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BY: MS

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

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
LEAH BURNISON,)
LCAC #606, LPC #3068)
Respondent)

Case No. 18-CA-033

CONSENT AGREEMENT AND ORDER

NOW, on this 18 day of July, 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 with Leah Burnison [Respondent / Licensee] for the purpose of resolving the above-captioned case.

Respondent hereby acknowledges the following facts:

1. Leah Burnison, at all times relevant, has been a Licensed Clinical Addiction Counselor within the meaning of the Addiction Counselor Licensure Act, K.S.A. 65-6601, *et seq.*, and amendments thereto. She is also a Licensed Professional Counselor pursuant to K.S.A. 65-5801, *et seq.*

2. On September 18, 2017, the Board received a report of allegations concerning Licensee's professional conduct from the Behavioral Healthcare Director of the Health Partnership Clinic where Licensee was formerly employed as a substance abuse counselor. The misconduct may have violated certain statutes and regulations governing the practice of addictions counseling and professional counseling in Kansas.

3. The Board conducted an investigation concerning the reported violations in the complaint. During the investigation, Licensee provided requested information to the investigator.

4. As a result of the investigation, the Board finds that the following facts have been established by a preponderance of persuasive evidence:

a. Licensee was employed as a substance abuse counselor with Health Partnership Clinic from August 1, 2016 until July 25, 2017. During the time she was employed, she was counseled on several issues such as adequacy and timeliness of documentation, client confidentiality and boundaries.

b. When one particular client was observed leaving his appointment and giving Licensee a hug with his arm around her neck. After another appointment, when the same client called "I love you" as he left, Licensee was counseled regarding appropriate boundaries. When she was dismissive of the incident, she was restricted from providing individual counseling to this client.

c. Subsequently, he called her to report that he could not keep further appointments as he had lost his job. His voice mail message contained information that could be interpreted to indicate he was contemplating suicide.

d. However, Licensee reported to her supervisor only that he would not be able to keep future appointments and stated that she had deleted the voice mail. Staff were able to retrieve the voice mail and discovered his statement that he was "waiting for the Lord to take me home if you know what I mean."

e. The clinic's suicidal ideation protocol was initiated and Licensee was placed on suspension pending full investigation. Her employment was subsequently terminated for violating the company's policies.

f. Licensee did not report the termination to the Board. She states the clinic practice was stressful and that the supervision provided was more intimidating than helpful or effective.

Conclusions of Law

The Complaint Review Committee of the Board finds that probable cause exists to believe Respondent has violated the following statutes and regulations:

A. K.S.A. 65-6615(a)(9). Grounds for addiction counselor discipline.

B. K.A.R. 102-7-11 – Unprofessional Conduct.

Each of the following acts shall be considered unprofessional conduct for a licensed addiction counselor:

(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;

(jj) failing to seek continuation of service ... or neglecting a client under or in need of professional care, without making reasonable arrangements for that care.

C. K.S.A. 65-5809(a)(9). Grounds for professional counselor discipline.

D. K.A.R. 102-3-12a – Unprofessional Conduct.

(a) Any license may be suspended, limited, conditioned, qualified, restricted, revoked, not issued, or not renewed upon a finding of unprofessional conduct.

(b) Any of the following acts by a licensed professional counselor, a licensed clinical professional counselor, or an applicant for a professional counselor license or a clinical professional counselor license shall constitute unprofessional conduct:

(2) except when the information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that any of the following circumstances apply to any person regulated by the board or applying for a license or registration, including oneself:

(C) 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;

(40) failing to seek continuation of service ... or neglecting a client under or in need of professional care, without making reasonable arrangements for that care.

However, Respondent and the Board mutually desire to enter a Consent Agreement and Order in lieu of adjudicative proceedings to resolve the above violations.

WHEREFORE, Respondent 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 Nos. 18-CA-033.

WHEREFORE, Respondent 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 Nos. 18-CA-033.

WHEREFORE, the Board and Respondent agree to the following terms and conditions of probation until she has completed one year of supervised practice:

(a) Licensee shall inform the Board's Investigator when she is employed using either her LCAC or LPC license.

(b) Upon employment using either license, Licensee shall obtain clinical level supervision by an employment supervisor not in any other relationship with Licensee. They shall meet face-to-face a minimum of one hour per week. Licensee shall provide copies of this CAO to her supervisor. The focus of the supervision shall be on dual relationships, client safety and boundaries. The supervisor shall provide monthly written reports to the Board's Investigator but initiate immediate contact if any problems are identified.

(c) Licensee shall obtain three extra CEU hours in Ethics that may be taken online, focusing on dual relationships, within six months of the effective date of this Consent Agreement and provide proof of completion to the Board's Investigator.

(d) Licensee shall write a ten-page paper in APA format on how to assess suicidal behavior and submit the paper to the Board's Investigator within six months of the effective date of this Consent Agreement and Order.

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

(f) Evidence of Licensee's failure to comply with any of these conditions may result in suspension of her Licensed Clinical Addiction Counselor license and / or Licensed Professional Counselor license until such time as she can demonstrate compliance with all terms and conditions of this Consent Agreement and Order to the satisfaction of the Board.

(g) Licensee acknowledges an affirmative duty to notify the Board's Investigator 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.

(h) Licensee understands that a notification of this Consent Agreement and Order shall be provided to any other state licensing board if she is also licensed, registered or certified in another state and as otherwise required by law.

(i) 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. 65-6615 and K.A.R. 102-7-11 or K.S.A. 65-5809 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 13th day of July, 2018.

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

APPROVED AND CONSENTED TO:

Leah Burnison
Leah Burnison, LCAC, LPC
Licensee / Respondent

5-29-2018
Date

CERTIFICATE OF SERVICE

This is to certify that on this 13 day of July, 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:



and a copy sent by building mail to:

Marty M. Snyder, Esq.
Assistant Attorney General

Cindy D'Ercole

For the Board