

Marty M. Snyder, KS S. Ct. #11317  
Assistant Attorney General  
120 SW 10th Avenue, Second Floor  
Topeka, KS 66612-1597

11 JAN 4 4 10 PM '12

**BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD  
712 South Kansas Avenue  
Topeka, KS 66603-3817**

In the Matter of )  
 )  
H. ANNE FRANKLIN, Ed.D., LPC )  
License #0318 )  
\_\_\_\_\_ )

Case No. 11 PC 078

**CONSENT AGREEMENT AND ORDER**

NOW, on this 3<sup>rd</sup> day of January, 2012, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board), by and through Assistant Attorney General Marty M. Snyder, by agreement of H. Anne Franklin (Respondent/Licensee) and the Board for the purpose of resolving the above-captioned matter.

Licensee hereby acknowledges the following:

1. H. Anne Franklin, at all times relevant, was a Licensed Professional Counselor within the meaning of the Professional Counselors Licensure Act, K.S.A. 65-5801, *et seq.*, and amendments thereto. She is employed in a position as a high school counselor that does not require Board licensure.

2. On June 1, 2011, the Board received information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations related to her Licensed Professional Counselor license renewal.

3. The Board conducted an investigation concerning Licensee's alleged violation. During the investigation, Licensee was given the opportunity to respond in writing to the possible violations. Licensee did respond by letters dated June 1 and June 3, 2011.

4. As a result of the investigation, the Board finds that the following facts have been established by a preponderance of clear and convincing evidence:

a. On April 14, 2011, Licensee renewed her professional counselor license online and declared that she had completed all of the requirements for renewal, including the 40 hours of continuing education.

b. After her online renewal, Licensee was immediately audited. Licensee's audit materials were received by the Board on May 26, 2011. The audit materials received showed that two courses were taken after the renewal date: Law and Ethics (6 CEU hours) on May 11, 2011, and Diagnosis and Treatment of Mental Disorders (6 CEU hours) on May 25, 2011.

c. Licensee states that, after being selected for random audit, she found she could not produce any documentation for those courses. She completed the courses six weeks after filing her renewal application.

5. The Complaint Review Committee of the Board finds that probable cause exists to believe Licensee has violated the following statute and regulation:

A. K.S.A. 65-5806: biennial renewal requires satisfactory proof of completion of not less than six hours relating to diagnosis and treatment of mental disorders and not less than three hours of professional ethics.

B. K.A.R. 102-3-12a. Unprofessional Conduct.

(b) Any of the following acts by a licensed professional counselor . . . shall constitute unprofessional conduct:

- (1) obtaining or attempting to obtain a license ... for oneself ... by means of ... misrepresentation or concealment of a material fact.

However, Licensee and the Board mutually desire to enter a Consent Agreement and Order in lieu of adjudicative proceedings to resolve the report of alleged violations.

WHEREFORE, Licensee waives all rights to an adjudication of facts and law which could be determined pursuant to a hearing conducted in accordance with the Kansas Administrative Procedure Act in relation to Case No. 11-PC-078.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act in relation to Case No. 11-PC-078.

WHEREFORE, the Board and Licensee agree to the following terms and conditions:

(a) Licensee shall attend three (3) hours of continuing education on ethics within ninety (90) days of the effective date of this Agreement and shall provide a copy of her certificate(s) of attendance to the Board upon completion. Such continuing education shall be attended in person and not on-line, shall be in addition to licensure requirements and shall be at Licensee's expense.

(b) Licensee shall prepare a five-page professional quality paper on the importance of professional licensure and the requirements for maintaining such license. The paper shall be in APA format, contain at least five professional references and be submitted to the Board within ninety (90) days of the effective date of this Agreement.

(c) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.

(d) Evidence of Licensee's breach, violation or failure to comply with any of the conditions will result in a hearing, with notice and opportunity to be heard, to determine whether Licensee has in fact breached, violated or failed to comply with any conditions. Upon determination at such hearing that Licensee has breached, violated or failed to comply with any condition, Licensee understands and agrees that her Kansas Licensed Professional Counselor license could be suspended until such time as Licensee can demonstrate compliance with all terms and conditions of this Consent Agreement and Order to the satisfaction of the Board.

(e) Licensee acknowledges an affirmative duty to notify the Board within five (5) days of any changes in personal or professional status which would inhibit compliance with any condition of this Consent Agreement and Order. In such event, a designee of the Board is authorized to modify or amend this Order in writing.

(f) Licensee understands that a notification of this Consent Agreement and Order may be provided to any other state licensing board where Licensee is also licensed, registered or certified.

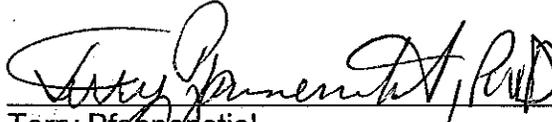
(g) This Consent Agreement and Order constitutes the entire agreement between Licensee and the Board and may be modified or amended only by written agreement signed by Licensee and the Board or a designee of the Board.

WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval by the Complaint Review Committee, this Consent Agreement and Order will become a Final Order of the Board. The Board has authorized the Complaint Review Committee to determine approval of this Consent Agreement and Order.

WHEREFORE, the Board agrees that, so long as Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 65-5806 or K.A.R. 102-3-12a as a result of this proceeding.

WHEREFORE, the foregoing provisions are consented to, are hereby made the final Order of the Kansas Behavioral Sciences Regulatory Board and become effective on the date indicated in the Certificate of Service below.

**IT IS SO ORDERED.**

  
Terry Pfannenstiel  
Chair, Complaint Review Committee

**APPROVED AND CONSENTED TO:**

  
H. Anne Franklin, Ed.D., LPC  
Licensee

12/28/11  
Date

**CERTIFICATE OF SERVICE**

This is to certify that on this 4<sup>th</sup> day of January, 2012, a true and correct copy of the above Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

H. Anne Franklin, Ed.D., LPC



And a copy sent by building mail to:

Marty M. Snyder  
Assistant Attorney General  
120 SW Tenth Ave., 2<sup>nd</sup> Floor  
Topeka, KS 66612

  
For the Board

State of Kansas  
Behavioral Sciences Regulatory Board

**SAM BROWNBACK**  
Governor

**TOM HAWK, PhD**  
Executive Director



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April 2, 2012

H. Anne Franklin

Re: Report of Alleged Violation 11-PC-0078

Dear Dr. Franklin,

This letter is to confirm that you complied with all of the conditions set forth in the Consent Agreement and Order dated January 3, 2012. You completed those conditions and all above mentioned cases were closed on April 2, 2012.

You are now unconditionally licensed to practice as an LPC.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "C. Baldwin".

Carol Baldwin  
Special Investigator