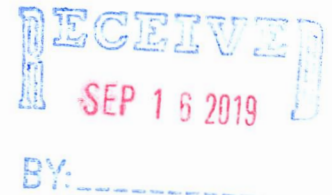


Jane E. Weiler, KS S. Ct. #25276
Assistant Attorney General
120 SW 10th Ave., Second Floor
Topeka, KS 66612
(785) 296-2215



BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of

**WILLIAM BERNHARDT-PURDY, LMAC)
License #036)**

Case No. 19-MA-0122

Respondent

Pursuant to K.S.A. 77-536

SUMMARY PROCEEDING ORDER

NOW, on this 17 day of September, 2019, 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. William Bernhardt-Purdy ("Respondent") was at all times relevant, a Licensed Master's Addiction Counselor ("LMAC"), having been issued LMAC License No. 036 within the meaning of the Kansas Addiction Counselor Licensure Act, K.S.A. 65-6607, *et seq.*, and amendments thereto.

2. On or about July 26, 2018, Respondent submitted to the Board his renewal application

3. Additionally, on or about July 26, 2018, Respondent was notified that his LMAC license was selected for an audit. As part of the audit, Respondent was to submit to the Board documentation for the Continuing Education Units (“CEUs”) claimed as part of his renewal. Respondent was to submit to the Board this documentation by August 31, 2018.

4. Respondent failed to submit to the Board the documentation for the CEUs claimed as part of his renewal by August 31, 2018.

5. On or about November 2, 2018, Board staff sent to Respondent a second notice of the audit. Respondent was again informed that he was required to submit to the Board the audit materials with a deadline now of November 26, 2018.

6. Respondent again failed to submit to the Board the documentation for the CEUs claimed as part of his renewal by November 26, 2018.

7. On or about February 26, 2019, the Board’s investigator sent to Respondent notice that his failure to comply with the Board’s audit resulted in a Report of Alleged Violation.

8. On or about March 6, 2019, Respondent sent to the Board documentation evidencing completion of his required continuing education as required for his 2018 LMAC license renewal.

APPLICABLE LAW

9. Pursuant to 65-6615(c): Administrative proceedings and disciplinary actions regarding licensure under the addiction counselor licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the addiction counselor licensure act shall be in accordance with the Kansas judicial review act.

10. Pursuant to K.S.A. 2018 Supp. 77-537(a) of the Kansas Administrative Procedure Act ("KAPA"), a state agency may use summary proceedings, subject to a party's request for a hearing on the order, if:

- (1) The use of those proceedings in the circumstances does not violate any provision of law;
- (2) 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;
- (3) based upon an investigation of the facts by the state agency, beyond receipt of the allegations, the state agency believes in good faith that the allegations will be supported to the applicable standard of proof, provided however that an alleged failure to meet the standards set forth in this subsection shall not be subject to immediate judicial review and shall not invalidate any later agency action that has been supported to the applicable standard of proof; and
- (4) the order does not take effect until after the time for requesting a hearing has expired.

11. Pursuant to K.S.A. 65-6608(d): "Licensed master's addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of substance abuse disorders or mental disorders.

12. Pursuant to K.S.A. 65-6615(a)(5): 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 has violated a provision of the addiction counselor licensure act or one or more of the rules and regulations of the board have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board. Specifically, K.A.R. 102-7-8(c)(1): Upon board notification, each renewal applicant shall submit the following to the board within 30 days

after the license expiration date the completed renewal audit forms; and K.A.R. 102-7-8(c)(2): Upon board notification, each renewal applicant shall submit the following to the board within 30 days after the license expiration date the original continuing education documents that validate all continuing education units claimed for credit during the current renewal period.


CONCLUSIONS OF LAW

13. Respondent is in violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-8(c)(1) and K.A.R. 102-7-8(c)(2), in that Respondent failed to submit to the Board within 30 days after his license expiration date the completed renewal audit form and the original continuing education documents that validated all continuing education units claimed for credit during the 2018 renewal period.

ORDER

WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by 65-6615(a) and K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Kansas LMAC license of Respondent William Bernhardt-Purdy should be and is hereby **PUBLICALLY CENSORED** for his violations of the Kansas Addiction Counselor Licensure Act.

IT IS SO ORDERED ON THIS 11th DAY OF September, 2019.


Chairperson, Complaint Review Committee
On behalf of the 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 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

This written request must be filed within fifteen (15) calendar days from the date indicated in the below Certificate of Service. Pursuant to K.S.A. 77-503(c), the 15-day period begins the day after the date indicated in the Certificate of Service and includes weekends and legal holidays. If the 15th day falls on a Saturday, Sunday, or legal holiday, then the 15-day period runs until 5:00 p.m. on the next day which is not a Saturday, Sunday, or legal holiday. A request is considered "filed" on the date it is received at the Board's office. If a hearing is not requested in the time and manner stated, this Summary Order becomes a final order subject to judicial review. A petition for judicial review should be directed to the above recipient.

CERTIFICATE OF SERVICE

This is to certify that on this 17 day of September 2019, a true and correct copy of the above and foregoing Summary Proceeding Order of Suspension was deposited in the U.S. mail, first class postage prepaid, addressed to:

William Bernhardt-Purdy, LSCSW



and a copy delivered via interoffice mail to:

Jane E. Weiler, Esq.
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612
Disciplinary Counsel for the Board

Cindy Dyrud

For the Board