

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



Phone: 785-296-3240
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www.ksbsrb.ks.gov

David B. Fye, JD, Executive Director

Laura Kelly, Governor

NOTICE OF PUBLIC HEARING ON PROPOSED PERMANENT REGULATIONS

**K.A.R. 102-1-13; K.A.R. 102-2-3; K.A.R. 102-3-2;
K.A.R. 102-4-2; K.A.R. 102-5-2; K.A.R. 102-7-2**

A public hearing will be conducted by the staff of the Behavioral Sciences Regulatory Board on **Tuesday, October 3, 2023, 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. At the hearing on October 3, 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.

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.

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 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:

Summary: These proposed changes to regulations primarily involve setting the amounts of fees for new license types created by the enactment of 2023 Sub. for SB 131, including: Community-Based Licenses; Temporary Reinstatement Licenses; Temporary Candidacy Bachelor's and Master's Social Work Licenses; Student Temporary Addiction Counselor Licenses; and establishing an expedited application fee. The proposed changes also include lowering certain temporary license fees and setting a PSYPACT Home State Privilege to Practice Fee and a fee to become a Board-Approved Supervisor for the professions of professional counseling and marriage and family therapy.

Economic impact: The net economic impact is unknown, as decreases to some existing fees will lead to a decrease in revenue for the BSRB; creation of some new license types are anticipated to serve as alternatives to existing licenses, so there would be no change in revenue; and some newly created licenses will lead to an increase in revenue, but most of these license types have no comparisons, so it is unknown how many individuals would pursue those new license types.

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102-1-13. Fees. (a) Each applicant for licensure as a psychologist shall pay the appropriate fee as follows:

(1) Application for a license, \$175;

(2) original license, \$50;

(3) renewal, \$150;

(4) duplicate license, \$20;

(5) community-based psychologist license, \$50;

(6) psychology interjurisdictional compact (PSYPACT) home state
privilege to practice fee, \$25;

(7) reinstatement temporary license, \$25

(8) temporary license, \$100 \$50;

(6) (9) temporary license renewal fee, \$100 \$50;

(7) (10) temporary, 15-day permit for an out-of-state licensed independent
psychologist, \$200; or

(8) (11) temporary, 15-day permit for an out-of-state licensed independent
psychologist extension, \$200.

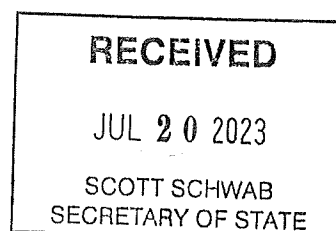
(b) Each applicant for an expedited application shall pay \$100 in addition
to the application fee of \$175.

(b) (c) Each applicant for a license renewal after it's the license's
expiration date, if the license has been expired for less than one year, shall pay
an additional fee of \$150, as well as the renewal fee of \$150.

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(d) Each applicant for a license renewal after the license's expiration date, if the license has been expired for one-year or more, shall pay the renewal fee of \$150.

~~(e)~~ (e) Each applicant for reinstatement of a license that has been revoked by the board shall pay a fee of \$200.

~~(d)~~ (f) Fees paid to the board shall not be refundable. (Authorized by 2023 Sub for SB 131, sec. 2, K.S.A. 2022 Supp. 74-5316, as amended by 2023 Sub for SB 131, sec. 32, K.S.A. 2022 Supp. 74-5316a, K.S.A. 74-5318, as amended by 2023 Sub for SB 131, sec. 33, K.S.A. 74-5339, as amended by 2023 Sub for SB 131, sec. 41, K.S.A. 2022 Supp. 74-5353, and K.S.A. 74-7507; implementing 2023 Sub for SB 131, sec. 2, K.S.A. 2022 Supp. 74-5310, as amended by 2023 Sub for SB 131, sec. 30, K.S.A. 74-5310a, K.S.A. 2022 Supp. 74-5315, as amended by 2023 Sub for SB 131, sec. 31, K.S.A. 2022 Supp. 74-5316, as amended by 2023 Sub for SB 131, sec. 32, K.S.A. 2022 Supp. 74-5316a, K.S.A. 74-5318, as amended by 2023 Sub for SB 131, sec. 33, and K.S.A. 74-5339, as amended by 2023 Sub for SB 131, sec. 41, and K.S.A. 2022 Supp. 74-5353; effective May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1987; amended, T-102-5-1-90, May 1, 1990; amended June 11, 1990; amended, T-102-11-29-90, Nov. 29, 1990; amended Jan. 21, 1991; amended Aug. 23, 1993; amended Aug. 4, 1995; amended Oct. 24, 1997; amended July 1, 2005; amended, T-102-7-2-07, July 2, 2007; amended Nov. 30, 2007; amended, T-102-6-26-09, June 26, 2009; amended Oct. 9, 2009; amended

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102-2-3. Fees. (a) Each applicant for a new social work license shall pay the appropriate application fee as follows:

- (1) Licensed baccalaureate social worker (LBSW): \$50;
- (2) licensed master social worker (LMSW): \$50;
- (3) licensed specialist clinical social worker (LSCSW): \$50;
- (4) community-based social work license: \$50;
- (5) temporary candidacy baccalaureate social work license: \$50;
- (6) temporary candidacy baccalaureate social work license extension:

\$50;

- (7) temporary candidacy master social work license: \$50;
- (8) temporary candidacy master social work license extension: \$50;
- (9) temporary license fee: \$50;

~~(5)-(10)~~ temporary, 15-day permit for an out-of-state licensed independent clinical social worker: \$200; and

~~(6)-(11)~~ temporary, 15-day permit for an out-of-state licensed independent clinical social worker extension: \$200.

(b) Each applicant for an expedited application shall pay \$100, in addition to the application fee of \$50.

(c) Each applicant for a new social work license shall pay the appropriate original license fee as follows:

- (1) Licensed baccalaureate social worker (LBSW): \$100;
- (2) licensed master social worker (LMSW): \$150; and

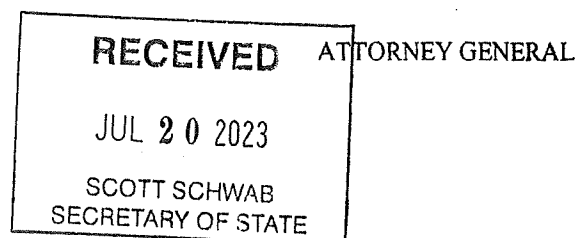
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(3) licensed specialist clinical social worker (LSCSW): \$150.

~~(e)~~ (d) Each applicant for license renewal shall pay the applicable fee as follows:

- (1) Licensed associate social worker (LASW): \$50;
- (2) licensed baccalaureate social worker (LBSW): \$50;
- (3) licensed master social worker (LMSW): \$75; and
- (4) licensed specialist clinical social worker (LSCSW): \$100.

(e) Each applicant for a reinstatement temporary license shall pay the applicable fee as follows:

- (1) Licensed baccalaureate social worker (LBSW): \$50;
- (2) licensed master social worker (LMSW): \$50; and
- (3) licensed specialist clinical social worker (LSCSW): \$50.

~~(d)~~ (f) Each applicant for license reinstatement after the date of ~~it's~~ the license's expiration, if the license has been expired less than one-year, shall pay, in addition to the renewal fee, the applicable penalty fee as follows:

- (1) Licensed associate social worker (LASW): \$50;
- (2) licensed baccalaureate social worker (LBSW): \$50;
- (3) licensed master social worker (LMSW): \$75; and
- (4) licensed specialist clinical social worker (LSCSW): \$100.

(g) Each applicant for a license renewal after the license's expiration date, if the license has been expired for one-year or more, shall pay the renewal fee listed in subsection (d).

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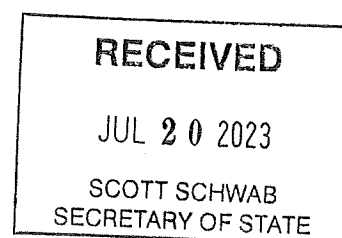
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~~(e)~~ (h) The fee for a replacement license shall be \$20, and the fee for a replacement wallet card license shall be \$2.

~~(f)~~ (i) Each provider of continuing education programs shall pay the applicable fee as follows:

- (1) One-year, provisional approved provider application fee: \$100;
- (2) three-year approved provider renewal fee: \$250; and
- (3) single-program provider fee: \$50.

~~(g)~~ (j) Fees paid to the board shall not be refundable. (Authorized by 2023 Sub for SB 131, sec. 2, K.S.A. 2022 Supp. 65-6309a, K.S.A. 65-6314, as amended by 2023 Sub for SB 131, sec. 13, and K.S.A. 74-7507; implementing 2023 Sub for SB 131, sec. 2, K.S.A. 2022 Supp. 65-6309a, K.S.A. 65-6313, as amended by 2023 Sub for SB 131, sec. 12, and K.S.A. 65-6314, as amended by 2023 Sub for SB 131, sec. 13; effective May 1, 1982; amended, T-86-20, July 1, 1985; amended May 1, 1986; amended, T-87-10, July 1, 1986; amended May 1, 1987; amended, T-102-10-17-89, Oct. 17, 1989; amended, T-102-11-29-90, Nov. 29, 1990; amended Jan. 21, 1991; amended June 12, 1995; amended Aug. 4, 1995; amended Aug. 4, 2000; amended March 8, 2002; amended July 1, 2005; amended, T-102-7-2-07, July 2, 2007; amended Nov. 30, 2007; amended April 2, 2010; amended March 8, 2019; amended, T-

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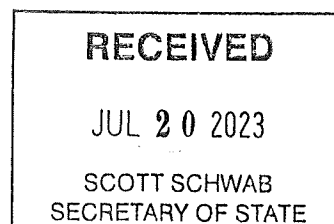
102-3-2. Fees. (a) Each applicant for licensure as a professional counselor or clinical professional counselor shall pay the appropriate fee or fees as follows:

- (1) Application for a professional counselor license, \$50;
- (2) application for a clinical professional counselor license, \$50;
- (3) application for a board-approved clinical supervisor, \$20;
- (4) community-based professional counselor license, \$50;
- (5) original professional counselor license, \$150;
- (4) (6) original license fee for a clinical professional counselor, \$150;
- (5) (7) renewal of a professional counselor license, \$100;
- (6) (8) renewal of a clinical professional counselor license, \$125;
- (7) (9) replacement of a professional counselor or a clinical professional counselor wall certificate, \$20;
- (8) (10) reinstatement of a professional counselor license that has been suspended or revoked, \$100;
- (9) (11) reinstatement of a clinical professional counselor license that has been suspended or revoked, \$125;
- (12) reinstatement temporary license for a professional counselor, \$25;
- (13) reinstatement temporary license for a clinical professional counselor, \$25;
- (14) (14) temporary professional counselor license, \$50;
- (14) (15) temporary, ~~15-day~~ permit for an out-of-state licensed independent clinical professional counselor, \$200; or

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~~(12)-(16)~~ temporary, ~~15-day~~ permit for an out-of-state licensed independent clinical professional counselor extension, \$200.

(b)(1) Each applicant for renewal of a professional counselor license after it's license's expiration date, if the license has been expired for less than one year, shall pay the reinstatement fee in addition to the late renewal penalty fee of \$100;

(2) Each applicant for renewal of a professional counselor after the license's expiration date, if the license has been expired for one-year or more, shall pay the renewal fee of \$100.

(c)(1) Each applicant for renewal of a clinical professional counselor license after its expiration date, if the license has been expired for less than one year, shall pay the reinstatement fee in addition to the late renewal penalty fee of \$125;

(2) Each applicant for renewal of a clinical professional counselor after its expiration date, if the license has been expired for one-year or more, shall pay the renewal fee of \$125.

(d) Each applicant for an expedited application shall pay \$100, in addition to the application fee of \$50.

(e) Fees paid to the board shall not be refundable. (Authorized by 2023 Sub for SB 131, sec. 2, K.S.A. 2022 Supp. 65-5807a, K.S.A. 2022 Supp. 65-5808, as amended by 2023 Sub for SB 131, sec. 8, and K.S.A. 74-7507; implementing 2023 Sub for SB 131, sec. 2, K.S.A. 2022 Supp. 65-5804a, as

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amended by 2023 Sub for SB 131, sec. 5, K.S.A. 65-5807a, and ~~K.S.A. 65-5808~~

as amended by 2023 Sub for SB 131, sec. 8; effective, T-88-45, Nov. 10, 1987;

amended, T-102-11-29-90, Nov. 29, 1990; amended Jan. 21, 1991; amended

Aug. 4, 1995; amended Oct. 24, 1997; amended Aug. 4, 2000; amended July 1,

2005; amended, T-102-7-2-07, July 2, 2007; amended Nov. 30, 2007; amended

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102-4-2. Fees. (a) Each applicant or licensee shall pay the appropriate fee or fees as follows:

- (1) Application for a master's level psychologist license, \$50;
- (2) application for clinical psychotherapist license, \$50;
- (3) community-based master's level psychologist license, \$50
- (4) original master's level psychologist license, \$150;
- (5) original clinical psychotherapy license, \$150;
- ~~(5)~~ (6) renewal of a master's level psychologist license, \$100;
- ~~(6)~~ (7) renewal of a clinical psychotherapist license, \$125;
- ~~(7)~~ (8) replacement of a master's level psychologist or a clinical psychotherapist license, \$20;
- ~~(8)~~ (9) replacement of a master's level psychologist or a clinical psychotherapist wallet card license, \$2;
- ~~(9)~~ (10) reinstatement of a master's level psychologist license after suspension or revocation, \$100;
- ~~(10)~~ (11) reinstatement of a clinical psychotherapist license after suspension or revocation, \$125;
- ~~(11)~~ (12) temporary master's level psychologist license, ~~\$100~~ \$50;
- ~~(12)~~ (13) temporary, ~~15-day~~ permit for an out-of-state licensed independent clinical master's level psychologist, \$200; or
- ~~(13)~~ (14) temporary, ~~15-day~~ permit for an out-of-state licensed independent clinical master's level psychologist extension, \$200.

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(b)(1) Each applicant for reinstatement of a master's level psychologist license after it's the license's expiration date, if the license has been expired for less than one year, shall pay the renewal fee in addition to the penalty fee of \$100;

(2) Each applicant for reinstatement of a master's level psychologist license after the license's expiration date, if the license has been expired for more than one year, shall pay the renewal fee of \$100.

(c)(1) Each applicant for reinstatement of a clinical psychotherapist license after it's the license's expiration date, if the license has been expired for less than one year, shall pay the renewal fee in addition to the penalty fee of \$125;

(c)(2) Each applicant for reinstatement of a clinical psychotherapist license after the license's expiration date, if the license has been expired for more than one year, shall pay the renewal fee of \$125.

(d) Each applicant for an expedited application shall pay \$100, in addition to the application fee of \$50.

(e) Fees paid to the board shall not be refundable. (Authorized by 2023 Sub for SB 131, sec. 2, K.S.A. 74-5365, as amended by Sub for SB 131, sec. 36, K.S.A. 74-5367, as amended by Sub for SB 131, sec. 38, K.S.A. 2022 Supp. 74-5367a, and K.S.A. 74-7507; implementing 2023 Sub for SB 131, sec. 2, K.S.A. 2022 Supp. 74-5363, as amended by Sub for SB 131, sec. 35, K.S.A. 74-5365, as amended by Sub for SB 131, sec. 36, K.S.A. 74-5366, as amended by Sub for SB 131, sec. 37, K.S.A. 74-5367, as amended by Sub for SB 131, sec. 38, and

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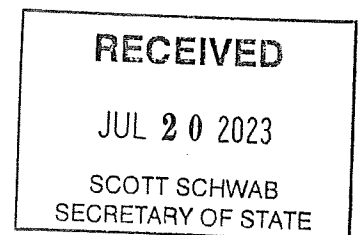
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K.S.A. 2022 Supp. 74-5367a; effective, T-102-2-23-89, Feb. 23, 1989; effective April 3, 1989; amended, T-102-11-29-90, Nov. 29, 1990; amended Jan. 21, 1991; amended Aug. 4, 1995; amended Oct. 24, 1997; amended Aug. 4, 2000; amended July 1, 2005; amended, T-102-7-2-07, July 2, 2007; amended Nov. 30, 2007; amended March 8, 2019; amended, T-

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102-5-2. Fees. (a) Each applicant or licensee shall pay the appropriate fee or fees as follows:

- (1) Application for a marriage and family therapist license, \$50;
- (2) application for a clinical marriage and family therapist license, \$50;
- (3) application for a board-approved clinical supervisor, \$20;
- (4) community-based marriage and family therapist license, \$50;
- (5) original marriage and family therapist license, \$150;
- (4) (6) original clinical marriage and family therapist license, \$150;
- (5) (7) renewal of a marriage and family therapist license, \$100;
- (6) (8) renewal of a clinical marriage and family therapist license, \$125;
- (7) (9) replacement of a marriage and family therapist or a clinical marriage and family therapist license, \$20;
- (8) (10) replacement of a marriage and family therapist or a clinical marriage and family therapist wallet card license, \$2;
- (9) (11) reinstatement of a marriage and family therapist license, \$100;
- (10) (12) reinstatement of a clinical marriage and family therapist license, \$125;
- (13) reinstatement temporary license, \$25;
- (11) (14) temporary marriage and family therapist license, ~~\$150~~ \$50;
- (12) (15) temporary, ~~15-day~~ permit for an out-of-state licensed independent clinical marriage and family therapist, \$200; or

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~~(13)~~ (16) temporary, ~~15-day~~ permit for an out-of-state licensed independent clinical marriage and family therapist extension, \$200.

(b)(1) Each applicant for renewal of a marriage and family therapist license after ~~it's the license's~~ the license's expiration, if the license has been expired for less than one year, date shall pay the renewal fee in addition to the late renewal penalty of \$100;

(2) Each applicant for renewal of a marriage and family therapist license after the license's expiration, if the license has been expired for less than one year, date shall pay the renewal fee of \$100.

(c)(1) Each applicant for renewal of a clinical marriage and family therapist license after ~~it's the license's~~ the license's expiration, if the license has been expired for less than one year, date shall pay the renewal fee in addition to the late renewal penalty of \$125;

(2) Each applicant for renewal of a clinical marriage and family therapist license after the license's expiration date, if the license has been expired for more than one year, shall pay the renewal fee of \$125.

(d) Each applicant for an expedited application shall pay \$100, as well as the application fee of \$50.

(e) Fees paid to the board shall not be refundable. (Authorized by 2023 Sub for SB 131, sec. 2, K.S.A. 2022 Supp. 65-6405a, K.S.A. 2022 Supp. 65-6411, as amended by Sub for SB 131, sec. 11, and K.S.A. 74-7507; implementing 2023 Sub for SB 131, sec. 2, K.S.A. 2022 Supp. 65-6405, as

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amended by Sub for SB 131, sec. 17, K.S.A. 65-6405a, and K.S.A 65-6411, as
amended by Sub for SB 131, sec. 11; effective March 29, 1993; amended Aug.
23, 1993; amended Aug. 4, 1995; amended Oct. 24, 1997; amended Aug. 4,
2000; amended July 1, 2005; amended, T-102-7-2-07, July 2, 2007; amended
Nov. 30, 2007; amended March 8, 2019; amended, T-

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102-7-2. Fees. (a) Each applicant or licensee shall pay the appropriate fee or fees as follows:

- (1) Application for an addiction counselor license: \$50;
- (2) application for a master's addiction counselor license: \$50;
- (3) application for a clinical addiction counselor license: \$50;
- (4) original addiction counselor license: \$100;
- (5) original master's addiction counselor license: \$150;
- (6) original clinical addiction counselor license: \$150;
- (7) renewal of an addiction counselor license: \$50;
- (8) renewal of a master's addiction counselor license: \$75;
- (9) renewal of a clinical addiction counselor license: \$100;
- (10) replacement of an addiction counselor, a master's addiction counselor, or a clinical addiction counselor license: \$20;
- (11) replacement of an addiction counselor, a master's addiction counselor, or a clinical addiction counselor wallet license: \$2;
- (12) reinstatement of an addiction counselor license: \$50;
- (13) reinstatement of a master's addiction counselor license: \$75;
- (14) reinstatement of a clinical addiction counselor license: \$100;
- (15) reinstatement temporary addiction counselor license, \$25;
- (16) reinstatement temporary master's addiction counselor license, \$25;
- (17) reinstatement temporary clinical addiction counselor license, \$25;
- (18) temporary addiction counselor license: \$75 \$50;

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~~(16)~~ (19) temporary master's addiction counselor license: ~~\$75~~ \$50;

~~(17)~~ (20) temporary, ~~15-day~~ permit for an out-of-state licensed clinical addiction counselor: \$200; or

~~(18)~~ (21) temporary, ~~15-day~~ permit for an out-of-state licensed clinical addiction counselor extension: \$200;

(22) student temporary addiction counselor license, \$50;

(23) student temporary addiction counselor license renewal, \$50.

(b) Each applicant for license renewal after ~~it's the license's~~ the license's expiration date, if the license has been expired for less than one year, shall pay, in addition to the renewal fee, the applicable late renewal penalty fee as follows:

(1) Licensed addiction counselor: \$50;

(2) licensed master's addiction counselor: \$75; or

(3) licensed clinical addiction counselor: \$100.

(c) Each applicant for a license renewal after the license's expiration date, if the license has been expired for one-year or more, shall pay the renewal fee listed above.

(d) Each applicant for an expedited application shall pay \$100, in addition to the application fee of \$50.

(e) Fees paid to the board shall not be refundable. (Authorized by 2023 Sub for SB 131, sec. 2, K.S.A. 65-6618, as amended by Sub for SB 131, sec. 26, and 74-7507; implementing 2023 Sub for SB 131, sec. 2, K.S.A. 65-6618, as amended by Sub for SB 131, sec. 26; effective, T-102-7-1-11, July 1, 2011;

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effective, T-102-10-27-11, Oct. 27, 2011; effective Jan. 20, 2012; amended

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JUL 05 2023

ATTORNEY GENERAL

Kansas Administrative Regulations Economic Impact Statement (EIS)

Behavioral Sciences Regulatory Board (102)
Agency

David Fye
Agency Contact

785-296-3207
Contact Phone Number

K.A.R. 102-1-13, K.A.R. 102-2-3, K.A.R. 102-3-2, K.A.R. 102-4-2, K.A.R. 102-5-2, K.A.R. 102-7-2

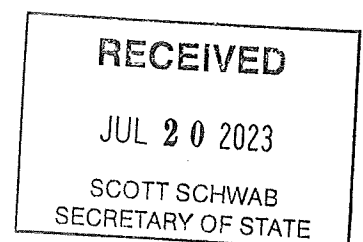
☒ Permanent ☐ Temporary

K.A.R. Number(s)

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).

These proposed rule and regulation changes all involve creation of new fees or modification of existing fees, primarily corresponding to two actions: (1) an action by the Board to lower certain temporary license fees in January 2023 and (2) fees for new license types corresponding to the enactment of 2023 Sub. for SB 131. Proposed fee changes also include adding the PSYPACT Home State Privilege to Practice Fee for psychologists practicing under PSYPACT authorized by K.S.A. 74-5353 and adding a fee to apply to become a board-approved supervisor for the professional counseling and marriage and family therapy professions.

In K.A.R. 102-1-13, proposed fees for psychologists were modified to:

- (1) Add a Community-Based Licensed Psychology license fee (Sub. for SB 131);
- (2) Add a Psychology Interjurisdictional Compact (PSYPACT) Home State Privilege to Practice Fee;
- (3) Add a Reinstatement Temporary License Fee for this new license type (Sub. for SB 131);
- (4) Lower the Temporary License Fee and the renewal of such license type from \$100 to \$50;
- (5) Strike obsolete references to "15-day permit," as the permit timeframe has been increased to 30-days;
- (6) Add an Expedited Application Fee (Sub. for SB 131);
- (7) Add new language that fee to reinstate a license that has been expired for over one year equals the renewal fee, rather than the renewal fee and a reinstatement fee (Sub. for SB 131)

In K.A.R. 102-2-3, proposed fees for social workers were modified to:

- (1) Add a Community-Based license fee for this newly created license type (Sub. for SB 131);
- (2) Add new Temporary Candidacy Baccalaureate and Master's Social Work License Fees and Fees for Extension for these newly created license types (Sub. for SB 131);
- (3) Strike obsolete references to "15-day permit," as the permit timeframe has been increased to 30-days;
- (4) Add an Expedited Application Fee of \$100 (Sub. for SB 131);
- (5) Add a Reinstatement Temporary License for these new license types (Sub. for SB 131);
- (6) Add new language that fee to reinstate a license that has been expired for over one year equals the renewal fee, rather than the renewal fee and a reinstatement fee.

In K.A.R. 102-3-2, proposed fees for professional counselors were modified to:

- (1) Add an application for board-approved clinical supervisor fee;
- (2) Add a Community-Based license fee for this newly created license type (Sub. for SB 131);
- (3) Add a Reinstatement Temporary License Fee for this new license type (Sub. for SB 131);
- (4) Strike obsolete references to "15-day permit," as the permit timeframe has been increased to 30-days;
- (5) Add new language that fee to reinstate a license that has been expired for over one year equals the renewal fee, rather than the renewal fee and a reinstatement fee;
- (6) Add an Expedited Application Fee of \$100 (Sub. for SB 131).

In K.A.R. 102-4-2, proposed fees for master's level psychologists were modified to:

- (1) Add a Community-Based license fee for this newly created license type (Sub. for SB 131);
- (2) Lower the Temporary License Fee from \$100 to \$50;
- (3) Strike obsolete references to "15-day permit," as the permit timeframe has been increased to 30-days;
- (4) Add new language that fee to reinstate a license that has been expired for over one year equals the renewal fee, rather than the renewal fee and a reinstatement fee;
- (5) Add an Expedited Application Fee of \$100 (Sub. for SB 131).

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In K.A.R. 102-5-2, proposed fees for marriage and family therapists were modified to:

- (1) Add an application for board-approved clinical supervisor fee;
- (2) Add a Community-Based Licensed license fee for this newly created license type (Sub. for SB 131);
- (3) Add a Reinstatement Temporary License Fee for this new license type (Sub. for SB 131);
- (4) Lower the Temporary License Fee from \$150 to \$50;
- (5) Strike obsolete references to "15-day permit," as the permit timeframe has been increased to 30-days;
- (6) Add new language that fee to reinstate a license that has been expired for over one year equals the renewal fee, rather than the renewal fee and a reinstatement fee;
- (7) Add an Expedited Application Fee of \$100 (Sub. for SB 131).

In K.A.R. 102-7-2, proposed fees for addiction counselors were modified to:

- (1) Add a Reinstatement Temporary License Fee for this new license type (Sub. for SB 131);
- (2) Lower the Temporary License Fee from \$75 to \$50;
- (3) Strike obsolete references to "15-day permit," as the permit timeframe has been increased to 30-days;
- (4) Add fee for new Student Temporary Addiction Counselor License and renewal of such license;
- (5) Add new language that fee to reinstate a license that has been expired for over one year equals the renewal fee, rather than the renewal fee and a reinstatement fee;
- (6) Add an Expedited Application Fee of \$100 (Sub. for SB 131).

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.)*

These fee creations and fee adjustments do not involve federal law. Fee creation for new license types and fee adjustments are common by similar licensing agencies in contiguous states.

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;

Most fee creations are being introduced in combination with enactment of Sub. for SB 131, which created several new license types. The proposed rule and regulations changes on the fees will allow the agency to issue licenses at several new levels, which will enhance business activities by allowing more individuals to become licensed an employed as mental health professionals.

- 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;

Certain businesses employing mental health professionals would be able to hire a wider range of applicants.

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

The businesses that would be affected include businesses that employ mental health professionals who are licensed by the BSRB. These fee creations and modifications should go hand-in-hand with creation of new license types, which will help more mental health professionals enter the workforce.

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

The benefits of creating new license types and modifying certain fees outweigh the costs of holding the public hearing on the proposed changes, printing the proposed rule changes in the Kansas Register, and the loss in revenue to the BSRB by lowering certain temporary license fees.

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;

The BSRB has discussed the proposed rule and regulation changes at several agency and legislative meetings.

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 – \$N/A

Costs to Local Governmental Units – \$N/A

Costs to Members of the Public – \$N/A

Total Annual Costs – \$N/A

(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 estimate on revenue and expenditures is described below by type of modification:

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(1) **Lower Temporary License Fees to \$50** – (Agency analysis) in the most recent completed fiscal year, the BSRB issued 328 total Temporary Licenses. Of this total, 167 Temporary Licenses were in professions whose Temporary License fee was already set at \$50. Forty-nine Temporary Licenses were issued for the marriage and family therapy profession, so the decrease from \$150 to \$50 would mean a decrease in yearly revenue of approximately \$4,900. Forty-six Temporary Licenses were for the master's level psychology profession, so the decrease from \$100 to \$50 would mean a decrease in yearly revenue of approximately \$2,300. Fifty-five combined Temporary Licenses were issued for bachelor's and master's addiction counseling, so the decrease from \$75 to \$50 would mean a decrease in yearly revenue of approximately \$1,375. Eleven Temporary Licenses were issued for the licensed psychology profession, so the decrease from \$100 to \$50 would mean a decrease in yearly revenue of approximately \$550. Overall, the lowering of the fees for Temporary Licenses would be estimated to lead to a decrease in revenue for the BSRB of approximately \$9,125.

(2) **Add New Community-Based License Fee for Licensed Psychology, Social Work, Professional Counseling, Master's Level Psychology, and Marriage and Family Therapy** – (Agency analysis) These new license types were not requested by the agency, but were added to 2023 Sub. for SB 131 during the committee process. They are anticipated to be an alternative to the existing traditional Temporary License. The Board recommended the fee be set at the same amount as the existing Temporary License, so the agency estimates there will be a net-zero impact on revenue (losing revenue on fewer Temporary Licenses, but gaining equal revenue on Community-Based Licenses).

(4) **Add New 6-Month Reinstatement Temporary License Fee** – (Agency analysis) It is unknown how many individuals may seek this newly created license type, as this group of individuals would not have been able to reinstatement their licenses or obtain alternate licenses previously. Therefore, a revenue estimate cannot be calculated, though based on the \$25 fee, it is anticipated that there would be a small increase in yearly revenue for the agency.

(5) **Decrease Fees to Reinstatement Licenses if Previous Licenses were Expired for At Least One Year** – (Agency analysis) A revenue estimate cannot be made for this item. While it is anticipated the agency will experience a decrease in revenue from some individuals no longer needing to pay the reinstatement fee, it is anticipated that there will be an increase in previous licensees wishing to reinstate their licenses, so the net result may be zero or a different amount that cannot currently be estimated.

(6) **Add Expedited Application Fee** – (Agency analysis) Per enacted 2023 Sub. for SB 131, the Board received authority to create an expedited application process in rules and regulations and the Board is working to create this process. The agency did not request the introduction of this process in legislation, but it was added as a committee modification. To the agency's knowledge, a similar model does not exist in any other states for comparison. Without knowing how many individuals will choose to pay this optional fee, it is unclear of the amount of increase in revenue the BSRB will see related to this fee. In the most recent completed fiscal year, the BSRB issued 1,536 permanent licenses and 97 out-of-state temporary permits. If approximately 5% of these individuals had paid the \$100 fee for an expedited application, it would have increased agency revenue by \$8,165. If approximately 10% of these individuals had paid the \$100 fee, it would have led to an increase in revenue of \$16,330. Due to a lack of information on comparable models in other states or the desire for this model, the agency cannot estimate what increase in revenue is likely once the process has been implemented.

(7) **Add New Temporary Candidacy License Fee for Bachelor's and Master's Social Work** – (Agency analysis) in FY 2023, the agency received approximately five applications from students who received their education from programs in "Candidacy for Accreditation," however the year before, the BSRB received approximately 35 applications from students whose programs were in "Candidacy for Accreditation." It is also unknown how many applicants may have avoided applying

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for licensure in Kansas, that now may apply for licensure due to this new process. Using an average of 20 applicants per year, it is estimated that there may be an increase in revenue of \$1,000 per year. (8) **Add New Student Temporary Addiction Counselor License Fee** – (Agency analysis) The BSRB currently does not offer any student-licenses, so this new license type has no equivalent comparisons to estimate revenue. The agency has heard positive comments concerning the desire to create a student license, so the agency anticipates that the creation of this license type will lead to an increase in revenue, however the specific amount cannot be estimated at this time.

(9) **Add Board-Approved Supervisor Application Fee for Professional Counseling and Marriage and Family Therapy professions** – (Agency analysis) The BSRB receives an average of 3.5 applications for board-approved supervisors per month in the professions of professional counseling and marriage and family therapy. At this rate, the \$20 fee to new applicants to become board-approved supervisors would amount to an increase in revenue of approximately \$840 per year.

(10) **Add Psychology Interjurisdictional Compact (PSYPACT) Home State Privilege to Practice Fee** – (Agency analysis) 2021 SB 170 added Kansas to a limited multi-state compact for licensed psychologists who choose to apply to the compact commission for a privilege to practice under the compact. Under this compact, the BSRB is charged a yearly assessment of \$10 per home-state licensee who chooses to practice under the compact. Revenue for a privilege to practice goes to the compact commission, not the BSRB. The authorizing legislation included authority for the BSRB to charge a fee, up to \$25, at the time of 2-year licensure or renewal. There was optimism that the compact commission would pass a rule change to pass the yearly \$10 assessment onto licensees, rather than on the BSRB, but this did not occur. At the conclusion of calendar year 2022, the BSRB paid the compact commission an assessment cost of \$820 and the amount is anticipated to be closer to \$1,000 at the end of calendar year 2023. The implementation of this fee is anticipated to lead to an increase in yearly revenue of \$1,250, though most of this revenue will be offset by the yearly assessment to the BSRB.

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.

Concerning the long-range economic impact, it is anticipated that there will be an increase in the number of individuals seeking a student temporary addiction counseling license, as this new license type becomes more well-known. It is also anticipated that there will be an increase in applicants seeking to pay the Expedited Application Fee in future years, once that process has been created.

- 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.

N/A

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- 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).

Discussion on creation of new license types, lowering of certain fees, and introduction of new fees was discussed at Board meetings, Advisory Committee meetings, and in legislative committee meetings.

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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