

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

In The Matter Of)	
)	
GREGORY A. FLIESS,)	Case No. 20-PC-0105
LPC #2675)	
)	
Respondent)	
_____)	
Pursuant to K.S.A. 77-536		

SUMMARY PROCEEDING ORDER OF SUSPENSION

NOW, on this 5 day of March, 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. Gregory A. Fliess ("Respondent") was at all times relevant, a Licensed Professional Counselor ("LPC") within the meaning of the Kansas Professional Counselors Licensure Act, K.S.A. 65-5801, *et seq.*, and amendments thereto. The Board issued Respondent original LPC No. 2675 on approximately September 8, 2014. This license will expire on September 30, 2020.
2. On or about February 12, 2019, Respondent entered into a Consent Agreement and Final Order with the Board in Case No. 19-PC-0010.

3. The Consent Agreement and Final Order required in part that Respondent shall practice only under individual supervision by an independent clinical-level supervisor to be approved by the Board.

4. On or about February 7, 2019, the Board approved Respondent's clinical supervisor required by the Consent Agreement and Final Order. Respondent and his supervisor met for the first time on March 7, 2019. Of note, the supervision was placed on hold for three weeks in July 2019 related to Respondent reporting personal issues.

5. On or about November 21, 2019, Respondent's supervisor sent to Respondent notice that she was terminating the supervision contract. Respondent's supervisor cited multiple cancellations or late arrivals to supervision during the terms of the contact, and late payments for supervision sessions as the issues prompting the termination of the supervision.

6. On or about December 10, 2019, Respondent's supervisor submitted to the Board the documentation related to the termination of the clinical supervision for Respondent.

7. On or about December 10, 2010, the Board's investigator sent to Respondent a request that Respondent submit to the Board his proposed supervisors.

8. On or about January 31, 2020, Board staff sent to Respondent notice that the Report of Alleged Violation related to his noncompliance in Case 19-PC-0010 would be reviewed by the Complaint Review Committee of the Board.

9. At this time, Respondent has failed to submit to the Board the name of any proposed supervisor.

APPLICABLE LAW

10. 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.

11. K.S.A. 65-5802(g): "Licensed professional counselor" means a person who is licensed under this act and who engages in the practice of professional counseling except that on and after January 1, 2002, such person shall engage in the practice of professional counseling only under the direction of a licensed clinical professional counselor, 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.

12. K.S.A. 65-5809(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 licensure has violated a provision of the professional counselors licensure act or one or more rules and regulations of the board. Specifically, K.A.R. 102-3-12a(b)(9): 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.

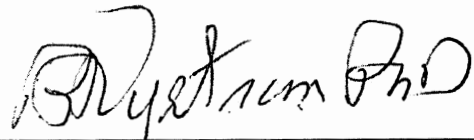
CONCLUSIONS OF LAW

13. Respondent is in violation of K.S.A. 65-5809(a)(5), as defined in K.A.R. 102-3-12a(9), 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 provide the name of his proposed clinical supervisor.

SANCTION

WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 65-5809(a) and K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Kansas Professional Counselor license of Respondent Gregory A. Fliess 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 4th DAY OF March, 2020.



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 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.

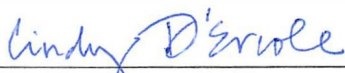
CERTIFICATE OF SERVICE

This is to certify that on this 5 day of March, 2020, 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:

Gregory Fliess, LPC


and a copy delivered via interoffice mail to:

Jane E. Weiler, Esq.
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612
Disciplinary Counsel for the Board



For the Board