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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)
)
AMY KELLEY, LAC)
License #762)
_____)

Case No. 14-AC-0051

SUMMARY PROCEEDING ORDER OF REVOCATION

NOW, on this 1 day of May, 2014, the above-captioned complaint comes before the Complaint Review Committee [Committee] of the Kansas Behavioral Sciences Regulatory Board [Board].

A. FINDINGS OF FACT

The following facts are based upon a preponderance of the evidence that the Committee finds is clear and convincing:

1. Amy Kelley is currently, and at all times relevant has been, a Licensed Addiction Counselor within the meaning of the Addictions Counselor Licensure Act, K.S.A. 65-6607, *et seq.*, and amendments thereto.

2. On or about November 6, 2013, the Board received a report of alleged violation concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing unprofessional conduct. This is the third recent complaint against Licensee.

3. The Board's Complaint Review Committee conducted a preliminary investigation concerning Licensee's alleged violation of statutes and regulations. Licensee was informed of the reported information during the investigation and was given an opportunity to respond and did respond by her telephone calls of December 12, 2013, April 4, 2014, April 9, 2014 and April 10 2014; her letter dated December 13, 2013 but sent by fax December 17, 2013; and her presence under investigative subpoena by telephone conference at the meeting of the Complaint Review Committee on April 14, 2014.

4. As a result of the investigation, the Board finds probable cause to believe the following facts:

- a. Licensee engaged in dual relationship with a client, KP, that was harmful to the recovery of the client. Licensee failed to maintain professional addiction counselor-client boundaries with KP.
- b. Licensee is not licensed at the clinical level to practice independently. In closing her practice at Derby Recovery Center and completing addiction counseling with existing clients from A Clear Direction in Wichita, Licensee has failed to provide requested documentation to clients, former clients and new counselors.
- c. Licensee claims she has had personal financial difficulties due to a pending divorce and cannot travel because she cannot afford to purchase gasoline for her car. Licensee's prior phone number has been disconnected, the other voicemail is full and she does not return calls requesting documents from files on former probation clients for court. Licensee continues to see addiction counseling clients at Clear Direction currently.

B. CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Committee makes the following Conclusions of Law:

1. The Board finds that probable cause exists to believe that Licensee, while a Licensed Addiction Counselor, violated the following statute and regulations:

K.S.A. 65-6615 (a), (c) and (g) – Refusal to grant licensure; other licensure actions; grounds; and

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

(g) failing to recognize, seek intervention and otherwise appropriately respond when one's own personal problems negatively impact professional performance and functioning or the ability to act in the client's best interests;

(v) engaging in a harmful dual relationship or exercising undue influence; and

(jj) failing to seek continuation of service or abandoning or neglecting a client under or in need of professional care without making reasonable arrangements for that care.

2. Proceedings under the Addictions Counselor Licensure Act are subject to the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, [KAPA] pursuant to K.S.A. 65-6619. K.S.A. 77-537 of KAPA provides that the Board may employ summary proceedings when all interested parties are present and the Licensee is given the opportunity for a hearing.

3. The Board is authorized to take disciplinary action against Licensed Addiction Counselors, pursuant to K.S.A. 65-6615, including revocation of a license.

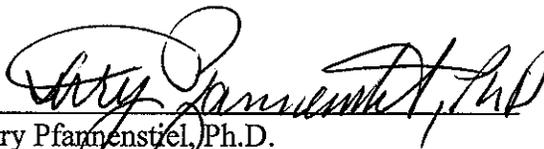
4. The Board has jurisdiction over Respondent by virtue of her Kansas Addiction Counselor license. The Board has been charged by the Legislature with the responsibility to protect the public health, safety and welfare assuring the current competence to practice of its licensees.

C. SANCTION

Based upon the above Findings of Fact and Conclusions of Law and pursuant to K.S.A. 65-6615 and K.S.A. 77-537, the Committee finds as follows:

1. The Licensed Addiction Counselor license of Amy Kelley shall be, and is hereby, revoked.
2. This Order is subject to the provisions of K.S.A. 77-537 and shall become a Final Order of the Board upon expiration of the statutory period to request a hearing on the Order.
3. The Final Order shall be posted to the Board's website and provided to HIPDB and any other jurisdictions where Licensee is known to have been licensed.

IT IS SO ORDERED ON THIS 28 DAY OF April, 2014.


Terry Pfanenstiel, Ph.D.
Kansas Behavioral Sciences Regulatory Board

RELIEF FROM THIS SUMMARY PROCEEDING ORDER

This Summary Proceeding Order is subject to your timely written request for a formal hearing pursuant to K.S.A. 77-542. Notice has been provided to all persons who are required to comply with the order. To request a hearing on this Order, said request must be filed with the Board within fifteen (15) days of service of this notice and served upon:

Max Foster, Executive Director
Behavioral Sciences Regulatory Board
700 SW Harrison Street, Suite 420
Topeka, KS 66603-3929

CERTIFICATE OF SERVICE

This is to certify that on this 1 day of May, 2014, a true and correct copy of the above and foregoing Summary Proceeding Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

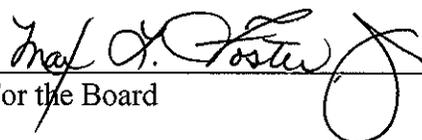
Amy Kelley



Mario Williams
A Clear Direction
162 N. Hillside
Wichita, KS 67214

and a copy sent by inter-office mail to:

Marty M. Snyder, Esq.
Kansas Attorney General's Office
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612



For the Board