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**BEFORE THE KANSAS BEHAVIORAL SCIENCES
REGULATORY BOARD**

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

Case No. 14-CA-0054

CONSENT AGREEMENT AND ORDER

NOW, on this 15 day of ~~March~~ ^{April}, 2014, the above-captioned complaint comes before the Complaint Review Committee [Committee] of the Kansas Behavioral Sciences Regulatory Board [Board]. The parties acknowledge the Findings of Facts and Conclusions of Law as set forth below.

FINDINGS OF FACT

The Board finds that the following facts have been established by a preponderance of clear and convincing evidence:

1. Anderson-Petty [Licensee / Respondent], at all times relevant, was a Licensed Clinical Addictions Counselor [LCAC] within the meaning of the Addictions Counselor Licensure Act, K.S.A. 65-6601, *et seq.*, and amendments thereto. License #217 was issued to her on August 5, 2011.

2. In 2012 the Board received complaints against Licensee and found the following facts after investigation:

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 (BIP), effective December 5, 2011 through December 4, 2013.

b. Licensee may properly provide Addictions Counseling to addicts and Batterer Intervention counseling to batterers but no other unrelated mental health, therapy or counseling services.

3. As a result, on October 18, 2013, the Board and Licensee entered a Consent Agreement and Order to resolve the complaint. The agreed and ordered terms of sanction included the following:

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

4. On November 15, 2013, the Board received a new complaint against Licensee regarding unauthorized practice. At a site visit on November 2, 2013, Respondent told Batterer Intervention Program monitor Michelle McCormick that she had counseled a victim who stated she had been referred by SafeHome. Licensee later learned that SafeHome had not referred the victim for couples counseling, and the victim's significant other was not in the BIP. The counseling was unrelated to any addiction.

5. LCACs in the BIP are allowed to counsel only batterers who are actually in the BIP and may contact victims only to obtain information from them or to refer them to victim services. LCACs not in the BIP may only counsel clients related to their addictions.

6. The Complaint Review Committee issued a Subpoena to appear at its February meeting on January 2, 2014 and a Summary Proceeding Order of Temporary Suspension on January 13, 2014. Licensee timely requested a hearing on the Order.

7. On February 10, 2014, Licensee and her counsel met with the Complaint Review Committee and provided documents regarding Licensee's practice. Among the documents was a Memorandum of Understanding contract entered between SafeHome Inc. and Licensee as the operator of a certified Batterer Intervention Program. [Exhibit A] The terms of this contract do not permit Licensee to provide victim counseling, nor does her LCAC license. However, Licensee met in a "session" with the victim and billed and received \$65 for the session.

CONCLUSIONS OF LAW

The Complaint Review Committee of the Board finds that probable cause exists to believe Licensee 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:

- (a) (5) has practiced the licensee's profession in violation of the laws or regulations that regulate the profession;
- (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. 14-CA-0054.

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.14-CA-0054.

WHEREFORE, Licensee consents to the suspension of her Licensed Clinical Addictions Counselor license for a period of two (2) years commencing on the effective date of this Consent Agreement and Order. However, such suspension shall be stayed subject to the following terms and conditions:

- (a) Licensee shall practice only under individual supervision by a Board-approved LCAC supervisor and shall meet with her supervisor in person for a minimum of one hour monthly. The focus of the supervision shall be on proper scope of practice. The supervisor shall review clinical practices on an ongoing basis and will oversee referrals at least monthly. Supervision will cover the differences between education / competence / experience and lawful practice pursuant to a state-issued license. Licensee shall provide a copy of this Consent Agreement to the supervisor and authorize the supervisor to provide written quarterly reports to the BSRB's Special Investigator for a period of two (2) years.
- (b) Licensee shall refund the \$65 payment received for the counseling session with the victim to the victim.

- (c) Licensee shall not supervise other addictions counselors during the two-year term of supervised probation.
- (d) Licensee shall not practice outside the scope of her licensure.
- (e) Licensee shall acquaint herself with the statutes and regulations under which she is licensed and shall abide by all of them.
- (f) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.
- (g) Evidence of Licensee's further breach, violation or failure to comply with any of the conditions will result in an Emergency Order of Suspension pursuant to K.S.A. 77-536 until such time as Licensee can demonstrate compliance with all terms and conditions of both current Consent Agreement and Orders.
- (h) 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.
- (i) 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.
- (j) This Consent Agreement and Order constitutes the entire agreement between the Licensee and the Behavioral Sciences Regulatory Board and may be modified or amended only by written agreement signed by Licensee and the Board or a designee of the Board.

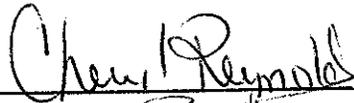
Board or a designee of the Board.

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. 65-6403, K.S.A. 65-6615 and K.A.R. 102-7-11 as a result of this proceeding. This Order supersedes the Temporary Order of Suspension.

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.



Cheryl Reynolds, Acting Chair,
BSRB Complaint Review Committee

APPROVED AND CONSENTED TO:



Linda Anderson-Petty, Respondent / Licensee

4/1/14

Date

APPROVED BY:



Scott J. Gunderson, Esq.
Counsel for Respondent / Licensee

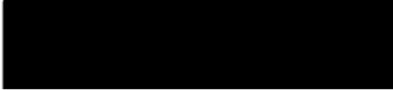
3/28/14

Date

CERTIFICATE OF SERVICE

This is to certify that on this 15 day of April, 2014, 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'Ercole
For the Board