

Whitney L. Casement, KS S Ct. # 25466  
Office of the Kansas Attorney General  
120 SW 10th Avenue, Second Floor  
Topeka, KS 66612-1597

**BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD**

In the Matter of )  
 )  
Nolanna Simon, LCPC )  
License #775, )  
 )  
Respondent )  
\_\_\_\_\_ )

Case No. 15-LC-0031

**CONSENT AGREEMENT AND ORDER**

NOW, on this 23 day of December, 2015, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board or BSRB), by and through Assistant Attorney General Whitney L. Casement, by agreement of the Board and Nolanna Simon (Licensee), for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Nolanna Simon is currently, and was at all times relevant to this Consent Agreement and Order, 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 or about August 29, 2014, the Board received a Report of Alleged Violation stating Licensee may have violated certain statutes and regulations governing unprofessional conduct and prohibited acts.
3. Licensee was informed of the reported information in a letter dated September 2, 2014, and was given an opportunity to respond by October 15, 2014. The Board received Licensee's response to the reported information on September 15, 2014.

4. 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) From January to July 2014, Licensee failed to maintain a record for each client that included legible information, including progress notes and the date and nature of professional service that was provided.
- (b) Also during this time, Licensee recorded client sessions without the written consent of the clients or client's legal representative.

5. The Complaint Review Committee of the Board finds that Licensee has violated the following statute and regulation:

**A. K.S.A. 65-5809. Refusal to issue, suspension, limitation, refusal to renew or revocation of license or specialty designation; grounds.**

The board may refuse to issue, suspend, limit, refuse to renew, condition or revoke any license granted under the professional counselors licensure act for any of the following reasons:

- (n) unprofessional conduct as defined by rules and regulations adopted by the board;

**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:

- (20) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of these actions:

(A) Electronically recording sessions with that client;

- (35) failing to maintain a record for each client that conforms to the following minimal requirements:

(A) Contains adequate identification of the client;

(B) indicates the client's initial reason for seeking the services of the professional counselor or clinical professional counselor;

(C) contains pertinent and significant information concerning the client's condition;

(D) summarizes the interventions, treatments, tests, procedures, and services that were obtained, performed, ordered, or recommended and the findings and results of each;

(E) documents the client's progress during the course of intervention or treatment provided by the professional counselor;

(H) indicates the date and nature of any professional service that was provided; and

(I) describes the manner and process by which the professional counseling or clinical professional counseling relationship terminated;

However, Licensee and the Board mutually desire to enter a Consent Agreement and Order in lieu of adjudicative proceedings to resolve the reported 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. 15-LC-0031.

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. 15-LC-0031.

WHEREFORE, Licensee consents to the following terms and conditions:

(a) Licensee shall continue the employment supervision she has been undergoing with her current supervisor, Pamela A. Cornwell, for a minimum of one hour per week for a period of six months. Licensee shall be prohibited from practicing without such employment supervision until the six-month term of supervision is completed. The focus of the supervision shall be on informed consent and documentation.

(b) Licensee shall continue undergoing random monthly file reviews for a period of six months.

(c) Licensee shall provide a copy of this Consent Agreement to the supervisor and

authorize the supervisor to provide written quarterly reports regarding the supervision and monthly file reviews to the Board's Special Investigator for the six-month term of supervision and monthly file reviews.

(d) Licensee shall complete three hours of continuing education in ethics that are in addition to the biennial requirement. The three additional hours of continuing education in ethics shall be conducted by Licensee in person within six months of the effective date of this Consent Agreement and Order. This condition shall be deemed satisfied upon the Board's receipt of Licensee's written proof of completion of the three extra hours of continuing education in ethics within six months of the effective date of this Consent Agreement and Order. Failure to provide the Board with written proof of completion of the extra continuing education hours within six months of the effective date is a violation of this Consent Agreement and Order and may result in further action by the Board.

(e) Licensee shall research, write, and submit to the Board a 10-page professional paper on the importance of documentation, different levels of informed consent (*e.g.*, when written consent is required), and confidentiality of using a phone for recording. The paper shall be double-spaced with one-inch margins and in American Psychological Association (APA) format. The paper shall be submitted to the Board within six months from the effective date of this Consent Agreement and Order. Failure to submit the professional paper to the Board within six months of the effective date is a violation of this Consent Agreement and Order and may result in further action by the Board. This condition shall be deemed satisfied upon the reviewing Board member's approval of the professional paper.

(f) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.

(g) Licensee understands that a notification of this Consent Agreement and Order

may be provided to any other state or federal agency with which Licensee is licensed, registered, or certified.

(h) Licensee acknowledges an affirmative duty to notify the Board within ten 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.

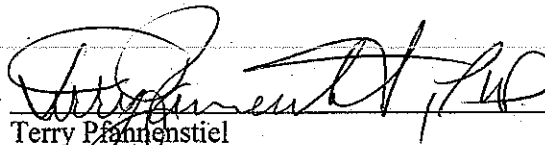
(i) This Consent Agreement and Order constitutes the entire agreement between the Licensee and the Behavioral Sciences Regulatory Board and may be modified or amended only by written agreement signed by Licensee and the Board or a designee of the Board.

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 the facts memorialized in this Consent Agreement and Order.

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.**

  
Terry Pfannenstiel  
Chair, Complaint Review Committee

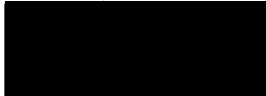
**APPROVED AND CONSENTED TO:**

Nolanna Simon  
Nolanna Simon  
Licensee

12-18-15  
Date

**CERTIFICATE OF SERVICE**

This is to certify that on this 23 day of December, 2015, 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:

Nolanna Simon  


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 Behavioral Sciences Regulatory Board