

Jane E. Weiler, #25276
Assistant Attorney General
Office of the Kansas Attorney General
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD
700 SW Harrison Street, Suite 420
Topeka, Kansas 66603-3929

In the Matter of)
DUSTIN MCKENNON, LAC) Case No. 21-AC-0127
LAC License No. 1300)
)
Licensee/Respondent.)

CONSENT AGREEMENT AND FINAL ORDER

NOW on this 2 day of May, 2022, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board ("Board") by and through Assistant Attorney General Jane E. Weiler on behalf of the Board, and by agreement of Dustin McKennon, ("Licensee"), for the purposes of resolving the above-captioned matters.

The parties knowingly and voluntarily agree as follows:

1. On June 15, 2015, the Board issued Licensee an original Licensed Addiction Counselor ("LAC") license No. 1300. Licensee is currently, and was at all times relevant to this Consent Agreement and Final Order, an LAC within the meaning of the Kansas Addiction Counselor Licensure Act, K.S.A. 65-6607 *et seq.*
2. On or about, June 2, 2021, Licensee submitted to the Board the renewal for his LAC license. In this renewal, the question asks, Since your last renewal, have you been convicted of a felony and/or misdemeanor crime against a person(s)? Licensee answered this question, "No".
3. On or about July 8, 2019, Licensee was sentenced for his third DUI conviction, which was a felony.

4. Of note, in his 2019 renewal, Licensee did report that he had been charged with a felony DUI, but he failed to provide to the Board any information related to the conviction and sentencing of this felony as required.

APPLICABLE LAW

5. 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 abuse disorders and who is licensed under this act.

6. 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 obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation.

7. Licensee and the Board mutually desire to enter into this Consent Agreement and Final Order in lieu of further summary and adjudicative proceedings.

8. Licensee understands that by entering into this Consent Agreement and Final Order, Licensee waives all rights to further adjudication of facts and law that could be determined pursuant to summary proceedings or a hearing conducted in accordance with the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.* in relation to Case No. 21-AC-0127.

9. Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review, K.S.A. 77-601 *et seq.* in relation to Case No. 21-AC-0127.

10. The Board accepts Licensee's waiver of rights and stipulations.

11. A protective order is hereby entered to protect all confidential information under 42 CFR Part II.

ORDER

WHEREFORE, the Board finds that the above facts have been established by clear and convincing evidence; and further finds that Licensee was in violation of K.S.A. 65-6615(a)(6), in that Licensee failed to be forthright and honest when he answered "No" to the renewal question if he had been convicted of a felony since his last renewal.

AND WHEREAS Licensee and the Board mutually desire to enter into a Consent Agreement and Final Order in lieu of further adjudicative proceedings to resolve the reported violations.

NOW THEREFORE, Licensee consents to the following terms and conditions, and the Board orders that:

12. Licensee shall receive individual therapy with a therapist. Licensee shall provide the name of his therapist to the Board within thirty (30) days of the effect date of the Consent Agreement and Final Order, along with a release from the therapist for reports. This requirement shall continue for one (1) year.

13. Licensee shall provide a copy of this Consent Agreement to the therapist and authorize the therapist to provide written quarterly reports to the Board's Investigator for the one (1) year term of therapy. There shall be a minimum of four (4) quarterly reports (every three [3] months) submitted to the Board's investigator during this one (1) year therapy timeframe.

14. Licensee shall provide a copy of this Consent Agreement and Final Order to his employer.

15. Licensee must notify the Board's Investigator within ten (10) days of a change in his employment and/or address change.

16. Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Final Order.

17. Licensee shall all submit to the Board's investigator at its offices located at 700 SW Harrison St, Suite 420, Topeka, Kansas, 66603, any and all documents evidencing compliance with the terms and conditions required by this Consent Agreement and Final Order.

18. After completion of the actions set out in the Consent Agreement and Final Order, Licensee will have no remaining obligations to the Board in relation to this case. However, Licensee may be subject to further enforcement action if Licensee fails to comply with the terms, conditions, and requirements imposed by this Consent Agreement and Final Order.

19. The matters referred to in this Consent Agreement and Final Order shall not be grounds for future action against Licensee, except the extent that that such matters may be relevant for future disciplinary or licensure proceedings in the Board's consideration of the factors identified in K.S.A. 65-5806 [Licensure; expiration and renewal; continuing education; reinstatement of suspended or revoked license], and K.S.A. 65-5809 [Refusal to issue, suspension, limitation, refusal to renew

or revocation of license or specialty designation; grounds], for establishing rehabilitation or a pattern of conduct.

20. Except as provided in paragraph 19, this Consent Agreement and Final Order shall operate as a complete release of all claims the parties may have against each other pending before the Board and arising out of the Board's investigation of these matters. Licensee agrees not to file, or cause to be filed, any litigation or claims in any federal or state court of law or federal or state administrative agency against the Board, its agents, Board members, or employees, individually or in their official capacity. Such litigation or claims include, but are not limited to, any K.S.A. Chapter 60 or Chapter 61 civil action regarding negligence and/or a 42 United States Code action and/or any administrative petition for redress. Licensee agrees that all actions in this matter were a bona fide use of administrative discretion on the part of the Board, its members, and employees, which is a statutory exception to liability within the Kansas Tort Claims Act, K.S.A. 75-6104(b), (c) or (e).

21. Licensee agrees that this Consent Agreement and Final Order conforms to Kansas and federal law and that the Board has jurisdiction to enter into it and enter the Final Order provided for herein.

22. Licensee understands that a notification of this Consent Agreement and Final Order shall be provided to any other state licensing board or entity if Licensee is also licensed, registered or certified in another state.

23. This Consent Agreement and Final Order shall be a public record in the custody of the Board.

24. This Consent Agreement and Final Order constitutes the entire agreement of the parties and may only be modified by order of the Board or by a subsequent writing signed by the parties. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

25. This Consent Agreement and Final Order shall become effective on the date indicated in the Certificate of Service.

WHEREFORE, the parties consent to these provisions, which are hereby made the Final Order of the Kansas Behavioral Sciences Regulatory Board in the above-captioned case.

IT IS SO ORDERED.

Dated this 26th day of April, 2022.

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

AGREED AND CONSENTED TO BY:

[Signature: Dustin J. McKennon (LAC)]
Dustin J. McKennon, LAC
Licensee/Respondent

4/19/22
Date

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was served on this 2 day of May, 2022, by depositing the same in the United States mail, postage prepaid, addressed to:

Dustin J. McKennon, LAC



And a copy delivered via email to:

Jane E. Weiler, Assistant Attorney General
Disciplinary Counsel for the Board
Jane.weiler@ag.ks.gov
Office of the Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612

[Signature: Cindy D'Ercole]
For the Board