

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

Eisenhower State Office Building
700 SW Harrison, Suite 420
Topeka, Kansas 66603-3240

In the Matter of)
)
ROGENE FRAZEE MOORE) Case No. 20-LC-0162
Application for reinstatement of)
Clinical Professional Counselor)
License)

SUMMARY PROCEEDING ORDER

NOW, on this 22 day of June, 2021, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory (Board) for consideration of the application filed by Rogene Frazee More for reinstatement of her clinical professional counselor license.

After reviewing the Board’s file, the Board makes the following findings of fact, conclusions of law, and orders.

Findings of Fact

1. On or about April 21, 2005, the Board issued to Rogene Frazee Moore (“Applicant”) a license to practice as a clinical professional counselor (LCPC).
2. On or about November 18, 2020, the Board issued a Summary Proceeding Order against Applicant’s LCPC license for alleged violations of the Kansas Professional Counselors Licensure Act. Licensee did not timely request a hearing, and this became a Final Order on approximately December 8, 2020, as such, the LCPC license of Applicant was suspended.
3. On or about May 28, 2021, Applicant submitted to the Board an Application for Reinstatement of LPC and LCPC License (“Application”). In her application, Applicant provided to the Board documentation evidencing the CEUs claimed as part of her renewal submitted in May 2019. Further, Applicant provided to the Board an explanation why she failed to timely submit to the Board the documents requested.
4. On or about June 14, 2021, the Complaint Review Committee of the Board reviewed Applicant’s application, and the documents she submitted to the Board. The Complaint Review Committee deemed Applicant’s submissions to be sufficient to warrant reinstatement of her LCPC license.

Conclusions of Law

5. K.S.A. 65-5802(h): "Licensed clinical professional counselor" means a person who engages in the independent practice of professional counseling including the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations and who is licensed under this act.

6. The Kansas Professional Counselors Licensure Act authorizes the Board to issue a LCPC license to a person who has submitted an application and is qualified. *See* K.S.A. 65-5806(c). However, the Board may refuse to reinstate a license or may condition or limit a license if it finds a licensee or applicant for licensure has engaged in unprofessional conduct as defined in a regulation adopted by the Board. K.S.A. 65-5809(a)(5). The definition of unprofessional conduct includes a licensee 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. Any 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.

7. Because she has submitted an application for reinstatement of her license as a clinical professional counselor, the Board has jurisdiction over Applicant and this matter. Administrative and disciplinary proceedings under the Act are conducted in accordance with the Kansas Administrative Procedure Act (KAPA), K.S.A. 77-501 *et seq.* K.S.A. 65-5809(c). Under the KAPA, the Board may use summary proceedings to issue an order, subject to a party's request for a hearing. The Board finds that the use of summary proceedings in this matter does not violate any law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than the parties. *See* K.S.A. 77-537.

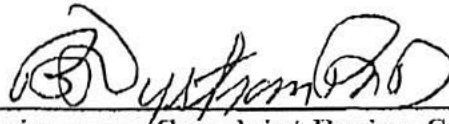
8. Applicant had failed to cooperate in a timely manner with the request from the Board for a response related to the Report of Alleged Violation filed against her for her failure to respond to the Board's audit. Thus, Applicant violated K.S.A. 64-5809(a)(5) by committing unprofessional conduct as defined in K.A.R. 102-3-12a(b)(9).

9. Based upon the totality of the evidence and the above conclusions, the Board determines cause exists to reinstate Applicant's license to practice as a clinical professional counselor.

Order

WHEREFORE, after consideration of the above findings of fact and conclusions of law, it is the decision of the Board that the reinstatement application filed by Rogene Frazee Moore for reinstatement of her license to practice as a clinical professional counselor be granted.

IT IS SO ORDERED.



Chairperson, Complaint Review Committee
On behalf of Kansas Behavioral Sciences
Regulatory Board

NOTICE OF ADMINISTRATIVE RELIEF

Pursuant to K.S.A. 77-537(b) and K.S.A. 77-542(a), a written request for a hearing before the Board on the above Order may be filed with the Board within fifteen (15) days of the date listed on the certificate of service below. If a party does not request a hearing in the time and manner stated, the above Summary Proceeding Order becomes effective upon expiration of the fifteen (15) day period. The Board's designee who may receive service of a written request for a hearing on behalf of the Board is:

David Fye, Executive Director
Behavioral Sciences Regulatory Board
700 SW Harrison, Suite 420
Topcka, Kansas 66603

CERTIFICATE OF SERVICE

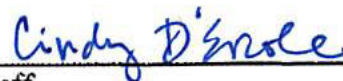
The undersigned hereby certifies that on the 22 day of June, 2021, a true and correct copy of the above and foregoing Order and Notice was deposited in the U. S. mail, first-class postage prepaid, addressed to:

Rogene Frazee Moore



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

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



Staff,
Behavioral Sciences Regulatory Board