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June 11, 1990

ATTORNEY GENERAL OPINION NO. 90- 70

Mary Ann Gabel
Executive Director
Behavioral Sciences Regulatory Board
Landon State Office Bldg., Room 855-S
Topeka, Kansas 66612

Re: State Boards, Commissions and Authorities --
Regulation of Psychologists; Registration of
Masters Level Psychologists -- Registration
Applications, Waiver of Educational Requirements

Synopsis: In establishing an initial waiver of certain
educational requirements for registration as a
masters level psychologist, the legislature did not
intend a perpetual exemption from its exercise of
police power. Therefore, the statutory waiver does
not apply to those who submit an application for
registration after October 1, 1988. Cited herein:
K.S.A. 1989 Supp. 74-5363.

* * *

Dear Ms. Gabel:

As Executive Director for the behavioral sciences regulatory
board, you have requested our opinion regarding the Kansas
registration of masters level psychologists act.
Specifically, you ask whether the "grandfather clause" of
K.S.A. 1989 Supp. 74-5363(c) applies to persons who apply
for registration after October 1, 1988.

The qualifications for registration as a registered masters level psychologist (RMLP) appear at K.S.A. 1989 Supp. 74-5363. Subsection (c) states:

"Until October 1, 1988, the board shall waive the educational or degree and supervision requirements, or all such requirements, under subsection (b) so long as the person applying for registration as a registered masters level psychologist has a graduate degree and [meets the requirements of paragraph (1) or (2)]."

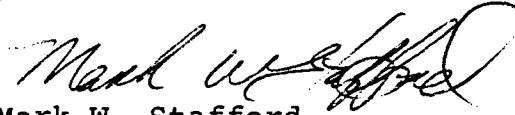
The legislative intent is evident from the statutory language. There is no indication that a perpetual exemption from the police power regulation was contemplated. Rather, a waiver of some qualifications was granted if, prior to or on October 1, 1988, an application for registration was made. After October 1, 1988, the waiver is not directed by the statute.

In conclusion, it is our opinion that an applicant for registration as a masters level psychologist who submits an application after October 1, 1988 is not statutorily entitled to a waiver of certain educational requirements.

Very truly yours,



ROBERT T. STEPHAN
ATTORNEY GENERAL OF KANSAS



Mark W. Stafford
Assistant Attorney General