supervision or performance issues with the supervisee's clients, the supervisee's other clinical or employment supervisors, the board, or any other individual or entity to which either the supervisee or the supervisor is professionally accountable; and

(9) a statement signed by each supervisor and supervisee acknowledging that each person has read and agrees to the postgraduate supervised professional experience requirements set forth specified in this regulation.

(g) Supervised practicum hours completed in a doctoral program of study that is primarily psychological in content may be approved by the board toward the postgraduate supervised professional experience requirements for licensure as a clinical psychotherapist if the applicant meets both of the following qualifications conditions:

(1) The applicant received a master's degree in psychology or clinical psychology and met the coursework, program, and college or university requirements provided in K.A.R. 102-4-3a before completing the doctoral practicum hours.

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(2) The applicant's doctoral-level practicum fully met the requirements provided in subsections (a), (b), (c), and (e).

(h) All changes to the clinical supervision training plan shall be submitted by the supervisee to the board for its approval. The changes shall be submitted no more than 45 days after the date on which the changes took effect. If the supervisee fails to submit the changes to the board within that 45-day period, no supervised hours of practice shall be accrued or credited for any practice, beginning on the date the changes took effect through the date on which the changes to the plan are approved by the board. (Authorized by K.S.A. 74-7507; implementing K.S.A. 2021 Supp. 74-5363; effective March 27, 1998; amended Aug. 4, 2000; amended Aug. 13, 2004; amended P-\_\_\_\_\_.)

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**102-5-1. Definitions.** Each of the following terms, as used in this article of the board's regulations, shall have the meaning specified in this regulation:

(a) "Academic equivalent of a semester credit hour," as used in K.A.R.

102-5-3, means the prorated proportionate credit for formal academic coursework when that coursework is completed on the basis of trimester or quarter hours rather than semester hours.

(b) "Client" means a person who is a direct recipient of marriage and family therapy services.

(c) "Clinical marriage and family therapy practice" means the professional application of marriage and family therapy theory and methods to the treatment and prevention of psychosocial dysfunction, disability, or impairment, including behavioral, emotional, and mental disorders. Clinical marriage and family therapy shall include the following:

- (1) Assessment;
- (2) diagnosis of mental disorders;
- (3) planning of treatment, which may include psychotherapy and counseling;
- (4) treatment intervention directed to interpersonal interactions, intrapsychic dynamics, and life management issues;
- (5) consultation; and
- (6) evaluation, referral, and collaboration.

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(d) "Clinical supervision training plan" means a formal, written agreement that establishes the supervisory framework for postgraduate clinical experience and describes the expectations and responsibilities of the supervisor and the supervisee.

(e) "Consultation" means a voluntary, professional relationship in which the consultant offers the consultant's best advice and expertise that the consultee can either accept or reject and in which the supervision objectives and requirements, as established in K.A.R. 102-5-7a, are lacking. Marriage and family therapy consultation shall not be substituted for supervision.

(f) "Continuing education" means programs or activities that are designed and that have content intended to enhance the therapist's knowledge, skill, values, ethics, and ability to practice as a marriage and family therapist or as a clinical marriage and family therapist.

(g) "Direct client contact" means ~~face-to-face interaction between the therapist and an individual, couple, or family system~~ the provision of marriage and family therapy services to a client or clients in an individual, family, or group format with interaction being conducted in person or remotely with real-time, two-way interactive audio, visual, or audiovisual communications, including the application of videoconferencing, in which confidentiality is protected. Interaction that includes electronic mail, instant messaging, texting, or facsimile shall not be considered direct client contact.

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(h) "Dual relationship" means a professional relationship in which the objectivity or competency of the licensee is impaired or compromised because of any of the following present or previous relationships with a client or supervisee:

- (1) Familial;
- (2) sexual;
- (3) emotional; or
- (4) financial.

(i) "Extenuating circumstances" means ~~conditions caused by any unexpected event that is beyond an individual's control~~ any condition or situation caused by events beyond a person's control that is sufficiently extreme in nature to result in either of the following:

(1) The person's inability to comply with the requirements of this regulation; or

(2) the inadvisability of requiring the person to comply with the requirements of this regulation.

(j) "Group format," for the purposes of clinical practicum supervision, means face-to-face, simultaneous supervision with not more than six supervisees.

(k) "Individual format," for the purposes of clinical practicum supervision, means face-to-face supervision with one supervisor and one supervisee.

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(l) "Job orientation" ~~or~~ and "on-the-job training" ~~means~~ mean a training program or presentation of information that is so specific to a particular job or employment position that it bears no generalization to any other work setting.

(m) "Malfeasance" means doing an act that a licensee should not do.

(n) "Marriage and family therapy supervision" means a formal professional relationship between the supervisor and supervisee that promotes the development of responsibility, skill, knowledge, attitudes, and ethical standards in the practice of marriage and family therapy.

(o) "Merits the public trust" means that an applicant or licensee possesses the high standard of good moral character and fitness that is required to practice marriage and family therapy as demonstrated by the following personal qualities:

- (1) Good judgement;
- (2) integrity;
- (3) honesty;
- (4) fairness;
- (5) credibility;
- (6) reliability;
- (7) respect for others;
- (8) respect for the laws of the state and nation;
- (9) self-discipline;
- (10) self-evaluation;
- (11) initiative; and

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(12) commitment to the marriage and family therapy profession and its values and ethics.

(p) "Misfeasance" means the improper performance of a lawful act by a licensee.

(q) "Nonfeasance" means the omission of an act that a licensee should do.

(r) "One hour" means either of the following:

(1) One period of 50-60 continuous minutes; or

(2) two periods of 25-30 continuous minutes each.

~~(r)~~ (s) "One year of professional experience" means a total of ~~2,000 clock hours~~ 1,500 clock-hours of postgraduate supervised experience in marriage and family therapy.

~~(s)~~ (t) "Practice setting" means the public or private marriage and family therapy service agency or delivery system within which marriage and family therapy is practiced or marriage and family therapy services are delivered.

~~(t)~~ (u) "Practicum or its equivalent" means a formal component of the academic curriculum in the marriage and family therapy or a related field educational program that includes the following components:

(1) Engages the student in supervised marriage and family therapy practice; and

(2) provides the student with opportunities to apply classroom learning to actual marriage and family therapy practice situations in the field setting.

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~~(u)~~ (v) "Prior-approved continuing education" means any of the following forms of continuing education:

(1) Any single-program material that has been submitted by a provider to the board, approved by the board, and assigned a prior-approved continuing education number;

(2) any program offered by a provider with approved-provider status; or

(3) academic marriage and family therapy courses that are either audited or taken for credit.

~~(v)~~ (w) "Related field" means a degree program in the helping professions and may include any of the following:

(1) Social work;

(2) psychology;

(3) counseling;

(4) healing arts;

(5) nursing;

(6) education;

(7) human development and family studies; or

(8) theology.

~~(w)~~ (x) "Semester credit hour," as used in K.A.R. 102-5-3, means a minimum of at least 13 ~~clock-hours~~ clock-hours of formal, didactic classroom instruction that occurred over the course of an academic semester and for which the applicant received formal graduate academic credit.

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~~(x)~~ (y) "Termination of a marriage and family therapy relationship" means the end of the professional relationship that results from any of the following actions or situations:

- (1) The mutual consent of the therapist and client;
- (2) the completion of therapy;
- (3) dismissal of the therapist by the client;
- (4) dismissal of the client by the therapist; or
- (5) the transfer of the client to another professional for active treatment or therapy with the belief that treatment will continue.

~~(y)~~ (z) "Under the direction" means the formal relationship between the individual providing direction and the licensed marriage and family therapist in which both of the following conditions are met:

(1) The directing individual provides the licensee, commensurate with the welfare of the client and the education, training, and experience of the licensee, with the following:

- (A) Professional monitoring and oversight of the marriage and family therapy services provided by the licensee;
- (B) regular and periodic evaluation of treatment provided to clients by the licensee; and
- (C) verification that direction was provided to the licensee.

(2) The licensee receiving direction provides the board, with each license renewal, with the following:

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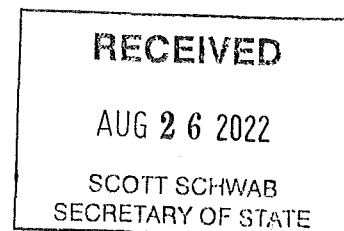
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(A) The name, identifying information, and type of license of the directing individual;

(B) a description of the work setting and the marriage and family therapy services conducted under direction; and

(C) documentation that direction was given, including dates, location, and length of time as verified by the directing individual.

(z) (aa) "Undue influence" means ~~misusing~~ the misuse of one's professional position of confidence, trust, or authority over a client or supervisee, or the taking advantage of a client's vulnerability, weakness, infirmity, or distress for either of the following purposes:

(1) To improperly influence or change a client's or supervisee's actions or decisions; or

(2) to exploit a client or supervisee for the therapist's or a third party's financial gain, personal gratification, or advantage. (Authorized by and implementing K.S.A. 4999-Supp. 74-7507; effective March 29, 1993; amended Dec. 19, 1997; amended Aug. 4, 2000; amended P-\_\_\_\_\_.)

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**102-5-7a. Professional postgraduate supervised experience requirement for a clinical marriage and family therapist.** In order to be approved by the board for licensure as a clinical marriage and family therapist, the applicant's postgraduate supervised professional experience of marriage and family therapy, totaling ~~4,000~~ 3,000 hours of professional experience inclusive of 1,500 hours of direct client contact, shall meet all of the following ~~standards~~ requirements:

(a) Except as provided in subsection (b), one hour of clinical supervision shall be provided throughout the entirety of the postgraduate supervised professional experience, for each 15 hours of direct client contact. Unless extenuating circumstances are approved by the board, all supervision shall be conducted face-to-face either in person or, if confidentiality is technologically protected, by synchronous videoconferencing, as specified below follows:

(1) At least 50 hours of ~~one-on-one~~, individual clinical supervision occurring with the supervisor and supervisee ~~in the same physical space;~~

(2) ~~at least 100~~ up to 50 hours of clinical supervision with one supervisor and no more than six supervisees ~~in the same physical space, except when not practical due to an emergency or other exigent circumstances, at which time person-to-person contact by interactive video or other telephonic means maintaining confidentiality shall be allowed;~~

(3) ~~at least one hour of clinical supervision during each week in which the applicant has 15 or more hours of direct client contact; and~~

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(4) ~~(3)~~ ~~at least two separate clinical supervision sessions~~ meet for at least one hour twice per month, at least one of which shall be ~~one-on-one~~, individual supervision.

(b) Each applicant with a doctor's degree in marriage and family therapy or a related field as defined in K.A.R. 102-5-1 shall complete ~~a minimum of~~ at least one-half of the postgraduate supervised professional experience requirements as ~~specified below~~ follows:

(1) At least 25 hours of ~~one-on-one~~, individual supervision occurring with the supervisor and supervisee ~~in the same physical space~~;

(2) ~~at least 50~~ up to 25 hours of supervision with one supervisor and no more than six supervisees ~~in the same physical space, except when not practical due to an emergency or other exigent circumstances, at which time person-to-person contact by interactive video or other telephonic means maintaining confidentiality shall be allowed~~; and

(3) at least two separate supervisory sessions per month, at least one of which shall be ~~one-on-one~~, individual supervision.

(c) The clinical supervisor of a person attaining the ~~4,000~~ 3,000 hours of postgraduate supervised professional experience required for licensure as a clinical marriage and family therapist, at the time of providing supervision, shall be a board-approved clinical supervisor and shall meet one of the following qualifying provisions:

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(1) The clinical supervisor shall be a clinical marriage and family therapist who is licensed in Kansas or is registered, certified, or licensed in another jurisdiction and, ~~beginning July 1, 2003,~~ who has engaged in the independent practice of clinical marriage and family therapy, including the diagnosis and treatment of mental disorders, for at least two years beyond the supervisor's registration, certification, or licensure date as a clinical marriage and family therapist.

(2) ~~If a licensed clinical marriage and family therapist is not available~~  
Under extenuating circumstances approved by the board, the clinical supervisor may be a person who is registered, certified, or licensed at the graduate level to practice in one of the behavioral sciences, and whose authorized scope of practice permits the diagnosis and treatment of mental disorders. The qualifying individual shall not have had less than two years of professional experience in the independent practice of clinical marriage and family therapy beyond the date of the supervisor's registration, certification, or licensure.

(d) In addition to the requirements of subsection (c), each clinical supervisor shall meet these requirements:

- (1) Have professional authority over and responsibility for the supervisee's clinical functioning in the practice of marriage and family therapy;
- (2) not have a dual relationship with the supervisee;
- (3) not be under any sanction from a disciplinary proceeding, unless the board waives this prohibition for good cause shown by the proposed supervisor;

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(4) have knowledge of and experience with the supervisee's client population;

(5) have knowledge of and experience with the methods of practice that the supervisee employs;

(6) have an understanding of the organization and the administrative policies and procedures of the supervisee's practice setting; and

(7) be a member of the practice setting staff or meet the requirements of subsection (e).

(e) If a qualified clinical supervisor is not available from among staff in the supervisee's practice setting, the supervisee may secure an otherwise qualified clinical supervisor outside the practice setting if all of the following conditions are met:

(1) The supervisor has a solid understanding of the practice setting's mission, policies, and procedures.

(2) The extent of the supervisor's responsibility for the supervisee is clearly defined in terms of client cases to be supervised, role in personnel evaluation within the practice setting, and other aspects of the clinical supervision training plan.

(3) The responsibility for payment for supervision is clearly defined.

(4) If the supervisee pays the supervisor directly for the supervision, the supervisor maintains responsibility to the client and to the practice setting.

(f) Each clinical supervisor shall perform the following duties:

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- (1) Provide oversight, guidance, and direction of the supervisee's clinical practice of marriage and family therapy by assessing and evaluating the supervisee's performance;
- (2) conduct supervision as a process distinct from personal therapy, didactic instruction, or marriage and family therapy consultation;
- (3) provide documentation of supervisory qualifications to the supervisee;
- (4) periodically evaluate the supervisee's clinical functioning;
- (5) provide supervision in accordance with the clinical supervision training plan;
- (6) maintain documentation of supervision in accordance with the clinical supervision training plan;
- (7) provide the documentation required by the board when a supervisee completes the postgraduate supervised professional experience. The supervisor shall submit this documentation on board-approved forms and in a manner that will enable the board to evaluate the extent and quality of the supervisee's professional experience and assign credit for that experience;
- (8) provide a level of supervision that is commensurate with the education, training, experience, and ability of both the supervisor and the supervisee; and
- (9) ensure that each client knows that the supervisee is practicing marriage and family therapy under supervision.

(g) Each supervisor and supervisee shall develop and ~~co-sign~~ cosign a written clinical supervision training plan on forms provided by the board at the

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beginning of the supervisory relationship. The supervisee shall submit this plan to the board and shall receive board approval of the plan before any supervised professional experience hours can begin to accrue. This plan shall clearly define and delineate the following items:

- (1) The supervisory context;
- (2) a summary of the anticipated types of clients and the services to be provided;
- (3) the format and schedule of supervision;
- (4) a plan for documenting the following information:
  - (A) The date of each supervisory meeting;
  - (B) the length of each supervisory meeting;
  - (C) a designation of each supervisory meeting as an individual or group meeting;
  - (D) a designation of each supervisory meeting as conducted in the same physical space or otherwise, in the case of emergency; and
  - (E) an evaluation of the supervisee's progress under clinical supervision;
- (5) a plan to notify clients of the following information:
  - (A) The fact that the supervisee is practicing marriage and family therapy under supervision;
  - (B) the limits of client confidentiality within the supervisory process; and
  - (C) the name, address, and telephone number of the clinical supervisor;

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(6) the date on which the parties entered into the clinical supervision training plan and the time frame that the plan is intended to encompass;

(7) an agreement to amend or renegotiate the terms of the clinical supervision training plan, if warranted, including written notification of these changes to the board office, as provided in subsection (h);

(8) the supervisee's informed consent for the supervisor to discuss supervision or performance issues with the supervisee's clients, the supervisee's other marriage and family therapy or employment supervisors, the board, or any other individual or entity to which either the supervisee or the supervisor is professionally accountable; and

(9) a statement signed by each supervisor and supervisee acknowledging that each person has read and agrees to the postgraduate supervised professional experience requirements set forth specified in this regulation.

(h) All changes to the clinical supervision training plan shall be submitted by the supervisee to the board for its approval. The changes shall be submitted no more than 45 days after the date on which the changes took effect. If the supervisee fails to submit the changes to the board within that 45-day period, no supervised hours of practice shall be accrued or credited for any practice, beginning on the date the changes took effect through the date on which the changes to the plan are approved by the board. (Authorized by K.S.A. 74-7507; implementing K.S.A. 2021 Supp. 65-6404; effective April 17, 1998; amended Oct.

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22, 1999; amended Aug. 4, 2000; amended July 7, 2003; amended Aug. 13,  
2004; amended P-\_\_\_\_\_.)

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**102-7-1. Definitions.** Each of the following terms, as used in this article of the board's regulations, shall have the meaning specified in this regulation:

(a) "Academic equivalent of a semester credit hour," when used in K.A.R. 102-7-3, means the prorated proportionate credit for formal academic coursework if that coursework is completed on the basis of trimester or quarter hours rather than semester hours.

(b) "Addiction counseling supervision" means a formal professional relationship between the supervisor and supervisee that promotes the development of responsibility, skills, knowledge, values, and ethical standards in the practice of addiction counseling.

(c) "Board" means the Kansas behavioral sciences regulatory board.

(d) "Client" means a person who is a direct recipient of addiction counseling services.

~~(e) "Client contact," for purposes of K.A.R. 102-7-6, means a service to a client or clients that utilizes individual, family, or group interventions through face-to-face interaction or the use of electronic mediums of face-to-face interaction in which confidentiality is protected.~~

(f) "Clinical supervision training plan" means a formal, written agreement that establishes the supervisory framework for postgraduate clinical experience and describes the expectations and responsibilities of the supervisor and the supervisee.

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~~(g)~~ (f) "Continuing education" means formally organized programs or activities that are designed for and have content intended to enhance the addiction counselor's or clinical addiction counselor's knowledge, skill, values, ethics, and ability to practice as an addiction counselor or as a clinical addiction counselor.

(g) "Direct client contact" means the provision of addiction counseling services to a client or clients in an individual, family, or group format with interaction being conducted in person or remotely with real-time, two-way interactive audio, visual, or audiovisual communications, including the application of videoconferencing, in which confidentiality is protected. Interaction that includes electronic mail, instant messaging, texting, or facsimile shall not be considered direct client contact.

(h) "Extenuating circumstances" means any condition or situation caused by events beyond a person's control that is sufficiently extreme in nature to result in either of the following:

(1) The person's inability to comply with the requirements of this regulation; or

(2) the inadvisability of requiring the person to comply with the requirements of this regulation.

~~(h)~~ (i) "Fraudulent representation" shall include the following:

(1) Deceit;

(2) misrepresentation; and

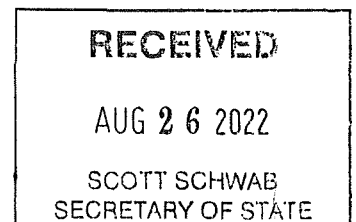
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(3) concealing a material fact.

~~(i)~~ (j) "Harmful dual relationship" means a professional relationship between a licensee and a client, student, supervisee, or any person who has had a significant relationship with either a current client or a person who has been a client within the past 24 months if that relationship is known to the licensee, in which the objectivity or competency of the licensee is impaired or compromised because of any of the following types of present or previous relationships:

- (1) Familial;
- (2) social;
- (3) emotional;
- (4) financial;
- (5) supervisory; or
- (6) administrative.

~~(j)~~ (k) "LAC" means licensed addiction counselor.

~~(k)~~ (l) "LCAC" means licensed clinical addiction counselor.

(m) "LMAC" means licensed master's addiction counselor.

~~(l)~~ (n) "Malfeasance" means the performance of an act by a licensee that is prohibited or that constitutes wrongdoing or misconduct.

~~(m)~~ (o) "Merits the public trust" means that an applicant or licensee possesses the high standard of good moral character and fitness that is required to practice addiction counseling as demonstrated by the following personal qualities:

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- (1) Good judgment;
- (2) integrity;
- (3) honesty;
- (4) fairness;
- (5) credibility;
- (6) reliability;
- (7) respect for others;
- (8) respect for the laws of the state and nation;
- (9) self-discipline;
- (10) self-evaluation;
- (11) initiative; and
- (12) commitment to the addiction counseling profession and its values and ethics.

~~(n)~~ (p) "Misfeasance" means the improper performance of a lawful act by a licensee.

~~(e)~~ (q) "Nonfeasance" means the omission of an act that a licensee should do.

(r) "One hour" means either of the following:

(1) One period of 50-60 continuous minutes; or

(2) two periods of 25-30 continuous minutes each.

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~~(p)~~ (s) "Practice setting" means the public or private addiction counseling agency or delivery system within which addiction counseling is practiced or addiction counseling services are delivered.

~~(q)~~ (t) "Practicum or its equivalent" means a formal component of the academic curriculum in the addiction counseling or in the related field educational program that engages the student in supervised addiction counseling practice and provides opportunities to apply classroom learning to actual practice situations in a field setting.

~~(r)~~ (u) "Quarter credit hour" means two-thirds of a semester hour. Quarter credit hours shall be rounded as follows:

- (1) One quarter credit hour equals .7 semester hours.
- (2) Two quarter credit hours equal 1.3 semester hours.
- (3) Three quarter credit hours equal 2.0 semester hours.
- (4) Four quarter credit hours equal 2.7 semester hours.
- (5) Five quarter credit hours equal 3.3 semester hours.

~~(s)~~ (v) "Related field" means a degree program in a helping profession and may include any of the following:

- (1) Criminal justice;
- (2) counseling;
- (3) healing arts;
- (4) human development and family studies;
- (5) human services;

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- (6) marriage and family therapy;
- (7) nursing;
- (8) psychology;
- (9) social work; or
- (10) theology.

~~(t)~~ (w) "Semester credit hour," when used in K.A.R. 102-7-3, means at least 13 clock-hours of formal, didactic classroom instruction that occurred over the course of an academic semester and for which the applicant received formal academic credit.

(x) "Under direction" means the formal relationship between the individual providing direction and the licensed master's addiction counselor in which both of the following conditions are met:

(1) The directing individual provides the licensee, commensurate with the welfare of the client and the education, training, and experience of the licensee, with the following:

(A) Professional monitoring and oversight of the master's level addiction counseling services provided by the licensee;

(B) regular and periodic evaluation of treatment provided to clients by the licensee; and

(C) verification that direction was provided to the licensee.

(2) The licensee receiving direction provides the board, with each license renewal, with the following:

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(A) The name, identifying information, and type of license of the directing individual;

(B) a description of the work setting and the master's level addiction counseling services conducted under direction; and

(C) documentation that direction was given, including dates, location, and length of time as verified by the directing individual.

~~(u)~~ (y) "Undue influence" means ~~misusing~~ the misuse of one's professional position of confidence, trust, or authority over a client or supervisee, or the taking advantage of a client's vulnerability, weakness, infirmity, or distress for any of the following purposes:

(1) To improperly influence or change a client's or supervisee's actions or decisions;

(2) to exploit a client or supervisee for the counselor's or a third party's financial gain, personal gratification, or advantage; or

(3) to impose one's personal values, spiritual beliefs, or lifestyle on a client, student, or supervisee. (Authorized by and implementing K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; effective, T-102-7-1-11, July 1, 2011; effective, T-102-10-27-11, Oct. 27, 2011; effective Jan. 20, 2012; amended P-\_\_\_\_\_.)

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**102-7-6. Professional postgraduate supervised experience requirement for a clinical addiction counselor.** For each applicant for licensure as a clinical addiction counselor, the postgraduate supervised professional experience of addiction counseling shall meet all of the following requirements:

(a) The postgraduate supervised professional experience of addiction counseling shall consist of ~~4,000~~ 3,000 hours of professional experience, including 1,500 hours of direct client contact conducting substance abuse assessments and treatment.

(b) Except as provided in subsection (c), one hour of clinical supervision shall be provided throughout the entirety of the postgraduate supervised professional experience ~~at a ratio of one hour of clinical supervision for each 20~~ 15 hours of direct client contact; Unless extenuating circumstances are approved by the board, all supervision shall be conducted face-to-face either in person or, if confidentiality is technologically protected, by synchronous videoconferencing, specified as follows:

(1) At least 50 hours of ~~one-on-one~~, individual clinical supervision occurring with the supervisor and supervisee ~~in the same physical space;~~

(2) ~~at least 100~~ up to 50 hours of clinical group supervision with one supervisor and no more than six supervisees, ~~which may be obtained in person or, if confidentiality is technologically protected, person-to-person contact by interactive video or other telephonic means; and~~

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(3) ~~at least two separate clinical supervision sessions~~ meet for at least one hour two times per month, at least one of which shall be ~~one-on-one~~ individual supervision.

(c) Each applicant with a doctor's degree in addiction counseling or a related field as defined in K.A.R. 102-7-1(s) shall be required to complete, after the doctoral degree is granted, at least one-half of the postgraduate supervised professional experience requirements as follows:

(1) At least 25 hours of ~~one-on-one~~ individual clinical supervision occurring with the supervisor and supervisee ~~in the same physical space~~;

(2) ~~at least 50~~ up to 25 hours of clinical supervision with one supervisor and no more than six supervisees, ~~which may be obtained in person or, if confidentiality is technologically protected, person to person contact by interactive video or other telephonic means; and~~

(3) at least two separate clinical supervision sessions per month, at least one of which shall be ~~one-on-one~~ individual supervision.

(d) The clinical supervisor of each person attaining the ~~4,000~~ 3,000 hours of postgraduate supervised professional experience required for licensure as a clinical addiction counselor shall meet one of the following requirements while the individual is providing supervision:

(1) The clinical supervisor shall be a clinical addiction counselor who is licensed in Kansas or is certified or licensed in another jurisdiction and, on and after January 1, 2014, who has engaged in the independent practice of clinical

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addiction counseling, including the diagnosis and treatment of substance use disorders, for at least two years beyond the supervisor's certification or licensure date as a clinical addiction counselor.

(2) ~~If a licensed clinical addiction counselor is not available,~~ The clinical supervisor may shall be a person who is certified or licensed at the graduate level to practice in one of the behavioral sciences and whose authorized scope of practice permits the diagnosis and treatment of mental disorders independently. The qualifying individual shall have had at least two years of clinical professional experience beyond the date of the supervisor's certification or licensure.

(e) In addition to the requirements of subsection (d), each clinical supervisor shall meet the following requirements:

(1) Have professional authority over and responsibility for the supervisee's clinical functioning in the practice of addiction counseling;

(2) not have a harmful dual relationship with the supervisee;

(3) not be under any sanction from a disciplinary proceeding, unless the board waives this prohibition for good cause shown by the proposed supervisor;

(4) have knowledge of and experience with the supervisee's client population;

(5) have knowledge of and experience with the methods of practice that the supervisee employs;

(6) have an understanding of the organization and the administrative policies and procedures of the supervisee's practice setting; and

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(7) be a member of the practice setting staff or meet the requirements of subsection (f).

(f) If a qualified clinical supervisor is not available from among staff in the supervisee's practice setting, the supervisee may secure an otherwise qualified clinical supervisor outside the practice setting if all of the following conditions are met:

(1) The supervisor has an understanding of the practice setting's mission, policies, and procedures.

(2) The extent of the supervisor's responsibility for the supervisee is clearly defined in terms of client cases to be supervised, role in personnel evaluation within the practice setting, and other aspects of the clinical supervision training plan.

(3) The responsibility for payment for supervision is clearly defined.

(4) If the supervisee pays the supervisor directly for the supervision, the supervisor maintains responsibility for the client and to the practice setting.

(g) Each clinical supervisor shall perform the following duties:

(1) Provide oversight, guidance, and direction for the supervisee's clinical practice of addiction counseling by assessing and evaluating the supervisee's performance;

(2) conduct supervision as a process distinct from personal therapy, didactic instruction, or addiction counseling consultation;

(3) provide documentation of supervisory qualifications to the supervisee;

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- (4) periodically evaluate the supervisee's clinical functioning;
  - (5) provide supervision in accordance with the clinical supervision training plan;
  - (6) maintain documentation of supervision in accordance with the clinical supervision training plan;
  - (7) provide the documentation required by the board when the supervisee completes the postgraduate supervised professional experience. The supervisor shall submit this documentation on board-approved forms and in a manner that will enable the board to evaluate the extent and quality of the supervisee's professional experience and assign credit for that experience;
  - (8) provide a level of supervision that is commensurate with the education, training, experience, and ability of both the supervisor and the supervisee; and
  - (9) ensure that each client knows that the supervisee is practicing addiction counseling under supervision.
- (h)(1) In order for an applicant for a clinical addiction counselor license to obtain credit for hours accrued before August 1, 2011 toward the required ~~4,000~~ 3,000 hours of clinical supervision, the applicant shall provide an attestation that the clinical supervision occurred in accordance with a plan that meets the following conditions:
- (A) The supervision was scheduled and formalized.
  - (B) The supervision included review and examination of cases.

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(C) Assessment of the supervisee's competencies was addressed by the supervisor.

(2) The attestation shall be signed by one of the following:

(A) The supervisor, if available; or

(B) if the supervisor is not available, another person who was in the supervisee's practice setting with knowledge of the supervisee's clinical supervision.

(i) For supervision hours accrued on and after August 1, 2011, each supervisor and supervisee shall develop and cosign a written clinical supervision training plan on forms provided by the board at the beginning of the supervisory relationship. The supervisee shall submit an official position description and the training plan to the board and shall receive board approval of the plan before any supervised professional experience hours for clinical licensure can begin to accrue. This plan shall clearly define and delineate the following items:

(1) The supervisory context, which shall include the purpose of supervision;

(2) a summary of the anticipated types of clients and the services to be provided, as evidenced by the supervisee's official position description;

(3) a plan that describes the supervision goals and objectives and the means to attain and evaluate progress towards the goals;

(4) the supervisor's responsibilities;

(5) the supervisee's responsibilities;

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- (6) the format and schedule of supervision;
- (7) a plan for documenting the following information:
  - (A) The date of each supervisory meeting;
  - (B) the length of each supervisory meeting;
  - (C) a designation of each supervisory meeting as an individual or group meeting;
  - (D) a designation of each supervisory meeting as conducted in the same physical space or by another means as specified in paragraph (b)(2);
  - (E) the ~~4,000~~ 3,000 hours of postgraduate supervised clinical addiction counseling experience, which shall include specifically documenting the 1,500 hours of direct client contact conducting substance abuse assessments and treatment; and
  - (F) an evaluation of the supervisee's progress under clinical supervision;
- (8) a plan to address and remedy circumstances in which there is a conflict between the supervisor and the supervisee;
- (9) a plan to notify clients of the following information:
  - (A) The fact that the supervisee is practicing addiction counseling under supervision;
  - (B) the limits of client confidentiality within the supervisory process; and
  - (C) the name, address, and telephone number of the clinical supervisor;
- (10) the date on which the parties entered into the clinical supervision training plan and the time frame that the plan is intended to encompass;

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(11) an agreement to amend or renegotiate the terms of the clinical supervision training plan, if warranted, including written notification of these changes to the board office, as provided in subsection (j);

(12) the supervisee's informed consent for the supervisor to discuss supervision or performance issues with the supervisee's clients, the supervisee's other addiction counseling or employment supervisors, the board, or any other individual or entity to which either the supervisee or the supervisor is professionally accountable; and

(13) a statement signed by each supervisor and supervisee acknowledging that each person has read and agrees to the postgraduate supervised professional experience requirements specified in this regulation.

(j) All changes to the clinical supervision training plan shall be submitted by the supervisee to the board for its approval. The changes shall be submitted no more than 45 days after the date on which the changes took effect. If the supervisee fails to submit the changes to the board within that 45-day period, no supervised hours of practice shall be accrued or credited for any practice, beginning on the date the changes took effect through the date on which the changes to the plan are approved by the board. (Authorized by K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; implementing L. 2010, ch. 45, §4, as amended by 2011 HB 2182, §12 K.S.A. 2021 Supp. 65-6610, as amended by 2022 SB 453, sec. 4; effective, T-102-7-1-11, July 1, 2011; effective, T-102-10-27-11, Oct. 27, 2011; effective Jan. 20, 2012; amended P-

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## Kansas Administrative Regulations Economic Impact Statement (EIS)

Behavioral Sciences Regulatory Board

Agency

David Fye

Agency Contact

785-296-3207

Contact Phone Number

KAR 102-1-1 and KAR 102-1-5a

K.A.R. Number(s)

☒ Permanent

☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- ☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- ☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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## Section I

Brief description of the proposed rule(s) and regulation(s).

The purpose of these changes is to allow individuals seeking licensure as Licensed Psychologists to attain all required supervision hours either in person or by televideo, rather than requiring some hours to be in the same physical space as the supervisor. Additionally, the modifications allow for supervision by phone, under extenuating circumstances as approved by the Board. These changes better align with statutory changes enacted for other professions under the BSRB in 2021 Senate Sub. for HB 2208.

## Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

There are no requirements by the federal government on these issues.

## Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

These changes will have a small positive effect on business growth by allowing individuals to complete necessary supervision hours and other postgraduate supervised work experience requirements more quickly in a safe manner.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The economic effect cannot completely be calculated, because it cannot be determined how many individuals seeking licensure would need the flexibility provided by these rule changes. However, the only specific business that would be directly impacted is individuals seeking licensure as Licensed Psychologists, as they would be able to fulfill requirements more quickly in a safe environment.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);  
Licensed Psychologists.

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The benefits of the changes outweigh any small costs associated with BSRB staff time handling requests for telephonic supervision hours due to extenuating circumstances.

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E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

N/A

F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

*Note: Do not account for any actual or estimated cost savings that may be realized.*

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

**Total Annual Costs – \$0**

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

N/A

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s)
- ☐ No and regulation(s), did the agency hold a public hearing to find that the estimated costs
- ☒ Not Applicable have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

The implementation of these regulations should not change state revenues or expenditures in a way that can be easily predicted or calculated.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

The small long-range economic impact of the proposed rule(s) and regulations(s) cannot be calculated.

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of

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Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The proposed rules would not decrease revenues of cities, counties, or school districts. Additionally, the proposed rules would not impose functions or responsibilities on cities, counties, or school districts that would increase expenditures or fiscal liability. The agency did not consult with the League of Kansas Municipalities, Kansas Association of Counties, or the Kansas Association of School Boards.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

Proposed language changes were discussed in BSRB Licensed Psychology Advisory Committee meetings and BSRB Board meetings, as well as being discussed as they relate to other professions under the BSRB during bill hearings during the 2021 Legislative session when 2021 Senate Sub. for HB 2208 was being heard.

#### Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.  
☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

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## Kansas Administrative Regulations Economic Impact Statement (EIS)

Behavioral Sciences Regulatory Board

Agency

David Fye

Agency Contact

785-296-3207

Contact Phone Number

KAR 102-2-1a, KAR 102-2-8, and KAR 102-2-12

K.A.R. Number(s)

☒ Permanent ☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- ☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- ☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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## Section I

Brief description of the proposed rule(s) and regulation(s).

The primary purpose of these changes is to sync regulatory language with statutory language changes enacted in 2021 Senate Sub. for HB 2208, which allowed individuals seeking licensure as a Clinical Level Social Worker to attain all required supervision hours either in person or by televideo, rather than requiring some hours to be in the same physical space as the supervisor; allowed for supervision by phone, under extenuating circumstances as approved by the Board; allowed all required postgraduate supervised hours of experience to be in person, by televideo, or by phone; and deleted previous statutory language requiring not less than 350 hours of direct client contact as part of a practicum (other decreases in supervision hours were enacted by the 2019 Legislature). These changes also include a definition of "one-hour" to provide clarity to questions relating to the length of supervision and include changes to supervision requirements to bring the language for this profession more in line with requirements of other professions overseen by the BSRB.

## Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

There are no requirements by the federal government on these issues.

## Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

These changes will have a small positive affect on business growth by allowing individuals to complete necessary supervision hours and other postgraduate supervised work experience requirements more quickly in a safe manner.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The economic effect cannot completely be calculated, because it cannot be determined how many individuals seeking licensure would need the flexibility provided by these rule changes. However, the only specific business that would be directly impacted is individuals seeking licensure as a Clinical Level Social Worker, as they would be able to fulfill requirements more quickly in a safe environment.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

Clinical Level Social Workers

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## D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The benefits of the changes outweigh any small costs associated with BSRB staff time handling requests for telephonic supervision hours due to extenuating circumstances.

## E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

N/A

## F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

*Note: Do not account for any actual or estimated cost savings that may be realized.*

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

**Total Annual Costs – \$0**

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

N/A

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- ☐ No
- ☒ Not Applicable

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

The implementation of these regulations should not change state revenues or expenditures in a way that can be easily predicted or calculated.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

The small long-range economic impact of the proposed rule(s) and regulations(s) cannot be calculated.

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- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The proposed rules would not decrease revenues of cities, counties, or school districts. Additionally, the proposed rules would not impose functions or responsibilities on cities, counties, or school districts that would increase expenditures or fiscal liability. The agency did not consult with the League of Kansas Municipalities, Kansas Association of Counties, or the Kansas Association of School Boards.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

Proposed language changes were discussed in BSRB Social Worker Advisory Committee meetings, BSRB Board meetings, and most changes were discussed during bill hearings during the 2021 Legislative session when 2021 Senate Sub. for HB 2208 was being heard.

#### Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.  
☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

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## Kansas Administrative Regulations Economic Impact Statement (EIS)

Behavioral Sciences Regulatory Board

Agency

David Fye

Agency Contact

785-296-3207

Contact Phone Number

KAR 102-3-1a, KAR 102-3-3a, and KAR 102-3-7a

K.A.R. Number(s)

☒ Permanent ☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- ☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- ☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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## Section I

Brief description of the proposed rule(s) and regulation(s).

The primary purpose of these changes is to sync regulatory language with statutory language changes enacted in 2021 Senate Sub. for HB 2208, which allowed individuals seeking licensure as Clinical Professional Counselor to attain all required supervision hours either in person or by televideo, rather than requiring some hours to be in the same physical space as the supervisor; allowed for supervision by phone, under extenuating circumstances as approved by the Board; allowed all required postgraduate supervised hours of experience to be in person, by televideo, or by phone; decreased the number of direct client contact hours during the practicum experience from 350 hours to 280 hours; and decreased the number of hours of post-graduate supervised work experience required for clinical licensure from 4,000 hours to 3,000 hours and decreased the number of direct supervision hours required for clinical licensure from 150 hours to 100 hours. The changes also provide a definition of "one-hour" and "quarter credit hour," to provide clarity to questions relating to the length of supervision and better align with other professions under the BSRB. A definition of "related field" was added to clarify what other areas of practice could qualify for licensure as a professional counselor.

## Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

There are no requirements by the federal government on these issues.

## Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

These changes will have a small positive affect on business growth by allowing individuals to complete necessary supervision hours and other postgraduate supervised work experience requirements more quickly in a safe manner.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The economic effect cannot completely be calculated, because it cannot be determined how many individuals seeking licensure would need the flexibility provided by these rule changes. However, the only specific business that would be directly impacted is individuals seeking licensure as a Clinical Professional Counselor, as they would be able to fulfill requirements more quickly in a safe environment.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

Clinical Level Professional Counselors

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SECRETARY OF STATE

## D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The benefits of the changes outweigh any small costs associated with BSRB staff time handling requests for telephonic supervision hours due to extenuating circumstances.

## E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

N/A

## F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

*Note: Do not account for any actual or estimated cost savings that may be realized.*

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

**Total Annual Costs – \$0**

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

N/A

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs
- ☐ No
- ☒ Not Applicable have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

The implementation of these regulations should not change state revenues or expenditures in a way that can be easily predicted or calculated.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

The small long-range economic impact of the proposed rule(s) and regulations(s) cannot be calculated.

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- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The proposed rules would not decrease revenues of cities, counties, or school districts. Additionally, the proposed rules would not impose functions or responsibilities on cities, counties, or school districts that would increase expenditures or fiscal liability. The agency did not consult with the League of Kansas Municipalities, Kansas Association of Counties, or the Kansas Association of School Boards.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

Proposed language changes were discussed in BSRB Professional Counselor Advisory Committee meetings, BSRB Board meetings, and most changes were discussed during bill hearings during the 2021 Legislative session when 2021 Senate Sub. for HB 2208 was being heard.

#### Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.  
☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

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## Kansas Administrative Regulations Economic Impact Statement (EIS)

Behavioral Sciences Regulatory Board

Agency

David Fye

Agency Contact

785-296-3207

Contact Phone Number

KAR 102-4-1a, KAR 102-4-7a

K.A.R. Number(s)

☒ Permanent

☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- ☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- ☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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## Section I

Brief description of the proposed rule(s) and regulation(s).

The primary purpose of these changes is to sync regulatory language with statutory language changes enacted in 2021 Senate Sub. for HB 2208, which allowed individuals seeking licensure as Clinical Psychotherapists (the clinical level for Master's Level Psychologists) to attain all required supervision hours either in person or by televideo, rather than requiring some hours to be in the same physical space as the supervisor; allowed for supervision by phone, under extenuating circumstances as approved by the Board; allowed all required postgraduate supervised hours of experience to be in person, by televideo, or by phone; and decreased the number of direct supervision hours required for clinical licensure from 150 hours to 100 hours. These changes also provide a definition of "one-hour," to provide clarity to questions relating to the length of supervision.

## Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

There are no requirements by the federal government on these issues.

## Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

These changes will have a small positive affect on business growth by allowing individuals to complete necessary supervision hours and other postgraduate supervised work experience requirements more quickly in a safe manner.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The economic effect cannot completely be calculated, because it cannot be determined how many individuals seeking licensure would need the flexibility provided by these rule changes. However, the only specific business that would be directly impacted is individuals seeking licensure as a Clinical Psychotherapist, as they would be able to fulfill requirements more quickly in a safe environment.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);  
Clinical Psychotherapists

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The benefits of the changes outweigh any small costs associated with BSRB staff time handling requests for telephonic supervision hours due to extenuating circumstances.

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- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

N/A

- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

*Note: Do not account for any actual or estimated cost savings that may be realized.*

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

**Total Annual Costs – \$0**

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

N/A

- ☐ Yes    If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- ☐ No
- ☒ Not Applicable

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

The implementation of these regulations should not change state revenues or expenditures in a way that can be easily predicted or calculated.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

The small long-range economic impact of the proposed rule(s) and regulations(s) cannot be calculated.

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will

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increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The proposed rules would not decrease revenues of cities, counties, or school districts. Additionally, the proposed rules would not impose functions or responsibilities on cities, counties, or school districts that would increase expenditures or fiscal liability. The agency did not consult with the League of Kansas Municipalities, Kansas Association of Counties, or the Kansas Association of School Boards.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

Proposed language changes were discussed in BSRB Master's Level Psychology Advisory Committee meetings, BSRB Board meetings, and during bill hearings during the 2021 Legislative session when 2021 Senate Sub. for HB 2208 was being heard.

## Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.  
☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

## Kansas Administrative Regulations

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## Kansas Administrative Regulations Economic Impact Statement (EIS)

Behavioral Sciences Regulatory Board

Agency

David Fye

Agency Contact

785-296-3207

Contact Phone Number

KAR 102-5-1, KAR 102-5-7a

K.A.R. Number(s)

☒ Permanent    ☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- ☐ Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- ☒ No    If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- ☐ Yes    If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- ☒ No    If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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## Section I

Brief description of the proposed rule(s) and regulation(s).

The primary purpose of these changes is to sync regulatory language with statutory language changes enacted in 2021 Senate Sub. for HB 2208, which allowed individuals seeking licensure as Clinical Level Marriage and Family Therapist to attain all required supervision hours either in person or by televideo, rather than requiring some hours to be in the same physical space as the supervisor; allowed for supervision by phone, under extenuating circumstances as approved by the Board; allowed all required postgraduate supervised hours of experience to be in person, by televideo, or by phone; and decreased the number of hours of post-graduate supervised work experience required for clinical licensure from 4,000 hours to 3,000 hours and decreased the number of direct supervision hours required for clinical licensure from 150 hours to 100 hours. These changes also include a definition of "one-hour" to provide clarity to questions relating to the length of supervision.

## Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

There are no requirements by the federal government on these issues.

## Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

These changes will have a small positive affect on business growth by allowing individuals to complete necessary supervision hours and other postgraduate supervised work experience requirements more quickly in a safe manner.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The economic effect cannot completely be calculated, because it cannot be determined how many individuals seeking licensure would need the flexibility provided by these rule changes. However, the only specific business that would be directly impacted is individuals seeking licensure as a Clinical Marriage and Family Therapist, as they would be able to fulfill requirements more quickly in a safe environment.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

Clinical Marriage and Family Therapists

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D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The benefits of the changes outweigh any small costs associated with BSRB staff time handling requests for telephonic supervision hours due to extenuating circumstances.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

N/A

F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

*Note: Do not account for any actual or estimated cost savings that may be realized.*

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

**Total Annual Costs – \$0**

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

N/A

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- ☐ No
- ☒ Not Applicable

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

The implementation of these regulations should not change state revenues or expenditures in a way that can be easily predicted or calculated.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

The small long-range economic impact of the proposed rule(s) and regulations(s) cannot be calculated.

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- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The proposed rules would not decrease revenues of cities, counties, or school districts. Additionally, the proposed rules would not impose functions or responsibilities on cities, counties, or school districts that would increase expenditures or fiscal liability. The agency did not consult with the League of Kansas Municipalities, Kansas Association of Counties, or the Kansas Association of School Boards.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

Proposed language changes were discussed in BSRB Marriage and Family Advisory Committee meetings, BSRB Board meetings, and most changes were discussed during bill hearings during the 2021 Legislative session when 2021 Senate Sub. for HB 2208 was being heard.

#### Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.  
☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

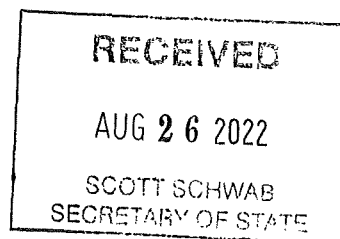
- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

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## Kansas Administrative Regulations Economic Impact Statement (EIS)

Behavioral Sciences Regulatory Board

Agency

David Fye

Agency Contact

785-296-3207

Contact Phone Number

KAR 102-7-1, KAR 102-7-6

K.A.R. Number(s)

☒ Permanent

☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?

☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.

☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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## Section I

Brief description of the proposed rule(s) and regulation(s).

The primary purpose of these changes is to sync regulatory language with statutory language changes enacted in 2021 Senate Sub. for HB 2208, which allowed individuals seeking licensure as Clinical Level Addiction Counselors to attain all required supervision hours either in person or by televideo, rather than requiring some hours to be in the same physical space as the supervisor; allowed for supervision by phone, under extenuating circumstances as approved by the Board; allowed all required postgraduate supervised hours of experience to be in person, by televideo, or by phone; and decreased the number of hours of post-graduate supervised work experience required for clinical licensure from 4,000 hours to 3,000 hours and decreasing the number of direct supervision hours required for clinical licensure from 150 hours to 100 hours. These changes also provide a definition of "one-hour" to provide clarity to questions relating to the length of supervision.

## Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

There are no requirements by the federal government on these issues.

## Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

These changes will have a small positive affect on business growth by allowing individuals to complete necessary supervision hours and other postgraduate supervised work experience requirements more quickly in a safe manner.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The economic effect cannot completely be calculated, because it cannot be determined how many individuals seeking licensure would need the flexibility provided by these rule changes. However, the only specific business that would be directly impacted is individuals seeking licensure as a Clinical Level Addiction Counselors, as they would be able to fulfill requirements more quickly in a safe environment.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);  
Clinical Addiction Counselors

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- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;  
The benefits of the changes outweigh any small costs associated with BSRB staff time handling requests for telephonic supervision hours due to extenuating circumstances.
- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;  
N/A
- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.  
*Note: Do not account for any actual or estimated cost savings that may be realized.*

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

**Total Annual Costs – \$0**

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

N/A

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- ☐ No
- ☒ Not Applicable

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

The implementation of these regulations should not change state revenues or expenditures in a way that can be easily predicted or calculated.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

The small long-range economic impact of the proposed rule(s) and regulations(s) cannot be calculated.

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- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The proposed rules would not decrease revenues of cities, counties, or school districts. Additionally, the proposed rules would not impose functions or responsibilities on cities, counties, or school districts that would increase expenditures or fiscal liability. The agency did not consult with the League of Kansas Municipalities, Kansas Association of Counties, or the Kansas Association of School Boards.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

Proposed language changes were discussed in BSRB Addiction Counselor Advisory Committee meetings, BSRB Board meetings, and most changes were discussed during bill hearings during the 2021 Legislative session when 2021 Senate Sub. for HB 2208 was being heard.

#### Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.  
☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

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SECRETARY OF STATE