

Marty M. Snyder, S. Ct. #11317
Assistant Attorney General
120 SW 10th Avenue, 2nd Floor
Topeka, KS 66612
(785) 296-2215

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD
712 South Kansas Avenue
Topeka, Kansas 66603

In the Matter of)
) **Case No. 08-NL-0083**
GINA HELSEL)
_____)

CONSENT AGREEMENT AND ORDER

NOW, on this 14th day of July, 2009, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Gina Helsel (Respondent/Licensee) and the Board for the purpose of resolving the above-captioned case.

FACTS

Licensee hereby acknowledges the following:

1. Gina M. Helsel was at all times relevant **not** licensed as a marriage and family therapist within the meaning of the Kansas Marriage and Family Therapist Licensure Act, K.S.A. 65-6401 *et seq.*, and amendments thereto.
2. On or about December 29, 2007, the Board received a report of information concerning Respondent's conduct, alleging Respondent/Licensee may have violated certain statutes and regulations governing the practice of marriage and family therapists.

3. The Board conducted an investigation concerning Respondent/Licensee's alleged violation of statutes and regulations. During the investigation, Respondent/Licensee was informed of the reported information and was given the opportunity to respond to the allegations. Respondent/Licensee did respond in a letter received May 9, 2008.
4. As a result of the investigation, the Board finds probable cause that the following facts have been established by clear and convincing evidence:
 - a. Respondent/Licensee held Temporary Licensed Marriage and Family Therapist licenses on two occasions: from 10/29/2002 to 10/31/2004 and from 12/14/2004 to 12/31/2006. When Respondent/Licensee's second temporary license expired, it was no longer renewable because Respondent/Licensee had not yet passed the AMFTRB examination.
 - b. Respondent/Licensee was informed in a letter dated October 11, 2006 of the expiration of her temporary license and that it was non-renewable.
 - c. Despite the written notification of Respondent/Licensee's license expiration, Respondent/Licensee continued to work as if licensed under supervision for one year after her temporary license expired on December 31, 2006.
 - d. On September 15, 2008, the Board issued an Order to Cease and Desist the unlicensed practice of marriage and family therapy. Respondent/Licensee did not request relief from the Order, and the Order became a final order on October 3, 2008.
 - e. On March 11, 2009, BSRB received an application for Marriage and Family Therapy Licensure from Respondent/Licensee, and a license was issued to her on March 13, 2009.

VIOLATIONS

The Board finds that the above facts based on clear and convincing evidence support the conclusion that Respondent/Licensee violated the following statute and regulation:

1. K.S.A. 65-5603(a).

No person shall engage in the practice of marriage and family therapy or represent that such person is a licensed marriage and family therapist or a marriage and family therapist without having first obtained a license as a marriage and family therapist under the marriage and family therapist licensure act.

2. K.A.R. 102-5-12. Unprofessional Conduct.

(b) Any of the following acts by either a marriage and family therapy licensee or a marriage and family therapy licensure applicant shall constitute unprofessional conduct:

(1) Obtaining or attempting to obtain a license or registration for oneself or another by engaging in fraud, bribery, deceit, misrepresentation, or by concealing a material fact;

(2) except when the information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that the licensee or applicant or any other person regulated by the board or applying for licensure or registration has met any of these conditions:

(E) has practiced the licensee's or registrant's profession in violation of the laws or regulations that regulate the profession;

(51) practicing marriage and family therapy after one's license expires;

(52) using without a license or continuing to use after a license has expired any title or abbreviation prescribed by law to be used solely by persons who currently hold that type or class of license.

HOWEVER, Respondent/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, Respondent/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. 08-NL-0083.

WHEREFORE, Respondent/Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions in relation to Case No. 08-NL-0083.

WHEREFORE, Respondent/Licensee consents to continuation of her license without restriction under the following conditions:

1. Respondent/Licensee will attend six hours of continuing education in the area of ethics. Respondent/Licensee shall provide a copy of her certificate of attendance to the Board within six months of the effective date of this Agreement. Such training shall be in addition to licensure requirements.

2. Respondent/Licensee shall submit to the Board a ten-page professional quality paper, APA format, on the importance of proper licensing. The paper shall contain at least ten professional reference resources and is due within ninety (90) days from the effective date of this Agreement.

3. Respondent/Licensee shall be supervised for a minimum period of twelve months by a Board-approved supervisor who is licensed at the clinical level. The focus of the supervision will be on ethics. Respondent/Licensee and her supervisor shall meet in person at least one hour for every forty hours worked by Respondent/Licensee. The supervisor shall provide quarterly written progress reports to the Board but with immediate contact should Respondent/Licensee fail to comply with the supervision process or should the supervisor become concerned with her practice competence.

4. Respondent/Licensee is assessed a fine of \$400.00, to be paid within sixty (60) days from the effective date of this Agreement.

5. Respondent/Licensee shall be responsible for any costs incurred in satisfying the terms of this Order.

6. Evidence of Respondent/Licensee's breach, violation or failure to comply with any of the conditions will result in an order to appear and show cause why Respondent/Licensee's license should not be suspended temporarily pending full compliance with this Consent Agreement and Order. At such show cause hearing, the issues will be limited to whether this Consent Agreement and Order has been violated and the appropriate sanction for such violation.

7. Respondent/Licensee acknowledges that proof submitted to the Board by affidavit or other form of competent evidence that Respondent/Licensee has breached, violated or failed to meet the conditions of this Consent Agreement and Order shall be good and sufficient evidence to support an alleged violation of breach, violation or non-compliance.

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

9. Respondent/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.

10. If the Board does not approve this Consent Agreement and Order, Respondent/Licensee waives any right she may have to object to the composition of any subsequent hearing panel due to hearing panel members having knowledge of matters contained within this Consent Agreement and Order.

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

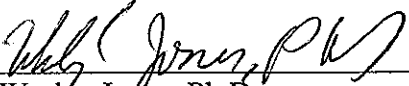
WHEREFORE, Respondent/Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval of the Complaint Review Committee, this Consent Agreement and Order becomes a final order of the Board. The Board has authorized the Complaint Review Committee to approve this Consent Agreement and Order.

WHEREFORE, the Board agrees that, so long as Respondent/Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Respondent/Licensee in relation to the violations of K.S.A. 65-6403 and K.A.R. 102-2-7 listed above. In addition, the prior Cease and Desist Order is hereby withdrawn.

WHEREFORE, the Board further agrees that, upon determination of Respondent/Licensee's compliance with the conditions stated herein, Respondent/Licensee shall be unconditionally licensed as a Marriage and Family Therapist.

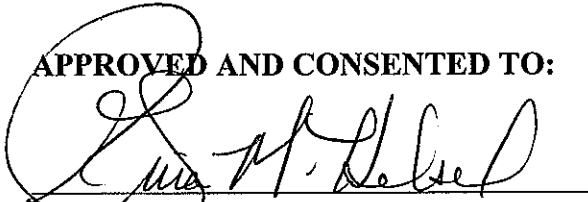
WHEREFORE, the provisions above are consented to and are hereby made the final order of the Kansas Behavioral Sciences Regulatory Board which become effective on the date indicated in the below Certificate of Service.

IT IS SO ORDERED.



Wesley Jones, Ph.D.
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:



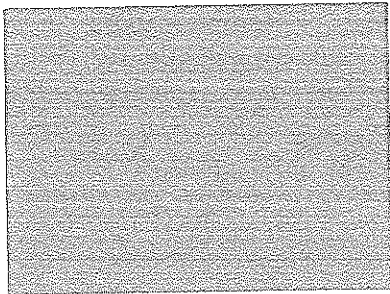
Gina M. Helsel
Respondent/Licensee

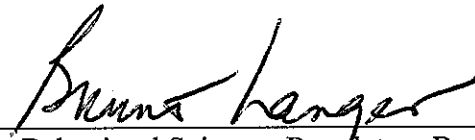
7-6-09
Date

CERTIFICATE OF SERVICE

This is to certify that on the 14th day of July, 2009, a true and correct copy of the above and foregoing Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Gina M. Helsel





For the Behavioral Sciences Regulatory Board

State of Kansas
Behavioral Sciences Regulatory Board

Sam Brownback
Governor

Phyllis Gilmore
Executive Director



712 S. Kansas Ave.
Topeka, Kansas 66603-3817
(785) 296-3240
Fax (785) 296-3112
www.ksbsrb.org

June 8, 2011

Gina M. Helsel

Re: Consent Agreement and Order: 08-NL-0083

Dear Ms. Helsel:

You have complied with all of the conditions set forth in the Consent Agreement and Order under which you have practiced since July 14, 2009. The Board has received notification of the completion your continued education and fulfillment of all the terms of your Consent Agreement and Order.

You are now unconditionally licensed and in good standing with the Board as a Licensed Marriage and Family Therapist in the State of Kansas.

Thank you for your cooperation in this matter.

Sincerely,

Bruno Langer
Special Investigator