

Jane E. Weiler, KS S. Ct. #25276  
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**BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**

In The Matter Of )  
)  
SHIRLEY M. GOODWIN, LAC ) Case No. 20-AC-0167  
License #424 )  
)  
Respondent )  
\_\_\_\_\_)  
Pursuant to K.S.A. 77-536

**SUMMARY PROCEEDING ORDER**

NOW, on this 18 day of November, 2020, 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. Shirley M. Goodwin ("Respondent") was at all times relevant, a Licensed Addiction Counselor ("LAC"), having been issued LAC License No. 424 within the meaning of the Kansas Addiction Counselor Licensure Act, K.S.A. 65-6607, *et seq.*, and amendments thereto.
2. On or about October 7, 2019, Respondent submitted to the Board her renewal application.
3. On or about October 7, 2019, Board staff notified Respondent that her LAC license was randomly 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 her renewal. Respondent was to submit to the Board this documentation by December 31, 2019.

4. Respondent failed to submit to the Board the documentation for the CEUs claimed as part of her renewal by December 31, 2019.

5. On or about March 4, 2020, Board staff sent to Respondent a second notice of the audit. Respondent was again informed that she was required to submit to the Board the audit materials with a deadline now of March 31, 2020.

6. Once again Respondent failed to submit to the Board the documentation for the CEUs claimed as part of her renewal by March 31, 2020.

7. On or about May 15, 2020, the Board’s investigator sent to Respondent notice that her failure to comply with the Board’s audit resulted in a Report of Alleged Violation. The Board’s investigator requested Respondent to respond to the Board’s investigation by June 17, 2020.

8. Respondent failed to respond to the Board’s investigator by June 17, 2020.

9. On or about July 17, 2020, a second notice was sent to Respondent regarding the Board’s investigation. This notice informed Respondent that she had until August 17, 2020, to respond to the Board’s investigation.

10. On or about July 18, 2020, Respondent sent to the Board staff an email advising Board staff that she had not been practicing for over a year. Board staff replied this this email that she still needed to comply with the audit regarding her renewal in October 2019.

11. On or about July 20, 2020, Respondent sent to Board staff an email again reporting that she was no longer practicing as an LAC.

12. To date, Respondent has not provided to the Board the CEU’s claimed as part of her 2019 renewal.

## APPLICABLE LAW

13. 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.

14. 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 use disorders and who is licensed under this act. Such person shall engage in the practice of addiction counseling in a state-licensed or certified alcohol and other drug treatment program or in completing a Kansas domestic violence offender assessment for participants in a certified batterer intervention program pursuant to K.S.A. 2017 Supp. 75-7d01 through 75-7d13, and amendments thereto, unless otherwise exempt from licensure under K.S.A. 59-29b46(n), and amendments thereto.

15. 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. 102-7-11(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.


**CONCLUSIONS OF LAW**

16. 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 audit.

**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 LAC licensc of Respondent Shirley M. Goodwin should be and is hereby **PUBLICALLY CENSORED** for her violations of the Kansas Addiction Counselor Licensure Act.

IT IS SO ORDERED ON THIS 17 DAY OF November, 2020.

  
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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 15<sup>th</sup> 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 18 day of November, 2020, a true and correct copy of the above and foregoing Summary Proceeding Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Shirley M. Goodwin, LAC  


and by email to: [jane.weiler@ag.ks.gov](mailto:jane.weiler@ag.ks.gov)

Jane E. Weiler, Esq.  
Assistant Attorney General  
*Disciplinary Counsel for the Board*

  
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For the Board