

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

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
MARY S. STEPHENSON,)
LCPC #752)
_____)

Case No. 11-LC-0084

CONSENT AGREEMENT AND ORDER

NOW, on this 15 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 of Mary S. Stephenson (Respondent/Licensee), by and through counsel Robert V. Eye, Kauffman & Eye, and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following facts which are found to be established by a preponderance of clear and convincing evidence:

1. Mary S. Stephenson, Licensee, was at all relevant times a Licensed Clinical Professional Counselor within the meaning of the Professional Counselors Licensure Act, K.S.A. 65-5801, *et seq.*, and amendments thereto.

2. On June 15, 2011, the Board received a self-report of information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing her license as a licensed clinical professional counselor.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations. Licensee had provided a letter of explanation

dated June 15, 2011, with her self-report.

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's LCPC license expired April 30, 2011.

b. Licensee continued to practice and to hold herself out as a Licensed Clinical Professional Counselor until she was notified by Medicare on June 8, 2011, that her Kansas license had expired. She had allowed her employer to file insurance claims for payment during that time.

c. Licensee claims that she is also licensed in Missouri with a renewal date in July. This was her first Kansas renewal, and neither of the Board's renewal letters was received by her. The Board did have Licensee's correct home address, but the renewal notices were returned by the post office nevertheless.

d. Licensee self-reported to the Board on June 15, 2011, and her LCPC license was reinstated June 28, 2011.

e. Licensee did not willfully, intentionally or knowingly allow her license to lapse. However, she knowingly continued to practice on her expired license for several weeks.

f. Licensee's license to practice professional counseling has not been conditioned, suspended or revoked as a result of the failure to renew her license in a timely manner.

g. Other than the violations addressed in this Consent Agreement and Order, Licensee has no other known past regulatory violations or pending complaints within the jurisdiction of the Board.

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. 65-5803. Licensure required prior to certain acts and representations; violations misdemeanor.

(b) On and after the effective date of this act, no person shall engage in the practice of professional counseling as a clinical professional counselor or represent that such person is a licensed clinical professional counselor without first having obtained a license as a clinical professional counselor under the professional counselors licensure act.

(c) Violation of this section is a class B misdemeanor.

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

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

(53) practicing . . . clinical professional counseling after one's license expires;

(54) using without a license, or continuing to use after the expiration of a license, any title or abbreviation prescribed by law for use solely by persons currently holding that type or class of license.

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-LC-084.

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-LC-084.

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

(a) Licensee (or Licensee's employer) shall contact all affected individual payors and insurance company payors within thirty (30) days of the effective date of this Agreement and notify them of her unlicensed practice for the period April 30, 2011 through June 28, 2011.

(b) Licensee shall provide copies of all communication documents from Licensee's employer to the individuals and insurance companies, as well as any responses received, regarding her unlicensed practice to Cindy D'Ercole, the Board's special investigator within ninety (90) days of the effective date of this Agreement.

(c) Licensee shall pay a fine of \$100.00 to the Board within thirty (30) days 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 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.

(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.

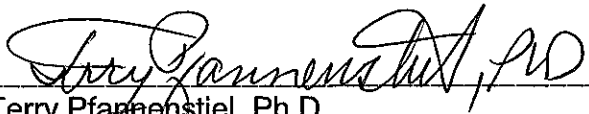
(h) This Consent Agreement and Order constitutes the entire agreement between Licensee and the Board and may be modified or amended only by written agreement signed by Licensee and the Board or a designee of the Board.

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

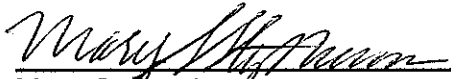
WHEREFORE, the Board agrees that, so long as Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 65-5803 and K.A.R. 102-3-12a as a result of this proceeding.

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 this 15 day of October, 2013.

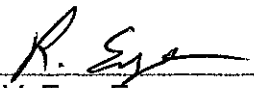

Terry Pfannenstiel, Ph.D.
Chair, Complaint Review Committee

APPROVED BY AND CONSENTED TO:


Mary S. Stephenson
Licensee

10.07.2013
Date

APPROVED BY:

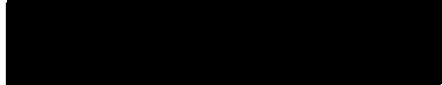

Robert V. Eye, Esq.
Kauffman & Eye
123 SE Sixth Ave., Suite #200
Topeka, KS 66603
Counsel for Respondent Licensee

10.7.13
Date

CERTIFICATE OF SERVICE

This is to certify that on this 15 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:

Mary S. Stephenson



Robert V. Eye, Esq.
Kauffman & Eye
123 SE 6th Avenue, #200
Topeka, KS 66603

and a copy placed in building mail to:

Marty M. Snyder
Assistant Attorney General

Cindy D'Ercole
For the Board