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**BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**

In The Matter Of )  
)  
GARY C. WOLF, LAC ) Case No. 20-AC-0168  
License #592 )  
)  
Respondent )  
\_\_\_\_\_) )  
Pursuant to K.S.A. 77-536

**SUMMARY PROCEEDING ORDER**

NOW, on this 5 day of January, 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. Gary C. Wolf ("Respondent") was at all times relevant, a Licensed Addiction Counselor ("LAC"), having been issued LAC License No. 592 within the meaning of the Kansas Addiction Counselor Licensure Act, K.S.A. 65-6607, *et seq.*, and amendments thereto.
2. Respondent's LAC license was due to expire on August 31, 2019. On or about July 31, 2019, Respondent filed his renewal application with the Board.

3. Under Section III of this renewal, Question 1 states, "I understand that all CEU's being used for this renewal must be completed prior to my renewal application being submitted to the Board." Respondent responded "yes" to this statement.

4. Under Section III, Question 2 states, "I understand that I must have proof of all CEU's being used for this renewal prior to my renewal being submitted to the Board." Respondent responded "yes" to this statement.

5. Under Section III, Question 3 states, I further understand that failure to comply with statements one and two of this section will constitute unprofessional conduct and may result in disciplinary action being taken against my license." Respondent responded "yes" to this statement.

6. Additionally, at the time she submitted the renewal application, Respondent certified that the information, including continuing education credit fulfillment, was true and correct. Furthermore, Respondent certified, "I further understand that it is unlawful to attempt to obtain licensure through false statements of fraudulent misrepresentation."

7. On or about August 1, 2019, Board staff notified Respondent that his license had been randomly selected for a continuing education audit. Further, as part of this audit, Respondent was instructed to submit to the Board the audit packet provided to Respondent with the notice of the audit, and instructions to submit to the Board supporting documentation for his audit. Respondent was to submit this information to the Board by August 31, 2019.

8. Respondent failed to submit to the Board his audit packet and supporting documentation required for this audit to the Board by August 31, 2019.

9. On or about March 3, 2020, Board staff once again notified Respondent that his license had been randomly selected for a continuing education audit. Further, as part of this audit, Respondent was instructed to submit to the Board the audit packet provided to Respondent with the

notice of the audit, and instructions to submit to the Board supporting documentation for his audit. Respondent was to submit this information to the Board by March 31, 2020.

10. Once again, Respondent failed to submit to the Board his audit packet and supporting documentation required for this audit to the Board by March 31, 2020.

11. On or about May 15, 2020, Board staff sent to Respondent a Report of Alleged Violation that notified Respondent that he may be in violation of the Kansas Addiction Counselors Licensure Act for failing to respond to the random audit.

12. On or about May 27, 2020, Respondent submitted to the Board documentation related to the Board's continuing education audit.

13. Further, Respondent completed nine (9) hours of his required continuing education after he submitted to the Board his renewal application contrary to his attestation that he had completed the required continuing educational hours at the time he submitted his renewal application.

#### **APPLICABLE LAW**

14. 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.

15. 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.

16. Pursuant to K.S.A. 65-6615(a)(8): 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 failed to obtain continuing education credits required by rules and regulations of the board.

17. Pursuant to K.A.R. 102-7-9(a) Each licensee shall complete 30 hours of documented and approved continuing education oriented to the enhancement of an addiction counselor's practice, values, ethics, skills, or knowledge during each two-year renewal period. Continuing education hours accumulated in excess of the requirement shall not be carried over to the next renewal period.


#### **CONCLUSIONS OF LAW**

18. Respondent is in violation of K.S.A. 65-6615(a)(8), as defined in K.A.R. 102-7-9(a), in that Respondent failed to complete the continuing education required for his license renewal, despite his attestation that he had completed the required continuing educational hours at the time he submitted her renewal application.

**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 license of Respondent Gary C. Wolf should be and is hereby **PUBLICALLY CENSORED** for her violations of the Kansas Addiction Counselor Licensure Act.

IT IS SO ORDERED ON THIS 4<sup>th</sup> DAY OF February 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. Fye, 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 5 day of January, 2021, 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:

Gary C. Wolf, 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*

Cindy D'Ercole  
For the Board