

and Desist Summary Proceeding Order to halt any unlawful practice of addiction counseling.

CONCLUSIONS OF LAW

The Complaint Review Committee finds probable cause to believe the following:

1. The Kansas Administrative Procedure Act, K.S.A. 77-537, provides that a state agency may use summary proceedings, subject to a party's request for a hearing on the order, if the use of the proceedings in the circumstances does not violate any provision of law and the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties.

2. K.S.A. 74-7508(b)(3)(A) empowers the Board to issue a cease and desist order against any individual who has practiced without the proper license for any profession regulated by the Board, in addition to any other penalties imposed by law.

3. Licensee advertised services for and practiced addiction counseling in 2013. At that time, Licensee was not in a state-licensed or certified alcohol and other drug treatment program, was not advertising or providing such services as a certified batterer intervention program, and was not otherwise exempt for licensure under subsection (m) of K.S.A. 59-29b46. Such unlicensed practice of addiction counseling is prohibited by K.S.A. 65-6608(c) and is a misdemeanor crime in the State of Kansas pursuant to K.S.A. 65-6609.

4. Licensee also violated K.A.R. 102-2-11(i) and (uu) by offering to provide and providing services as an addiction counselor without being in a qualifying state-licensed facility and without being otherwise exempt from licensure.

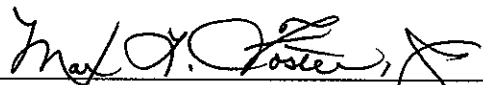
SANCTION

Based on the above Findings of Fact and Conclusions of Law and pursuant to K.S.A. 74-7508(b)(3)(A) and K.S.A. 77-537, the Board finds that Licensee shall immediately upon

receipt of this Order **cease and desist** all practice of addiction counseling in the State of Kansas, except as permitted by K.S.A. 65-6608, K.S.A. 59-29b46(m), and other statute or regulation.

This Summary Proceeding Order to Cease and Desist Unlawful Practice of Addiction Counseling shall remain in effect until further Order of the Board.

IT IS SO ORDERED. Dated this 24 day of September, 2014.



Max Foster, Executive Director
Kansas Behavioral Sciences Regulatory Board

NOTICE OF RELIEF FROM SUMMARY PROCEEDING ORDER

Pursuant to K.S.A. 77-537 and K.S.A. 77-542, this Summary Proceeding Order to Cease and Desist Unlawful Practice of Addiction Counseling is subject to your request for a hearing. If you desire a hearing, you must direct a written request for hearing to:

Max Foster, Executive Director
Kansas Behavioral Sciences Regulatory Board
Eisenhower State Office Building, #420
700 SW Harrison
Topeka, KS 66603

Whitney L. Casement, Esq.
Kansas Attorney General's Office
120 SW Tenth Avenue, 2nd Floor
Topeka, KS 66612

Any written request for hearing must be filed within fifteen (15) days of service of this Notice. If a hearing is not requested in the time and manner stated, this Cease and Desist Order becomes final and effective upon the expiration of the time for requesting a hearing and will be a Final Order of the Board.

CERTIFICATE OF SERVICE

This is to certify that a copy of the above and foregoing Summary Proceeding Order to Cease and Desist Unlawful Practice of Addiction Counseling was placed this 24 day of September, 2014, in the U.S. mail, first-class postage prepaid, addressed to:

Joyce Kinderknecht



Cindy D'Ercole
For the Board