

Behavioral Sciences Regulatory Board  
700 SW Harrison St. Suite 420  
Topeka, KS 66603-3929  
David B. Fye, JD, Executive Director



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Laura Kelly, Governor

September 27, 2022

Grace Meikenhous  


Case number: 20-MF-004

Dear Grace Meikenhous:

The Board met and reviewed your file on September 27, 2022. This letter is to confirm that you have satisfied all the conditions set forth in the Summary Proceeding Order effective September 27, 2022.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Leslie A. Allen".

Leslie Allen  
Assistant Director/Licensing Manager

**BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD**

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

In the Matter of )  
 )  
Grace Meikenhous )  
Application for reinstatement of )  
Marriage and Family Therapist )  
License # 1171 )

Case No. 20-MF-004

**ORDER**

The above-captioned matter comes for a hearing before the Kansas Behavioral Sciences Regulatory (Board) for consideration of the application filed by Grace Meikenhous for reinstatement of her marriage and family therapist license.

Grace Meikenhous appeared in person and by and through her attorney, Whitney Casement of Stevens & Brand, LLP. The Board appeared by and through its litigation counsel, Jane Weiler, Assistant Attorney General of the Office of Kansas Attorney General, Civil Litigation Division.

After considering the evidence and arguments presented at the hearing, the Board makes the following findings of fact, conclusions of law, and orders.

Findings of Fact

1. In 2010, the Board issued a license to Grace Meikenhous (Applicant) authorizing her to practice as a marriage and family therapist (LMFT). Her license expired on September 30, 2014. She was later issued a one-year temporary license (T-LPFT) that expired on June 30, 2017.

2. In September 2016, the Board received a report from Applicant's clinical supervisor indicating Applicant may have violated the Marriage and Family Therapists Licensure Act (the Act), K.S.A. 65-6401, *et seq.* The supervisor had worked with Applicant since July 2016. She described some of Applicant's

[REDACTED]

[REDACTED]. The clinical supervisor believed Applicant was not aware of her problems or issues and lacked the ability to provide safe clinical treatment to her clients. The supervisor had brought her concerns to Applicant's attention in writing. In response, Applicant asked her supervisor for an in-person meeting "in hopes of it helping [the supervisor]." The supervisor also advised that Applicant's lack of awareness, lack of insight, and other behaviors had resulted in adverse action at treatment facilities where she had been employed previously.

3. Applicant did not notify the Board of any adverse employment actions taken against her. Applicant was advised of the report that had been made against her. Applicant subsequently submitted two written statements. She explained in 2014 she suffered [REDACTED]

[REDACTED] Applicant acknowledged her behavior may have caused others to question her ability to practice, but claimed her behaviors were "fitting of someone who cheated death."

4. While the Board's investigation of the report was pending, Applicant sent a letter dated June 12, 2017, stating she voluntarily surrendered her T-LMFT and she would not apply for renewal of her LMFT prior to March 1, 2018, so that she could focus on her recovery and regularly attend her therapy. Applicant did not state she did so as part of an agreement with the Board or its agent.

5. In April 2019, Applicant filed an application for reinstatement of her LMFT. In determining whether to reinstate her license, the Board reviewed the investigation that had been pending when Applicant surrendered her T-LMFT and a [REDACTED] report completed in May 2018 that Applicant had submitted in July 2019. The 2018 report stated Applicant received [REDACTED]—one in 2015 and the other in 2016. Applicant had suffered [REDACTED], which resulted in an [REDACTED].

6. The 2018 [REDACTED] was based on interviews with Applicant and [REDACTED] tests. The [REDACTED] indicated Applicant experienced [REDACTED]

7. The Board issued a Summary Proceeding Order that determined Applicant had committed unprofessional conduct. The Board reinstated Applicant's LMFT with certain conditions to address the concerns raised in the supervisor's report and the 2018 [REDACTED]. Applicant filed a timely request for a hearing.

8. On January 19, 2021, the Board conducted a hearing on the application filed by Applicant for reinstatement of her license to practice as a LMFT. At the hearing, the Board admitted into evidence Exhibits 1 and 2 on behalf of the Board and Exhibits A through G on behalf of Applicant. The Board also took administrative notice of its own records. Applicant was sworn in as a witness and testified in support of her application.

9. On her reinstatement application, Applicant answered "Yes" to the following questions:

2. Have you been accused of unethical behavior or unprofessional conduct since your last renewal?"

3. Has your employment been terminated or suspended for any form of misfeasance, malfeasance, or nonfeasance since your last renewal?

4. Have you been rejected for membership in a professional organization since your last renewal?

7. Has your license, granted by this state or any other state for the practice of marriage and family therapy or practice in any of the behavioral sciences been limited, restricted, suspended, revoked or subjected to other disciplinary action since your last renewal?"

After question number 7, Applicant wrote, "voluntarily surrendered T-LMFT."

10. Applicant explained she gave a positive response to question number 2 because she had been accused of unethical or unprofessional conduct in the complaint that was filed in September 2016. Applicant answered yes to question number 3 because after getting her T-LMFT, Applicant's employer suspended her employment and told her she had to complete another [REDACTED] before she would be considered for re-employment. Applicant had provided her employer with a 2015 [REDACTED] to get employment accommodations.

11. Applicant responded positive to question number 4 because the American Association for Marriage and Family Therapy rejected her renewal application as the complaint was still pending. Although she had never been disciplined by the Board or any licensing agency in another state, Applicant answered "yes" to question number 7 because she wanted to be completely transparent. The handwritten comment was a reference to her surrendering her T-LMFT.

12. On October 21, 2019, Applicant began employment at Cornerstones of Care as an aftercare specialist. Previously she had worked at KDC for one year doing the same job; when the contract was awarded to Cornerstones of Care, Applicant left KDC to work at Cornerstones of Care.

13. In April 2020, Applicant completed her fourth [REDACTED] for accommodations from her employer. This [REDACTED] showed fewer tests were given than the 2018 [REDACTED]. The 2020 evaluation included the history for Applicant's present condition. This report stated, after her [REDACTED]. She was also [REDACTED] after experiencing [REDACTED]. Applicant was [REDACTED]. Although she had noticed improvement over time, Applicant had not returned to [REDACTED]. However, the best regulator for her [REDACTED] was sufficient sleep each night.

14. The results of the 2020 [REDACTED] stated Applicant's "performance was notable for [REDACTED], as well as [REDACTED]. These results are consistent with her history of [REDACTED] and [REDACTED]. [Applicant] denied [REDACTED]

██████████" The evaluator agreed with the accommodations made by Applicant's ██████████."

15. Applicant requested the accommodation because she was struggling to keep up with her caseload. She struggled to take calls and was months behind in completing her notes—her notes in monthly reports were current but not in an electronic form. Applicant's current accommodation was she was not on-call after 8:30 p.m. She was not granted additional hours to complete her reports because Applicant's supervisor would provide assistance if she asked.

16. When asked on cross-examination if she understood that the Board granted her a license in the Summary Proceeding Order, Applicant responded she was not granted a license. She said she answered "no" because she never received a "license."

17. Applicant stated she understood the Summary Proceeding Order to be a disciplinary order as it included the case number of the disciplinary case and determined she had committed unprofessional conduct. Applicant admitted she did not report that her employment had been terminated while she held her T-LMFT. She disagreed she failed to recognize her ██████████. Applicant believed she possessed good insight and there were no complaints by clients. Her only disciplinary action at her current employment concerned keeping up with 29 families and documentation. She was aware of her limitations and asked for accommodations. She has not practiced as a therapist since surrendering her T-LMFT.

18. Applicant has been receiving ██████████. Applicant began ██████████ in September 2014. However, Applicant did not see ██████████ from February 2015 to September 2016. ██████████ notes indicate Applicant has seen her on a regular basis from September 2016 through March 2020. ██████████ in the fall of 2016. Since that time, Applicant has had ██████████. Applicant did not know what the term ██████████ meant.

19. Applicant was asked if the time period from February 2015 to September 2016 that Applicant did not see ██████████ was the same time period that Applicant's clinical supervisor reported Applicant's behavior to the Board. Applicant responded her supervisor took her behavior out of context and interpreted her quirky behavior as hyper. Applicant had such behavior after recovering from her ██████████ and had told her supervisor about it. Applicant believed her supervisor was then looking for such behavior. Now, Applicant gets feedback from others on her behavior.

20. On May 2, 2017, Applicant and ██████████ had a telephone conversation with Assistant Attorney General Marty Snyder (Snyder) who at that time represented the Board's Complaint Review Committee (CRC). ██████████ and Applicant were inquiring about the disciplinary case. ██████████ made notes of the meeting. Under a heading titled, "Consent Agreement," she wrote:

- \*surrendering temp. licenses until July (not imposed, but an agreement);
- \*0 restrictions on reapply for license for LMFT as of July 1, 2017
  - Leslie Allen (application specialist);
- \*33 CEU's do not count toward next biennial [sic] license period
- \*made public . . . ? open record request
  - Board Staff w/ they are required advice of legal counsel determination
  - signs agreement (by May 19) & sends back; they sign the agreement; final is mailed back to [Applicant];
  - licences [sic] returned to the Board (KSBSRB) by [Applicant];
  - new email (MFT)

21. Applicant and [REDACTED] believed Snyder was authorized to make an agreement and the disciplinary action would be closed upon Applicant's surrender of her license. Applicant and [REDACTED] claimed Snyder agreed to the proposal and agreed Applicant's license would be reinstated without restrictions.

22. Applicant also provided copies of emails between herself and Snyder. On May 31 2017, at 10:57 a.m., Applicant wrote to Snyder:

Since I am unable to find my temporary license, can I write up a document for you stating that I am surrendering it immediately, and also that I will not apply for my LMFT for 9 to 12 months? (no sooner than March 1, 2018) I would be happy to sign this document to make it a formal contract, and send it to you in the mail so that you can present it to the board. It might save you some work.

What do you think?

23. Snyder responded four minutes later as follows:

Yes, that should be sufficient for the Board staff to list you correctly in the database as "surrendered."

Yesterday on the phone we agreed that, rather than signing the proposed Consent Agreement and Order, you would surrender your Temporary LMFT license immediately (before it expires on June 30) and agree not to apply for licensure for the next 9 to 12 months as you have stated below.

I think this is a fair result – thanks for your cooperation and good luck with your recovery!

24. A few minutes later, Applicant sent an email to Snyder asking: "Sorry, do you want me to write up a contract and send it to you in the mail? Or are you saying this email is a sufficient statement of my intentions?" Shortly thereafter, Snyder responded to Applicant that a contract was not necessary, but a "letter slightly more formal than these emails would probably be best." Snyder told Applicant to send the letter to her and the Board's Executive Director. Snyder would present the letter to the CRC at its June meeting. There were



additional emails between Snyder and Applicant but none discussed the reinstatement of Applicant's LMFT without restrictions or conditions in exchange for the surrender of her T-LMFT and waiting to apply for reinstatement of her LMFT.

25. In a letter dated June 12, 2017, to the Board's Executive Director, Applicant surrendered her T-LMFT and stated she would "not apply for renewal of [her] LMFT any sooner than March 1, 2018." Applicant's letter did not refer to a conversation with Snyder or mention any agreement to reinstate her LMFT without restrictions or conditions in exchange for the surrender of her T-LMFT.

26. Applicant submitted two references in support of her reinstatement application. One letter was from the Aftercare Manager at Cornerstones of Care who had supervised Applicant since September 2020. She stated Applicant worked non-required weekend hours to work with volatile youth and parents in crisis; advocated on behalf of children and families and placed their best interests at heart; recommended appropriate resources to families and assigned them in setting goals and timelines to meet outcomes; stayed in close communication with her clients as appropriate; and completed all documents so her clients could move toward self-sustenance to maintain stability. This reference did not indicate that she was licensed in the behavioral sciences or aware of the 2016 complaint that was filed when Applicant held a T-LMFT.

27. Applicant's other reference, [REDACTED], is licensed as a master's social worker (LMSW). She had known Applicant for several years—as a co-worker and supervisor. [REDACTED] stated Applicant had always demonstrated professionalism and commitment in providing care to her clients and sought solutions to difficult situations for her clients. Applicant had shared her health issues and accommodations with [REDACTED]. Applicant was "adamant that these simple accommodations did not impede her quality of work or services provided to her clients." Applicant also shared information about her case. [REDACTED] did not "see why her LMFT license was revoked in the first place." She believed Applicant should be allowed to "resume her passion and dedication as a fully licensed LMFT." [REDACTED] did not state if she had been Applicant's co-worker or supervisor when Applicant held her T-LMFT. It appeared [REDACTED] information was based solely upon that given to her by Applicant.

#### Conclusions of Law

28. The practice of marriage and family therapy includes "the assessment and treatment of cognitive, affective or behavioral problems within the context of marital and family systems and includes the diagnosis and treatment of mental disorders as authorized under the Act." K.S.A. 65-6502(b). A LMFT is a person who is licensed to practice marital and family therapy under the Act and with supervision by "a licensed clinical marriage and family therapist, 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 mental disorders." K.S.A. 65-6420(c).

29. The Act authorizes the Board to issue a LMFT license to a person who has submitted an application and is qualified. See K.S.A. 65-6404(a). However, the Board may

refuse to reinstate a license or may condition, limit, revoke or suspend 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. 65-6408(a)(9). The definition of unprofessional conduct includes the following:

[F]ailing to notify the board within a reasonable period of time that the licensee or applicant . . . applying for licensure has been demoted, terminated, suspended, reassigned or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance unless the information was obtained in the context of confidentiality. K.A.R. 102-5-12(b)(2)(C).

[F]ailing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests. K.A.R. 102-5-12(b)(8).

30. Because she has submitted an application for licensure as a marriage and family therapist, 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. 65-6408(c).

31. Applicant submitted evidence to imply she had an agreement with Snyder that her LMFT would be reinstated without conditions if she surrendered her T-LMFT prior to its expiration and waited for almost one year to apply for her reinstatement of her LMFT. This argument was raised in Applicant's motion to dismiss and rejected by the Board. Although Applicant and Mason may have thought Snyder had the authority to bind the Board, that belief is contradicted by Snyder's email stating she would "present" Applicant's letter to the Board. Additionally, Applicant failed to mention such agreement when she surrendered her T-LMFT or when any Consent Agreement and Order was offered to her subsequently. As such, Applicant's reliance on a claim of a prior agreement with Snyder fails.

32. Applicant admitted her employment as a LMFT at a treatment facility had been suspended in 2016 while she held her T-LMFT. However, she failed to notify the Board of this adverse employment action. Thus, Applicant violated K.S.A. 64-6408(a)(9) by committing unprofessional conduct as defined in K.A.R. 102-5-12(b)(2)(C).

33. [REDACTED] in September 2014. However, about five months later, she [REDACTED] and did not [REDACTED] again until September 2016. It was during this time period that Applicant's supervisor reported Applicant's [REDACTED] behavior. However, Applicant did not accept her supervisor's concerns at that time. When she [REDACTED] in September 2016, [REDACTED] described Applicant's behavior as [REDACTED], in other words, Applicant was unable to regulate her behavior. Even at the hearing, Applicant rationalized the supervisor's concerns rather than accepting or addressing how Applicant presented herself to others and how others perceived her behavior in 2016. Additionally, Applicant's test scores for [REDACTED] and [REDACTED] in



the 2018 and 2020 [REDACTED]

34. Applicant [REDACTED] and was later advised by her supervisor of her [REDACTED] behavior in 2016. Rather than address those concerns, Applicant denied them in 2016 and now. By doing so, Applicant has failed to recognize and appropriately respond to her behavior and moods that were caused by her [REDACTED] and interfered with or negatively impacted her professional judgment, professional performance and function, or her ability to act in her client's best interests. Thus, Applicant violated K.S.A. 64-6408(a)(9) by committing unprofessional conduct as defined in K.A.R. 102-5-12(b)(8).

35. Based upon the totality of the evidence and the above conclusions, the Board determines cause exists to condition the reinstatement of Applicant's license to practice as a marriage and family therapist based upon her unprofessional conduct as described above. Therefore, the Board hereby reinstates Applicant's license as a licensed marriage and family therapist subject to the following terms and conditions.

(a) Upon employment as a LMFT, Applicant's practice as a LMFT shall be supervised by a person who is approved by the Board, is licensed as a clinical marriage and family therapist (LCMFT) with a minimum of two (2) years in such practice, and is not in a familial, subordinate, or other dual relationship with Applicant. If a LCMFT is not available to provide supervision under this Order, the Board may approve another person who is clinically licensed by the Board, has a minimum of two (2) years of clinical practice in their licensed profession, and is not in a familial, subordinate, or other dual relationship with Applicant.

(b) Applicant will hold the license as a marriage and family therapist with the supervision, limitations, and conditions imposed herein for a minimum of twelve (12) months. Any period of time that Applicant is not employed as a LMFT or engaged in the practice as a LMFT shall not count towards this requirement of supervised practice. During the supervisory period, Applicant shall not be engaged in private practice as an LMFT.

(c) During this supervised period, Applicant and her supervisor shall have weekly one-hour, in-person or tele-video, supervision sessions. These sessions shall focus on professional practice, documentation and completion of tasks, and the ability to recognize personal issues that may impact professional judgement.

(d) Applicant shall continue [REDACTED], and lack of awareness of how her conduct is perceived by others. Applicant's [REDACTED] shall advise the Board if Applicant ceases [REDACTED] for one month or more.

(d) During the supervision period, Applicant's practice supervisor shall provide the Board with written reports at the end of each three (3) month period of supervision. This report shall address topics required in paragraph 12(c) above. If Applicant's supervisor is not her employer, Applicant's employer shall also provide the Board with written reports at

the end of each three (3) month period of supervision that includes the information required in paragraph number 12(c) above. Applicant's employer shall also provide the Board with reports at the end of each three (3) month period of supervision that address the topic of Applicant's time management and scheduling. If Applicant's practice supervisor or employer submit reports indicating difficulties relating to Applicant's practice as a LMFT, the Board may require Applicant to complete and submit to the Board a current clinical evaluation of fitness to practice by a practitioner approved by the Board.

(e) Applicant shall notify the Board and her practice supervisor within seven (7) calendar days of any changes in her personal or professional status that would hinder or inhibit compliance with any of the above terms and conditions.

(f) Applicant's practice supervisor or employer shall immediately notify the Board if either have concerns or reason to believe that Applicant has not complied with the terms and conditions of this Order, the Marriage and Family Therapist Licensure Act, or its implementing regulations.

(g) Applicant shall bear any expense of supervision and all other costs incurred in satisfying the terms of this Order.

(h) Applicant shall provide to her practice supervisor and employer a copy of this Order and have her practice supervisor and employer sign a written agreement to abide by the terms of this Order. Applicant's practice supervisor and employer shall send their signed written agreement to the Board with seven (7) days of becoming Applicant's practice supervisor or employer.

(i) Applicant shall obey all federal, state, and local laws, including the statutes and regulations governing the practice of marriage and family therapists.

(j) At the end of the supervised practice period, Applicant's supervisor and employer must submit a written report to the Board addressing whether Applicant poses a risk to the public in the practice of marriage and family therapy without supervision under this Order. The Board may consider the reports from Applicant's practice supervisor and employer in determining whether an application to renew her license as a marriage and family therapist should be denied, granted, or granted with conditions or limitations placed thereon.

(k) If Applicant has not obtained a practice supervisor or become employed as a marriage and family therapist within one (1) year from service of this Order, Applicant shall have to submit a new application for licensure as a marriage and family therapist.

#### **ORDER**

WHEREFORE, after consideration of the above findings of fact and conclusions of law, it is the decision of the Board that the application filed by Grace Meikenhaus for reinstatement of her license to practice as a marriage and family therapist be granted subject to the conditions and limitations set forth above.

IT IS SO ORDERED.

Deborah S. Stidham  
Deb Stidham, Chair  
Behavioral Sciences Regulatory Board

#### NOTICE OF ADMINISTRATIVE RELIEF

The above Order is a final order. Pursuant to K.S.A. 77-529, a party may file with the Board a petition for reconsideration within 15 days from the date noted below in the Certificate of Service. Such petition must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking judicial review.

Pursuant to K.S.A. 77-528, a party may file, if applicable, a petition for stay of effectiveness of the order prior to the expiration of the time in which to file a petition for judicial review. The filing of a petition for a stay of effectiveness is not a prerequisite for seeking judicial review.

#### NOTICE OF JUDICIAL RELIEF

If a petition for reconsideration is not filed pursuant to K.S.A. 77-613, a party may file within 30 days from the date noted below in the Certificate of Service a petition for judicial review with the appropriate district court as provided in the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*

The designee who may receive service of a petition for reconsideration, a petition for stay, or a petition for judicial review on behalf of the Board is:

David Fye, Executive Director  
Behavioral Sciences Regulatory Board  
Eisenhower State Office Building  
700 SW Harrison, Suite 420  
Topeka, Kansas 66603-3240

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 24<sup>th</sup> day of March 2021, a true and correct copy of the above and foregoing Order was deposited in the U. S. mail, first-class postage prepaid, addressed to:

Grace Meikenhous



Whitney L. Casement  
Stevens & Brand, LLP  
4848 S.W. 21<sup>st</sup> Street, Ste. 201  
Topeka, KS 66604

The undersigned further certifies a true and correct copy of the above Order was delivered by interoffice mail to:

Jane Weiler, Assistant Attorney General  
Civil Litigation Division  
Office of the Attorney General  
Memorial Building  
120 SW 10th Avenue  
Topeka, Kansas 66612

A handwritten signature in cursive script, reading "Leslie A. Allen", written over a horizontal line.

Staff,  
Behavioral Sciences Regulatory Board

Behavioral Sciences Regulatory Board  
700 SW Harrison St. Suite 420  
Topeka, KS 66603-3929  
David B. Fye, JD, Executive Director



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Laura Kelly, Governor

January 26, 2022

Grace Meikenhous  
[REDACTED]

Re: Requested Changes to Final Order of the Board

Ms. Meikenhous,

At the Board meeting of the Behavioral Sciences Regulatory Board on January 10, 2022, you presented public comment to the Board, requesting a series of adjustments to the terms of the finalized order of the Board for Case No. 20-MF-004. You spoke from a letter which had been sent to the Behavioral Sciences Regulatory Board on October 20, 2021. Additionally, you noted that you would be beginning [REDACTED] sessions and asked if those sessions could be counted towards the terms of the final order. Your letter was reviewed by the members of the Board and it included seven separate requests. After you addressed the Board and requested adjustments from the Board, the Board held an Executive Session to consult with legal counsel.

Upon reopening the meeting, the Board voted to grant permission for your sixth request, which was phrased as follows: *"Allow me to be a contract employee in a "private practice": I am still required to be under close supervision with my LMFT even if I am in this type of setting – they are often private pay, and therefore I would not run into this credentialing issue. What if [REDACTED] agreed to hire me on as a contract employee or I worked in a practice where my clinical supervisor was also located?"*

The Board moved to deny the remainder of your requests.

If you have any questions, please let me know.

A handwritten signature in dark ink, appearing to read "D. B. Fye".

David B. Fye, JD  
Executive Director  
Behavioral Sciences Regulatory Board