

BEHAVIORAL SCIENCES REGULATORY BOARD

FY 2021 – FY 2023 BUDGET ANALYSIS

FIGURE 1
BUDGET OVERVIEW, FY 2021 – FY 2023

	Actual FY 2021	Agency FY 2022	Governor FY 2022	Agency FY 2023	Governor FY 2023
Operating Expenditures:					
State General Fund	\$ -	\$ -	\$ -	\$ -	\$ -
Federal Funds	-	-	-	-	-
All Other Funds	856,438	981,995	981,995	988,412	988,412
<i>Subtotal</i>	<u>\$ 856,438</u>	<u>\$ 981,995</u>	<u>\$ 981,995</u>	<u>\$ 988,412</u>	<u>\$ 988,412</u>
Capital Improvements:					
State General Fund	\$ -	\$ -	\$ -	\$ -	\$ -
Federal Funds	-	-	-	-	-
All Other Funds	-	-	-	-	-
<i>Subtotal</i>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
TOTAL	<u>\$ 856,438</u>	<u>\$ 981,995</u>	<u>\$ 981,995</u>	<u>\$ 988,412</u>	<u>\$ 988,412</u>
Percentage Change:					
State General Fund	--	--	--	--	--
All Funds	0.9 %	14.7 %	14.7 %	0.7 %	0.7 %
FTE Positions	9.0	9.5	9.5	9.5	9.5

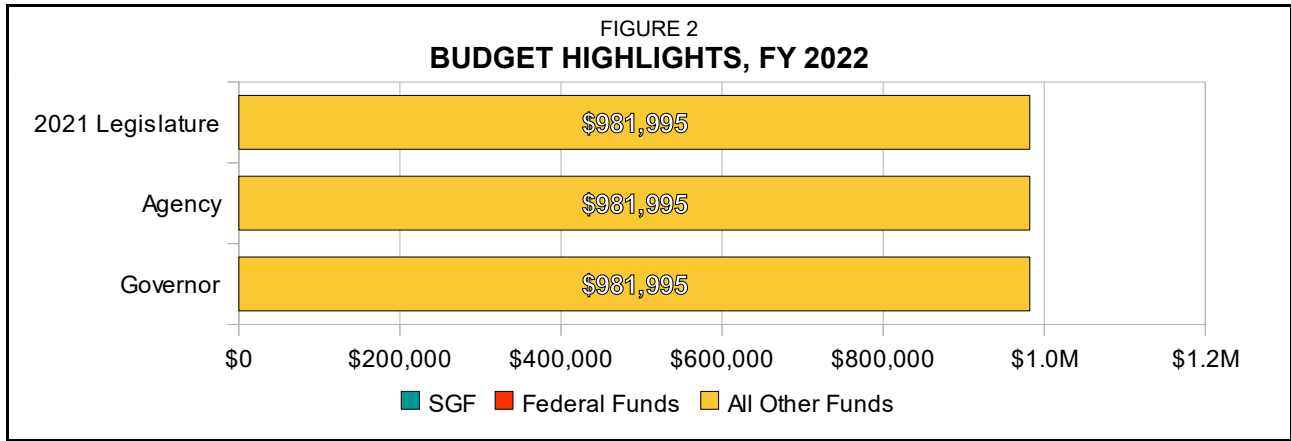
For purposes of this analysis, full-time equivalent (FTE) positions include non-FTE permanent unclassified positions but continue to exclude temporary employees. FTE positions reflect permanent state positions equating to a 40-hour work week.

The Behavioral Sciences Regulatory Board's mission, as statutorily established by the Legislature through its enactment of KSA 74-7501, is to protect the public's health, safety and welfare from unlawful or unprofessional practitioners who fall under the Board's jurisdiction. The agency has defined the statutory credentialing qualifications by establishing, through rules and regulations, minimal educational and experiential requirements that applicants seeking credentialing in each of the regulated groups must satisfy before the board grants the applicable credential. The Board has defined statutorily prohibited conduct through rules and regulations and has defined those acts that constitute unprofessional or incompetent practice.

The 12 members of the Board include 2 licensed psychologists, 2 licensed social workers, 1 licensed professional counselor, 1 licensed master's-level psychologist, 1 licensed marriage and family therapist, 1 licensed addiction counselor or licensed clinical addiction counselor, and 4 public members. The Governor appoints all Board members to serve four-year terms.

EXECUTIVE SUMMARY

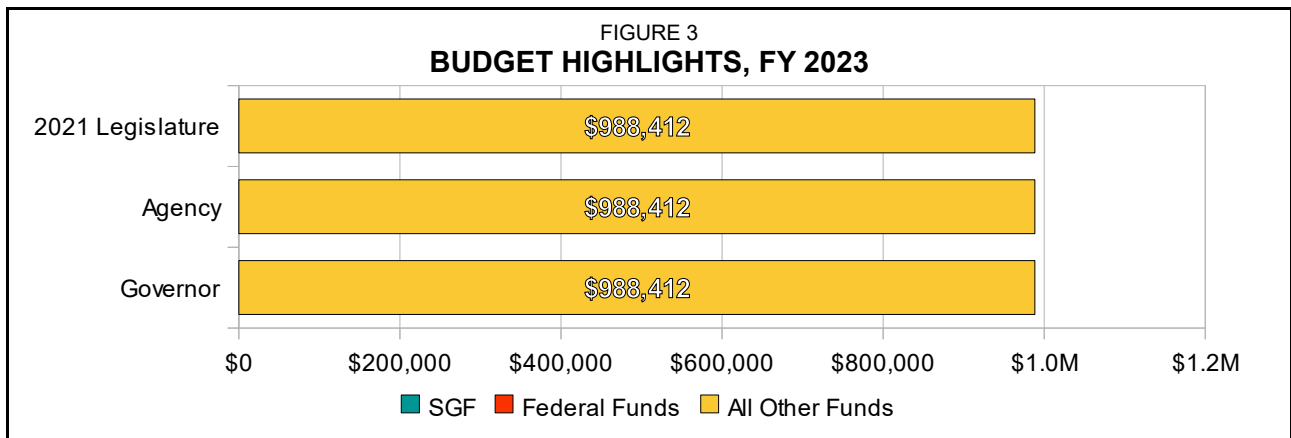
The 2021 Legislature approved a budget of \$981,995, all from special revenue funds, for the Behavioral Sciences Regulatory Board in FY 2022. No adjustments have been made subsequently to that amount.



The **agency** requests a revised estimate of \$981,995, all from special revenue funds, for expenditures in FY 2022. This is same as the FY 2022 approved amount.

The agency estimate also includes 9.5 FTE positions, which is the same as the approved number.

The **Governor** concurs with the agency's FY 2022 revised estimate.



The **agency** requests a revised estimate of \$988,412, all from special revenue funds, for expenditures for FY 2023. This is an increase of \$20,350, or 2.1 percent, above the FY 2023 approved amount. The increase is due to continued funding for the licensing specialist position related to the passage of 2021 HB 2066 concerning occupational and professional licensing. The 2021 legislature added the funding in FY 2022 but not for FY 2023.

The agency request also includes 9.5 FTE positions, which is 0.5 FTE positions above the approved amount. The increase is to maintain the agency's current FTE position increase from FY 2022 due to the passage of 2021 HB 2066 concerning occupational and professional licensing.

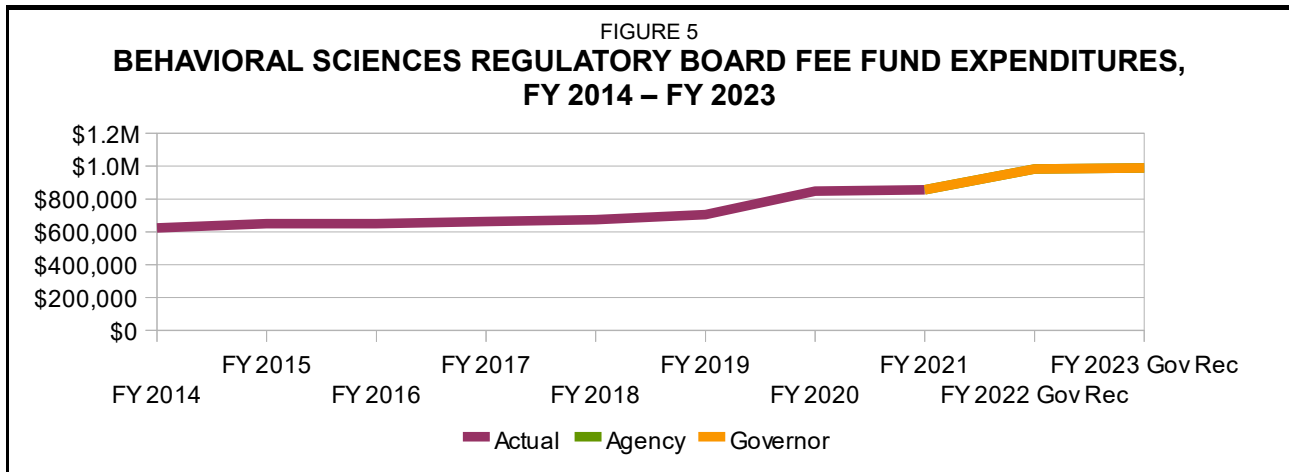
The **Governor** concurs with the agency's FY 2023 revised estimate.

EXPENDITURES AND FINANCING

FIGURE 4
BUDGET SUMMARY BY CATEGORY OF EXPENDITURE, FY 2021 – FY 2023

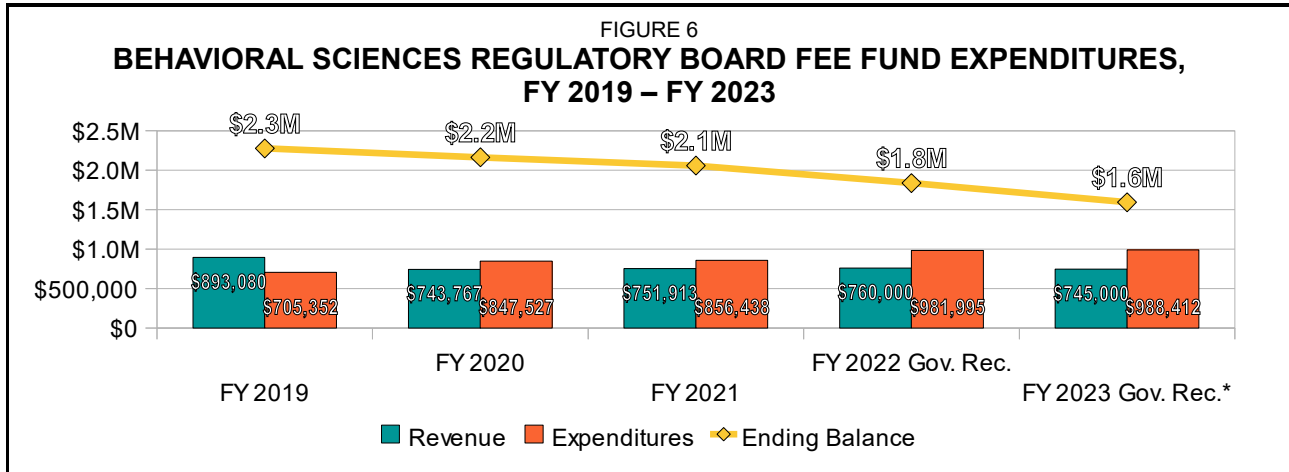
Category of Expenditure:	Actual FY 2021	Agency FY 2022	Governor FY 2022	Agency FY 2023	Governor FY 2023
Salaries and Wages	\$ 589,836	\$ 626,634	\$ 626,634	\$ 628,389	\$ 628,389
Contractual Services	261,905	337,769	337,769	343,260	343,260
Commodities	3,021	9,200	9,200	9,225	9,225
Capital Outlay	1,676	8,392	8,392	7,538	7,538
Debt Service Interest	-	-	-	-	-
<i>Subtotal</i>	<i>\$ 856,438</i>	<i>\$ 981,995</i>	<i>\$ 981,995</i>	<i>\$ 988,412</i>	<i>\$ 988,412</i>
Aid to Local Units	-	-	-	-	-
Other Assistance	-	-	-	-	-
<i>Subtotal—Operating</i>	<i>\$ 856,438</i>	<i>\$ 981,995</i>	<i>\$ 981,995</i>	<i>\$ 988,412</i>	<i>\$ 988,412</i>
Capital Improvements	-	-	-	-	-
Debt Service	-	-	-	-	-
Principal	-	-	-	-	-
TOTAL	\$ 856,438	\$ 981,995	\$ 981,995	\$ 988,412	\$ 988,412
Financing:					
State General Fund	\$ -	\$ -	\$ -	\$ -	\$ -
BSRB Fee Fund	856,438	981,995	981,995	988,412	988,412
Federal Funds	-	-	-	-	-
All Other Funds	-	-	-	-	-
TOTAL	\$ 856,438	\$ 981,995	\$ 981,995	\$ 988,412	\$ 988,412
FTE Positions	9.0	9.5	9.5	9.5	9.5

BEHAVIORAL SCIENCES REGULATORY BOARD FEE FUND



In accordance with KSA 74-7505, the Behavioral Sciences Regulatory Board Fee Fund replaced the Psychologists Fee Fund and the Social Work Examiners Fee Fund in 1980. The new Board inherited the previous Boards' authorities to set charge and collect fees. As a fee-funded agency, the Board currently contributes the lesser of 10.0 percent or \$100,000 of fee revenue to the State General Fund (SGF) for the cost of support services provided by other state agencies under KSA 74-3170a, and the remainder is held in the agency fee fund. These retained fees fund the agency.

BEHAVIORAL SCIENCES REGULATORY BOARD FEE FUND



* For FY 2023, the lowest month ending balance for the Behavioral Sciences Regulatory Board Fee Fund will occur in June, with a balance of \$1.6 million.

The Behavioral Sciences Regulatory Board Fee Fund receives fees from the regulated professions for applications, as well as original and renewal licensing fees. In addition to these fees, the agency also charges for services such as providing copies of documents.

The 2021 Legislature enacted Senate Sub. for HB 2208, which set the maximum fee cap at \$50 to be a Board-approved supervisor for the professions of professional counseling and marriage and family therapist. Since that time, the Board voted to recommend the fee be set at \$20 in regulations.

Additionally, the 2021 Legislature enacted SB 170, which adds Kansas as a member state to a multistate compact for licensed psychologists called PSYPACT, as of January 1, 2022. In SB 170, language was included to allow the agency to charge a fee, not to exceed \$25, at the time of original licensure or renewal, to licensed psychologists who participate in PSYPACT. The Board voted to set the amount of the fee at \$25 per each two-year renewal for any licensed psychologist who participates in PSYPACT.

FIGURE 7
LICENSE FEES, FY 2022

License	Current Fee	Statutory Limit	Authority
Application Fees:			
Social Worker (Associate & Bachelor's)	\$ 50	\$ 150	KSA 65-6314
Social Worker (Master's)	50	150	KSA 65-6314
Social Worker (Specialist Clinical)	50	150	KSA 65-6314
Psychologist	175	225	KSA 74-5310
Psychologist (Master's)	50	200	KSA 74-5365
Psychotherapist (Clinical)	50	200	KSA 74-5365
Professional Counselor	50	100	KSA 65-5808
Professional Counselor (Clinical)	50	175	KSA 65-5808
Marriage and Family Therapist	50	150	KSA 65-6411
Marriage and Family Therapist (Clinical)	50	175	KSA 65-6411
Addiction Counselor	50	150	KSA 65-6618
Master's-Level Addiction Counselor	50	150	KSA 65-6618
Addiction Counselor (Clinical)	50	150	KSA 65-6618
Original Fees:			
Social Worker (Associate & Bachelor's)	\$ 150	\$ 150	KSA 65-6314
Social Worker (Master's)	150	150	KSA 65-6314
Social Worker (Specialist Clinical)	150	150	KSA 65-6314
Psychologist	50	150	KSA 74-5310
Psychologist (Master's)	150	200	KSA 74-5365
Psychotherapist (Clinical)	150	200	KSA 74-5365
Professional Counselor	150	175	KSA 65-5808
Professional Counselor (Clinical)	150	175	KSA 65-5808
Marriage and Family Therapist	150	175	KSA 65-6411
Marriage and Family Therapist (Clinical)	150	175	KSA 65-6411
Addiction Counselor	100	150	KSA 65-6618
Master's-Level Addiction Counselor	75	150	KSA 65-6618
Addiction Counselor (Clinical)	150	150	KSA 65-6618
Assistant Behavioral Analyst	70	N/A	KAR 102-8-2
Behavioral Analyst	70	N/A	KAR 102-8-2
Renewal Fees:			
Social Worker (Associate & Bachelor's)	\$ 50	\$ 150	KSA 65-6314
Social Worker (Master's)	75	150	KSA 65-6314
Social Worker (Specialist Clinical)	100	150	KSA 65-6314
Psychologist	150	200	KSA 74-5310
Psychologist (Master's)	100	200	KSA 74-5365
Psychotherapist (Clinical)	125	200	KSA 74-5365
Professional Counselor	100	150	KSA 65-5808
Professional Counselor (Clinical)	125	175	KSA 65-5808
Marriage and Family Therapist	100	175	KSA 65-6411
Marriage and Family Therapist (Clinical)	125	175	KSA 65-6411

FIGURE 7
LICENSE FEES, FY 2022

License	Current Fee	Statutory Limit	Authority
Addiction Counselor	50	150	KSA 65-6618
Master's-Level Addiction Counselor	75	150	KSA 65-6618
Addiction Counselor (Clinical)	50	150	KSA 65-6618
Assistant Behavioral Analyst	70	N/A	KAR 102-8-2
Behavioral Analyst	120	N/A	KAR 102-8-2
Temporary License Fees			
Social Worker (Associate & Bachelor's)	50	50	KSA 65-6314
Social Worker (Master's)	50	50	KSA 65-6314
Social Worker (Specialist Clinical)	50	50	KSA 65-6314
Psychologist	100	200	KSA 74-5316
Psychologist (Master's)	100	200	KSA 74-5316
Professional Counselor	50	175	KSA 65-5808
Marriage and Family Therapist	150	175	KSA 65-6405
Addiction Counselor	75	100	KSA 65-6618
Master's-Level Addiction Counselor	75	100	KSA 65-6618

FY 2022 ANALYSIS

FIGURE 8
SUMMARY OF BUDGET REQUEST, FY 2022

	SGF	Special Revenue Funds	All Funds	FTE
Legislative Approved:				
Amount Approved by 2021 Legislature	\$ -	\$ 981,995	\$ 981,995	9.5
1. No Changes	-	-	-	--
<i>Subtotal—Legislative Approved</i>	<i>\$ -</i>	<i>\$ 981,995</i>	<i>\$ 981,995</i>	<i>9.5</i>
Agency Revised Estimate:				
2. No Changes	\$ -	\$ -	\$ -	--
<i>Subtotal—Agency Revised Estimate</i>	<i>\$ -</i>	<i>\$ 981,995</i>	<i>\$ 981,995</i>	<i>9.5</i>
Governor’s Recommendation:				
3. No Changes	-	-	-	--
TOTAL	\$ -	\$ 981,995	\$ 981,995	9.5

LEGISLATIVE APPROVED

Subsequent to the 2021 Session, no adjustments were made to the \$981,995 appropriated to the Behavioral Sciences Regulatory Board in FY 2022.

1. **NO CHANGES.** No changes were made to the \$981,995 appropriated to the Behavioral Sciences Regulatory Board in FY 2022.

AGENCY ESTIMATE

The **agency** requests a revised estimate of \$981,995, all from special revenue funds, for expenditures in FY 2022. This is same as the FY 2022 approved amount. There are increased expenditures in commodities of \$500, or 5.7 percent, and capital outlay of \$1,342, or 19.0 percent. There are decreased expenditures in salaries and wages of \$1,255, or 0.2 percent, and contractual services of \$587, or 0.2 percent, below the FY 2022 approved amount. The increases are primarily attributable to increased expenditures on stationery and office furniture. The decreases are in salary and wage benefits and travel expenses.

The **agency** estimate also includes 9.5 FTE positions, which is the same as the approved number.

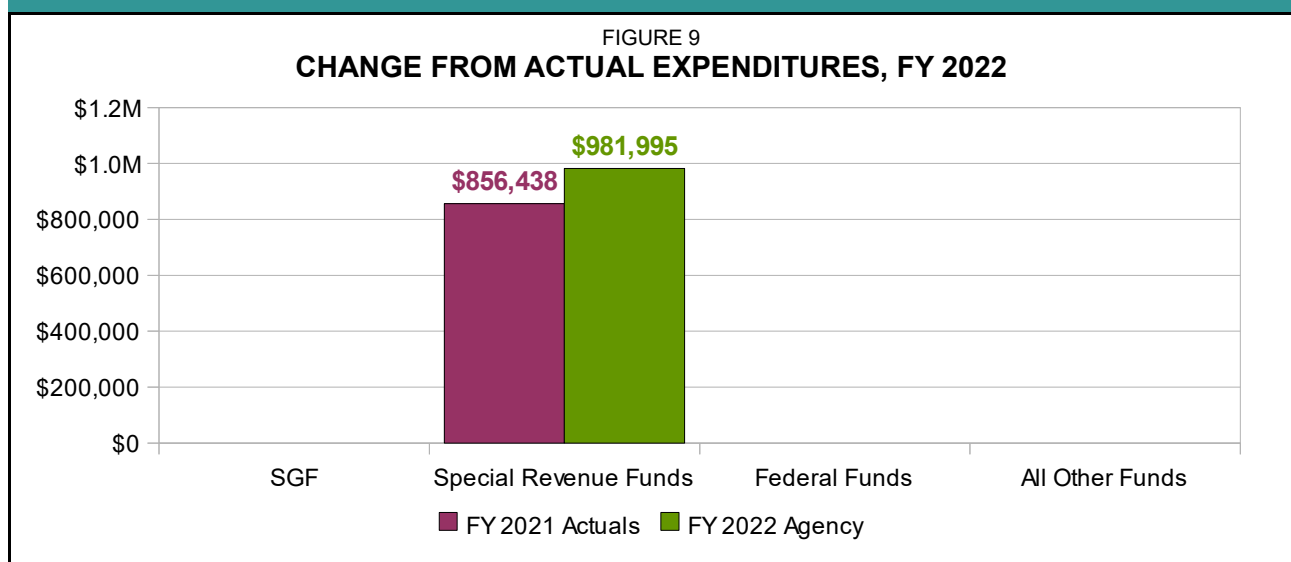
2. **NO CHANGES.** The agency made no changes to the legislative approved amount in FY 2022.

GOVERNOR’S RECOMMENDATION

The **Governor** concurs with the agency’s FY 2022 revised estimate.

3. **NO CHANGES.** The Governor made no changes to the agency’s FY 2022 revised estimate.

FY 2022 CHANGE FROM ACTUAL EXPENDITURES



The agency estimates revised expenditures of \$981,995, all from special revenue funds, in FY 2022. This is an increase of \$125,557 or 14.7 percent, above the FY 2021 actual expenditures. The increase is attributable to salaries and wages expenditure increases of \$36,798, or 6.2 percent; contractual services expenditure increases of \$75,864, or 29.0 percent; commodities expenditure increases of \$6,179, or 204.5 percent; and capital outlay expenditure increases of \$6,716, or 400.7 percent, above the FY 2021 actual expenditure amounts. The increases are due to decreased expenditures in FY 2021 due to the COVID-19 pandemic and the addition of a licensing specialist position and equipment related to the passage of 2021 HB 2066 concerning occupational and professional licensing and increased travel expenditures.

FY 2023 ANALYSIS

FIGURE 10
SUMMARY OF BUDGET REQUEST, FY 2023

	SGF	Special Revenue Funds	All Funds	FTE
Legislative Approved:				
Amount Approved by 2021 Legislature	\$ -	\$ 968,062	\$ 968,062	9.0
1. No Changes				
<i>Subtotal—Legislative Approved</i>	\$ -	\$ 968,062	\$ 968,062	9.0
Agency Request:				
2. Licensing Specialist (2021 HB 2066)	-	20,350	20,350	0.5
<i>Subtotal—Agency Request</i>	\$ -	\$ 20,350	\$ 20,350	0.5
Governor’s Recommendation:				
3. No Changes	-	-	-	--
TOTAL	\$ -	\$ 988,412	\$ 988,412	9.5

LEGISLATIVE APPROVED

Subsequent to the 2021 Session, no adjustments were made to the \$988,412 appropriated to the Behavioral Sciences Regulatory Board in FY 2023.

1. **NO CHANGES.** No changes were made to the \$988,412 appropriated to the Behavioral Sciences Regulatory Board in FY 2023.

AGENCY REQUEST

The **agency** requests a revised estimate of \$988,412, all from special revenue funds, for expenditures for FY 2023. This is an increase of \$20,350, or 2.1 percent, above the FY 2023 approved amount. The increase is due to continued funding for the licensing specialist position related to the passage of 2021 HB 2066 concerning occupational and professional licensing. The 2021 legislature added the funding in FY 2022 but not for FY 2023.

The **agency** request also includes 9.5 FTE positions, which is 0.5 FTE position above the approved amount. The increase is to maintain the agency’s current FTE position increase from FY 2022 due to the passage of 2021 HB 2066 concerning occupational and professional licensing.

The **agency** request includes the following adjustments:

2. **LICENSING SPECIALIST (2021 HB 2066).** The agency requests \$20,350 and 0.5 FTE position for continued funding for the licensing specialist position related to the passage of 2021 HB 2066 concerning occupational and professional licensing. The 2021 legislature added the funding in FY 2022 but not for FY 2023.

GOVERNOR’S RECOMMENDATION

The **Governor** concurs with the agency’s FY 2023 revised estimate.

The **Governor’s** recommendation includes the following adjustments:

3. **NO CHANGES.** The Governor made no changes to the agency’s FY 2023 revised estimate.

PROGRAM AND PERFORMANCE MEASURES OVERVIEW

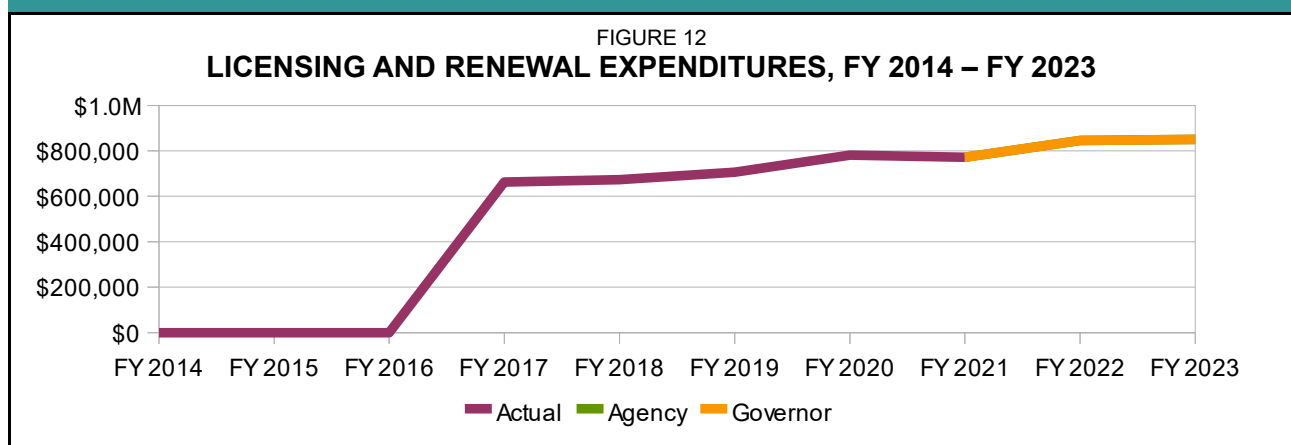
FIGURE 11
EXPENDITURES AND FTE POSITIONS BY PROGRAM, FY 2021 – FY 2023

Programs	Actual FY 2021	Agency FY 2022	Governor FY 2022	Agency FY 2023	Governor FY 2023
Expenditures:					
Investigation and Discipline	\$ 85,094	\$ 136,920	\$ 136,920	\$ 138,454	\$ 138,454
Licensing and Renewal	771,344	845,075	845,075	849,958	849,958
TOTAL	\$ 856,438	\$ 981,995	\$ 981,995	\$ 988,412	\$ 988,412
FTE Positions:					
Investigation and Discipline	1.4	1.4	1.4	1.4	1.4
Licensing and Renewal	7.6	8.1	8.1	8.1	8.1
TOTAL	9.0	9.5	9.5	9.5	9.5

PERFORMANCE MEASURES

The 2016 Legislature passed HB 2739, which outlined a three-year process for state agencies to develop and implement a system of performance budgeting using outcome measures to evaluate program effectiveness.

LICENSING AND RENEWAL



Staff Note: Prior to FY 2017, all expenditures came from an administration program, which was then split into the two current programs of the agency.

STATUTORY BASIS: • KSA 74-7507

- PROGRAM GOALS:**
- Grant licensure to applicants who meet the statutory standards by reviewing applications in a timely manner, determining whether sufficient information has been provided to evaluate necessary criteria, and following up for additional information when necessary.
 - Renew licenses for applicants who meet the statutory standards by reviewing materials in a timely manner, determining whether sufficient information has been provided to evaluate necessary criteria, and following up for additional information when necessary.
 - Spend agency funding responsibly in the Licensing program to effectively process licensure requests while avoiding unnecessary expenditures.

The Licensing and Renewal program issues and renews licenses and registrations to those individuals meeting the qualifications.

The program also provides information to the Legislature, the public, and other interested parties.

FIGURE 13
LICENSING AND RENEWAL, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
Outcome Measure:					
1. Percent of new applications reviewed within 30 days of receipt*	85.0 %	80.0 %	86.0 %	87.0 %	92.0 %
2. Percent of renewal application reviewed within 30 day of receipt	85.0 %	98.0 %	93.0 %	87.0 %	95.0 %
3. Program Cost Per License Renewed (by program expenditures/renewals)*	\$ 133	\$ 156	\$ 142	\$ 138	163
Output Measure:					
4. Number of permanent licenses issued	1,465	1,540	1,553	1,485	1,560
5. Number of renewal applications processed*	5,873	4,947	5,332	6,089	506
Financing	Actual FY 2020	Actual FY 2021		Governor FY 2022	Governor FY 2023
SGF	\$ -	\$ -		\$ -	\$ -
Federal Funds	-	-		-	-
All Other Funds	781,695	771,344		845,075	849,958
TOTAL	<u>\$ 781,695</u>	<u>\$ 771,344</u>		<u>\$ 845,075</u>	<u>\$ 849,958</u>
Percentage Change:					
SGF	-- %	-- %		-- %	-- %
All Funds	10.8 %	(1.3) %		9.6 %	0.6 %
FTE Positions	7.6	7.6		8.1	8.1

*The Governor's Office does not utilize this measure for evaluation purposes.

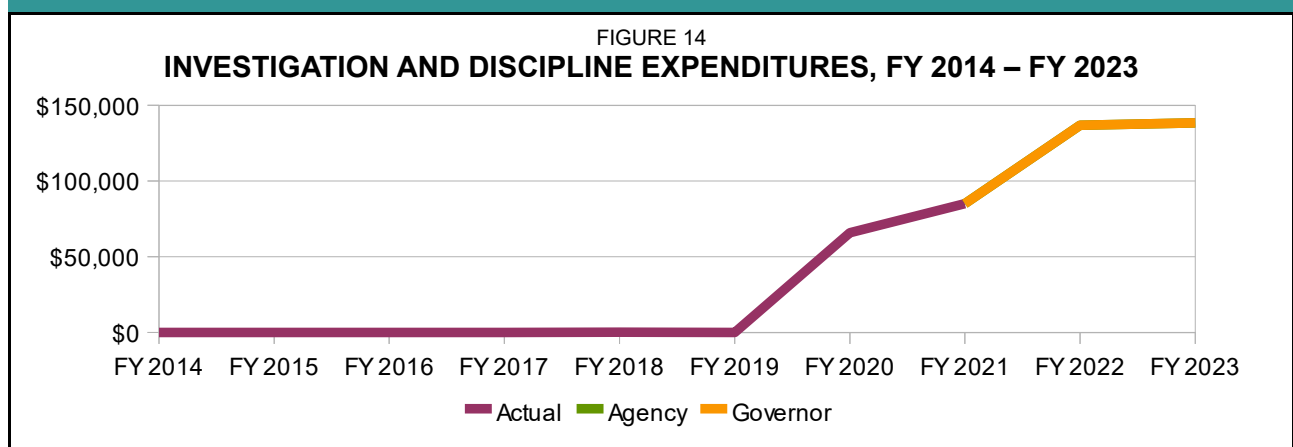
BUDGET ANALYSIS

The **agency** requests FY 2023 Licensing and Renewal program expenditures of \$849,958, all from special revenue funds. This is an all funds increase of \$24,569, or 3.0 percent, above the FY 2023 approved amount. The increase is due to the continued funding for the 0.5 FTE

positions and equipment for the licensing specialist position related to 2021 HB 2066.

The **Governor** concurs with the agency's revised estimate for FY 2023.

INVESTIGATION AND DISCIPLINE



Staff Note: Prior to FY 2020, the agency did not have an effective method to split expenditures between the two programs, so funding was budgeted, but almost all expenditures appeared to come from Licensing program.

STATUTORY BASIS: • KSA 74-7508

PROGRAM GOALS:

- All complaints/Report of Alleged Violations (RAVs) from licensees and members of the public will be reviewed in a timely manner, a determination will be made whether the agency has jurisdiction to investigate the RAVs, and the agency will begin investigations in a timely manner.
- Investigative staff will attempt to maintain an average length of time from receipt of RAV to completion of investigation in 180 days, when it is appropriate to end the investigation.
- Spend agency funding responsibly in the Investigation and Discipline program to effectively investigate RAVs, while avoiding unnecessary expenditures.

The Investigation and Discipline program protects the public through timely investigation of allegations of misconduct and implementation of disciplinary actions.

In addition, the program enforces the orders of the BSRB and prevents individuals from unlawful and unauthorized practice of the professions regulated by the Board.

FIGURE 15
INVESTIGATION AND DISCIPLINE, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
Outcome Measure:					
1. Percent of investigations commencing within 30 days of receipt of complaint*	90.0 %	98.0 %	94.0 %	98.0 %	98.0 %
2. Percent of investigative reports finalized and submitted to Complaint Review Committee within 180 days of receipt of complaint/RAV*	86.0 %	72.0 %	84.0 %	95.0 %	95.0 %
3. Program cost of RAV reviewed using RAV per dollar spent by program*	\$ 331	\$ 645	\$ 488	\$ 790	\$ 768
Output Measure:					
4. Number of Report of Violations Reviewed	199	132	177	178	185
Financing					
	Actual FY 2020	Actual FY 2021		Governor FY 2022	Governor FY 2023
SGF	\$ -	\$ -		\$ -	\$ -
Federal Funds	-	-		-	-
All Other Funds	65,832	85,094		136,920	138,454
TOTAL	<u>\$ 65,832</u>	<u>\$ 85,094</u>		<u>\$ 136,920</u>	<u>\$ 138,454</u>
Percentage Change:					
SGF	-- %	-- %		-- %	-- %
All Funds	100.0 %	29.3 %		60.9 %	1.1 %
FTE Positions	1.4	1.4		1.4	1.4

*The Governor's Office does not utilize this measure for evaluation purposes.

BUDGET ANALYSIS

The **agency** requests FY 2023 Investigation and Discipline program expenditures of \$138,454, all from special revenue funds. This is a decrease of \$4,219, or 3.0 percent below the FY 2023 approved amount. The decrease is

due to decreased employer benefit contributions.

The **Governor** concurs with the agency's revised estimate for FY 2023.