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BY:-----

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)
)
RENEE CLARKE,)
T-LP #2144)
_____)

Case No. 14-LP-0111

Pursuant to K.S.A. 77-537

SUMMARY PROCEEDING ORDER OF SUSPENSION

NOW, on this 27 day of March, 2015, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board (Board).

FINDINGS OF FACT

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

1. On or about April 18, 2014, the Board received a Report of Alleged Violation from Renee Clarke's (Licensee) employer stating Licensee may have violated certain statutes and regulations governing unprofessional conduct and prohibited acts.

2. The BSRB sent several letters to Licensee giving her an opportunity to respond to the Report of Alleged Violation, including to the address Licensee had provided to the BSRB. However, several of the letters were returned with forwarding addresses. Letters were also sent to those forwarding addresses in Great Bend, Kansas, Oregon, and Texas. The final Texas address was returned as undeliverable. Licensee never responded to the Report of Alleged Violation after several efforts to obtain a response.

3. As a result of the report and subsequent investigation, the Board finds that the following facts have been established by a preponderance of the evidence:

- a) Licensee is currently licensed as a Temporary Licensed Psychologist (T-LP) in the State of Kansas with that license set to expire on July 31, 2015. Licensee's Temporary Licensed Master Level Psychologist (T-LMLP) license expired on October 31, 2014.
- b) A recent investigation performed at Larned State Hospital, Licensee's former employer, revealed that on several occasions Licensee accessed medical records for patients she had no treatment relationship with.
- c) The investigation further revealed that Licensee had personal relationships with these patients outside of her work at Larned State Hospital.
- d) Licensee's employment was terminated with Larned State Hospital after the agency was unable to find and contact her for a peer review and as a result of her improperly accessing these client records.
- e) Licensee never reported the termination to the Board.

CONCLUSIONS OF LAW

4. Based on the allegations and subsequent investigation, the Board finds that Licensee, while a T-LMLP and T-LP, violated the following statute and regulation:

A. K.S.A. 74-5324. Grounds for suspension, limitation, revocation or refusal to issue or renew license.

The board may suspend, limit, revoke, condition or refuse to issue or renew a license of any psychologist upon proof that the psychologist:

- (d) has been guilty of unprofessional conduct as defined by rules and regulations established by the board;

B. 102-1-10a. Unprofessional conduct.

Each of the following shall be considered unprofessional conduct:

(g) failing to protect confidentiality, which shall include the following acts:

(2) revealing any information regarding a client or failing to protect information contained in a client's records, unless at least one of these conditions is met:

(A) Disclosure is required or permitted by law;

(B) failure to disclose the information presents a clear and present danger to the health and safety of an individual or the public;

(C) the psychologist is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of psychology, in which case disclosure shall be limited to that action; or

(D) the patient has signed a written release that authorizes the psychologist to release information to a specific person or persons identified in the release;

(l) aiding an illegal practice, which shall include the following acts:

(5) failing to notify the board, within a reasonable period of time, that any of the following conditions apply to the psychologist or that the psychologist has knowledge, not obtained in the context of confidentiality, that any of the following conditions apply to another professional regulated by the board:

(C) a licensee has been terminated or suspended from employment for some form of misfeasance, malfeasance, or nonfeasance;

(E) a licensee has practiced in violation of the laws or regulations regulating the profession;

A psychologist taking longer than 30 days to notify the board shall have the burden of demonstrating that the psychologist acted within a reasonable period of time;

5. Proceedings under the Licensure of Psychologists Act of the State of Kansas are subject to the Kansas Administrative Procedure Act (K.S.A. 77-501, *et seq.*) ("KAPA") pursuant to K.S.A. 74-5332. K.S.A. 77-537 of KAPA provides that the Board may use summary proceedings when necessary and appropriate.

6. The Board has jurisdiction over Licensee by virtue of her previously held Kansas T-

LMLP license and her currently held T-LP license, both of which she held at the time of the conduct at issue and filing of the complaint in this matter.

7. The Board has been charged by the Kansas Legislature with the responsibility to protect the public health, safety, and welfare by assuring the current competence to practice of its licensees.

SANCTION

Based on the above Findings of Fact and Conclusions of Law, Licensee Renee Clarke's Temporary Licensed Psychologist license, #2144, should be and is hereby **suspended** until further order of the Board.

IT IS SO ORDERED.


Terry Pfannenstiel
Chair, Complaint Review Committee

NOTICE OF RELIEF FROM SUMMARY PROCEEDING ORDER

Pursuant to K.S.A. 77-537 and K.S.A. 77-542, this Summary Proceeding Order 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
Behavioral Sciences Regulatory Board
700 SW Harrison St., Suite 420
Topeka, KS 66603-3929

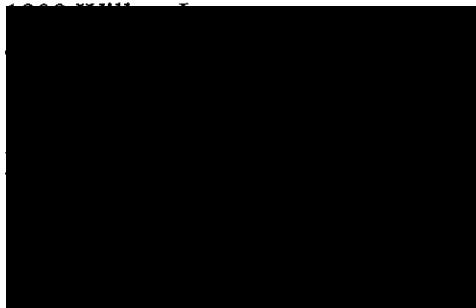
Whitney L. Casement, Esq.
Kansas Office of the Attorney General
120 SW Tenth Ave., 2nd Floor
Topeka, KS 66612

Any such request 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 Summary Proceeding 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 on this 27 day of March, 2015, 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:

Renee Clarke



and a copy delivered via interoffice mail to:

Whitney L. Casement
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612
Disciplinary Counsel for the Board

Cindy D'Ercole
For the Board