

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

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BY: MS

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
MARGARET MADIGAN,)
LAC #326)
)
Respondent)
_____)

Case No. 18-AC-004

CONSENT AGREEMENT AND ORDER

NOW, on this 19 day of March, 2018, 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 Margaret Madigan [Licensee / Respondent] and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Margaret Madigan has been a Licensed Addiction Counselor within the meaning of the Kansas Addiction Counselor Licensure Act, K.S.A. 65-6607, *et seq.*, at all times relevant.
2. On July 3, 2017, the Board received a report of information concerning Licensee's conduct alleging Licensee may have violated certain statutes and regulations governing unprofessional conduct.

3. The Board conducted an investigation concerning Licensee's alleged violations of statutes and regulations. During the investigation, Licensee was informed of the reported allegations and did provide timely information to the Special Investigator.
4. As a result of the investigation, the Board has found that the following facts have been established by a preponderance of the evidence:
 - a. Respondent was employed by Seventh Direction in Wichita and conducted substance abuse counseling for groups.
 - b. Following a women's group session, one client approached Respondent and asked for the name and phone number for a St. Francis counselor who worked with one of the group members. The first client did not approve of the behavior and statements of the other group member in the counseling session.
 - c. Respondent provided the general phone number for St. Francis but also the name of the St. Francis worker. She further asked the client not to reveal that she provided that information and to leave her out of it.
 - d. The first client did contact the St. Francis worker two days later and shared confidential information from the substance abuse counseling group.
 - e. Respondent's supervisor learned of the situation and referred the first client to another facility due to the breach of confidentiality and terminated Respondent's employment for her part in the situation.
 - f. Respondent failed to report the termination to the Board but did what she could to complete her casework documentation and assign her clients to others prior to leaving. She expresses remorse for using poor judgment and not thinking through the situation sufficiently.

5. The Complaint Review Committee concludes there is probable cause to find the following violations based upon the above facts.

K.S.A. 65-6615(a)(9). Refusal to grant licensure; other licensure actions.

(a) The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license:

(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board;

K.A.R. 102-7-11 Unprofessional conduct. Each of the following acts shall be considered unprofessional conduct for a licensed addiction counselor, a licensed clinical addiction counselor, or an applicant for an addiction counselor license or a clinical addiction counselor license:

(a) 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:

(3) has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance;

(i) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards;

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

(3) releasing information concerning a client to a third person, unless required or permitted by law;

(t) engaging in professional activities ... involving dishonesty, fraud, deceit, or misrepresentation.

However, Licensee and the Board mutually desire to enter a Consent Agreement and Order [CAO] 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 [KAPA] in relation to Case No. 18-AC-004.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act [KJRA] in relation to Case No. 18-AC-004.

WHEREFORE, the Board and Licensee consent and agree to enter a Consent Agreement and Order [CAO] for a period of one year so long as Licensee meets the following terms and conditions:

- (a) Licensee shall notify the Board's Investigator within two business days of becoming employed using her license.
- (b) Upon becoming employed using her license, Licensee shall practice under the supervision of an employment clinical level supervisor for one year. Licensee shall provide a copy of this CAO to the supervisor. Weekly supervision meetings shall be for at least one hour face to face. The focus of the supervision shall be on confidentiality and counselor-client boundaries. The supervisor shall provide

quarterly written progress reports to the Board's Special Investigator and shall notify the investigator immediately of any problems.


- (c) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.
- (d) Evidence of Licensee's breach, violation or failure to comply with any of the above conditions could result in a determination that Licensee's Addiction Counselor license should be suspended or revoked.
- (e) 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 and as otherwise required by law, including but not limited to the Kansas Open Records Act.
- (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.
- (g) 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 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.

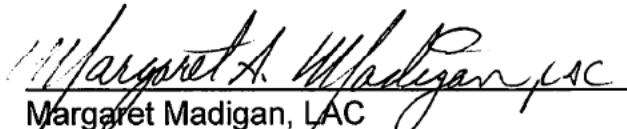
WHEREFORE, the Board agrees that, so long as Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 65-6615 or K.A.R. 102-7-11 as a result of this proceeding.

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 13th day of March, 2018.


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

APPROVED AND CONSENTED TO:


Margaret Madigan, LAC
Licensee / Respondent

2-28-18
Date

CERTIFICATE OF SERVICE

This is to certify that on this 19 day of March, 2018, 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:

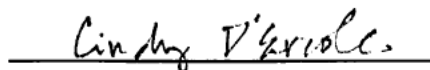
Margaret Madigan, LAC



and emailed to: maggiem582000@yahoo.com

and a copy delivered via interoffice mail to:

Marty M. Snyder, Esq.
Assistant Attorney General


For the Behavioral Sciences Regulatory Board