

Marty M. Snyder, KS S.Ct. #11317
Assistant Attorney General
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597
(785) 296-2215

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
LINDA ANDERSON-PETTY, LCAC)
License #217)
_____)

Case No. 12-CA-108

CONSENT AGREEMENT AND ORDER

NOW, on this 18 day of October, 2013, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board), by and through Assistant Attorney General Marty M. Snyder, by agreement with Linda Anderson-Petty (Licensee), by and through counsel Scott J. Gunderson, Esq., and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Anderson-Petty, at all times relevant, was a Licensed Clinical Addictions Counselor within the meaning of the Addictions Counselor Licensure Act, K.S.A. 65-6601, *et seq.*, and amendments thereto. License #217 was issued on August 5, 2011.
2. On June 8, 2012, and August 29, 2012, the Board received reports of information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing the practice of addictions counseling in Kansas.
3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations. During the investigation, Licensee was informed of the reported information and was given the opportunity to respond to the allegations.

Licensee did respond to the allegations in a letter received June 27, 2012.

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. Licensee has never had any license to practice any behavioral science in Kansas other than the LCAC license issued in 2011. In addition, Challenges, Inc. has received provisional certification in the Batterer Intervention Program, effective December 5, 2011 through December 4, 2013.

b. Licensee may properly provide Addictions Counseling but no other unrelated mental health, therapy or counseling services.

c. Licensee admits she has practiced unlicensed marriage and family therapy for a number of years based on her membership in a national organization unrelated to Kansas licensure.

d. Licensee knows she is unlicensed and unqualified to provide the above professional services.

e. Licensee was previously informed in a 1994 letter from the Board that she was not eligible for a waiver as a registered marriage and family therapist and could not hold herself out as a marriage and family therapist.

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

A. K.S.A. 65-6403 – Prohibited acts, (a), (b), (c).

B. K.S.A. 65-6615 (c), (g).

C. K.A.R. 102-7-11-- Unprofessional Conduct.

Each of the following acts shall be considered unprofessional conduct for a ... licensed clinical addiction counselor:

(i) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education or experience or with accepted professional standards.

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. 12-CA-108.

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. 12-CA-108.

WHEREFORE, the Board and Licensee agree that Licensee's LCAC license shall be suspended for one year from the effective date of this Agreement, but the suspension shall be stayed subject to the following terms and conditions:

(a) Licensee shall immediately cease and desist all unauthorized practice of any behavioral science for which she is not licensed.

(b) Licensee shall obtain six (6) hours of continuing education on ethics and professional boundaries to be completed within six (6) months 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 **in addition** to licensure requirements, may not be obtained online and shall be at Licensee's expense.

(c) Licensee shall prepare a 10-page professional paper in APA format on professional licensure boundaries, including the limits on court-ordered evaluations, and submit it to the Board within six (6) months of the effective date of this Agreement.

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

(e) 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 Clinical Addictions 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.

(f) 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 Consent Agreement and Order in writing.

(g) Licensee understands that a notification of this Consent Agreement and Order shall be provided to any other state licensing board if Licensee is also licensed, registered or certified in another state.

(h) 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

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become a Final Order of the Board. The Board has authorized the Complaint Review Committee to determine approval of this Consent Agreement and Order.

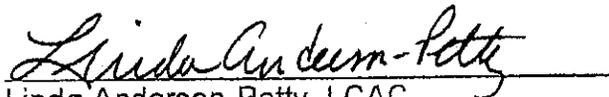
WHEREFORE, the Board agrees that, so long as Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.A.R. 102-7-11 as a result of this proceeding.

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.

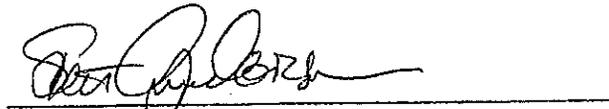

Terry Pfannenstiel
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:


Linda Anderson-Petty, LCAC
Licensee

8/20/13
Date

REVIEWED BY:


Scott J. Gunderson, Esq.
Counsel for Licensee

8/23/13
Date

CERTIFICATE OF SERVICE

This is to certify that on this 18 day of October, 2013, 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:

Linda Anderson-Petty



Scott J. Gunderson, Esq.
Nelson, Gunderson & Lacey
2420 N. Woodlawn
Building 100, Suite K
Wichita, KS 67220

and a copy sent by building mail to:

Marty M. Snyder
Assistant Attorney General

Cindy D'Wilde

For the Board