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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)
)
PATRICK K. ELDRINGHOFF,)
LAC #1650)
)
Respondent)
)

Case No. 20-AC-0152

Pursuant to K.S.A. 77-536

SUMMARY PROCEEDING ORDER OF SUSPENSION

NOW, on this 6 day of April, 2021, 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. Patrick K. Eldringhoff ("Respondent") was at all times relevant, a Licensed Addictions Counselor ("LAC") within the meaning of the Kansas Addictions Counselor Licensure Act, K.S.A. 65-6607, *et seq.*, and amendments thereto.
2. On or about April 10, 2020, and April 14, 2020, the Board received complaints that Respondent may in violation of the Kansas Addictions Counselor Licensure Act.
3. In these complaints, it was alleged that Respondent had relapsed on illegal substances.

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4. On or about June 16, 2020, Respondent provided an initial response to the Board's investigation. In his response, Respondent admitted that he used an illegal substance, but denied he practiced addiction counseling under the influence of this illegal substance. Further, Respondent reported that he admitted himself into a treatment facility related to this relapse.

5. On or about December 18, 2020, the Board's investigator sent to Respondent notice that he needed to provide to the Board additional information related to his relapse, and subsequent treatment. The Board's investigator requested Respondent to respond to the Board's investigation by January 29, 2021.

6. Respondent failed to respond to the Board's investigator by January 29, 2021.

7. On or about January 29, 2021, a second notice was emailed to Respondent regarding the Board's investigation.

8. At this time, Respondent has not provided to the Board's investigator a response to the Board's subsequent investigation.

APPLICABLE LAW

9. Pursuant to K.S.A. 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.

10. Pursuant to K.S.A. 65-6608(c): "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance abuse disorders and who is licensed under this act.

11. 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 rules and regulations of the board. Specifically, K.A.R. 102-7-11(h): failing or refusing to cooperate in a timely manner with any request from the board for a response, information, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the board. Each person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner.

12. A protective order is hereby entered to protect all confidential information under 42 CFR Part II.

CONCLUSIONS OF LAW

13. Respondent is in violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(h), in that Respondent has failed to cooperate in a timely manner with the request from the Board to respond to the Board's lawful request to submit to the Board a response to the Board's subsequent inquiry regarding the current complaint.

ORDER

14. WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 65-6615(a) and K.S.A. 77-537, the Complaint Review

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Committee of behalf of the Board finds that the Kansas Addiction Counselor license of Respondent Patrick K. Eldringhoff should be and is hereby **SUSPENDED** effective date of this Summary Proceeding Order as set forth in the Notice of Relief and the Certificate of Service below, and until such order of the Board.

IT IS SO ORDERED ON THIS 5th DAY OF April, 2021.


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:

David B. Pye, 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.

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CERTIFICATE OF SERVICE

This is to certify that on this 6 day of April, 2021, 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:

Patrick K. Eldringhoff, LAC



and by email to: jane.weiler@ag.ks.gov

Jane E. Weiler, Esq.
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Disciplinary Counsel for the Board

Lindy D'Ercole
For the Board

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