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

In the Matter of)
HEATHER L. LARUE, LCMFT)
License No. 709) Case No. 21-CT-0114
Respondent/Licensee.)

CONSENT AGREEMENT AND FINAL ORDER

NOW on this 13 day of September, 2021, 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 Heather L. LaRue, (“Licensee”), for the purposes of resolving the above-captioned matter.

The parties knowingly and voluntarily agree as follows:

1. On September 30, 2008, the Board issued Licensee a Licensed Clinical Marriage and Family Therapist (“LCMFT”) license, No. 709. This license expires on September 30, 2022. Licensee is currently, and was at all times relevant to this Consent Agreement and Final Order, an LCMFT within the meaning of the laws relating the Kansas Marriage and Family Therapists Licensure Act, K.S.A 65-6401, *et seq.*, and amendments thereto.

2. On or about June 4, 2021, the Board received a Report of Alleged Violation alleging Licensee may have violated certain statues and regulations governing the practice of licensed clinical marriage and family therapists in the State of Kansas.

3. Licensee provided therapy to Client on and off since October 2015, and ceased therapy in October 2018.

4. In March 2019, Client returned to Licensee for therapy. After returning for therapy, and while receiving therapy, Licensee and Client began a sexual relationship.

5. After June 2019, Client was no longer receiving therapy from Licensee. However, Client and Licensee continued the sexual relationship.

6. In May 2020, Client's wife was pregnant and had a baby shower. Licensee purchased gifts for the baby shower.

7. In June 2020, Client ceased contact with Licensee.

8. Licensee reported that she became suicidal based upon the relationship with Client, and she sought treatment from a psychiatrist. Licensee further reported that the relationship became traumatic for her.

APPLICABLE LAW

9. K.S.A. 65-6402(d): "Licensed clinical marriage and family therapist" means a person who engages in the independent practice of marriage and family therapy 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 is licensed under this act.

10. K.S.A. 65-6408(a)(9): 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 been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the Board. Specifically:

- a. K.A.R. 102-5-12(b)(8): failing 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 interest.
- b. K.A.R. 102-5-12(b)(10): offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards.
- b. K.A.R. 102-5-12(b)(25): making sexual advances toward or engaging in physical intimacies or sexual activities with one's client, student, or supervisee.

- c. K.A.R. 102-5-12(b)(27): exercising undue influence over any client, student, or supervisee, including promoting sales of services or goods, in a manner that will exploit the client, student, or supervisee for the financial gain, personal gratification, or advantage of oneself or a third party.
- d. K.A.R. 102-5-12(b)(41): failing to terminate marriage and family therapy services when it is apparent that the relationship no longer serves the client's needs or best interests.
- e. K.A.R. 102-5-12(b)(44): engaging in a dual relationship with a client, student, or supervisee.

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

12. 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-CT-0114.

13. 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- CT-0114.

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

15. 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. 65-6408(a)(9), as defined in K.A.R. 102-5-12(b)(10), K.A.R. 102-5-12(b)(25), K.A.R. 102-5-12(b)(44), in that Licensee engaged in unprofessional conduct when she entered into a dual relationship with Client by engaging in a sexual relationship, and this sexual relationship is inconsistent with the accepted professional standards.

Additionally, the Board finds that Licensee is in violation of K.S.A. 65-6408(a)(9), as defined in K.A.R. 102-5-12(b)(27), when Licensee exercised undue influence over Client in a manner that exploited Client for Licensee's personal gratification when she entered into a sexual relationship with Client.

Further, the Board finds that Licensee is in violation of K.S.A. 65-6408(a)(9), as defined in K.A.R. 102-5-12(b)(41), when Licensee failed to immediately terminate the therapy services when the sexual relationship started.

Lastly, the Board finds that Licensee is in violation of K.S.A. 65-6408(a)(9), as defined in K.A.R. 102-5-12(b)(8), in that Licensee reported that she became suicidal related to the sexual relationship with her client, and the relationship became traumatic for her.

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:

16. Following his suspension, for a period of two (2) years, Licensee shall practice only under individual supervision by an independent clinical-level supervisor to be approved by the Board. There shall be no dual relationship with the supervisor. Licensee shall have one (1) hour meetings every week with his supervisor. The focus shall be related to professional boundaries.

17. Licensee shall provide a copy of this Consent Agreement and Final Order to the supervisor and authorize the supervisor to provide written quarterly reports to the Board's Investigator for two (2) year term of supervision. These quarterly reports shall be due every three (3) months, with a minimum of eight (8) quarterly reports submitted over the course of the two (2) year supervision timeframe.

18. During this two (2) year supervision timeframe, Licensee shall not provide supervision to another licensee.

19. Licensee shall enter into individual therapy within thirty (30) days of the effective date of this Consent Agreement and Final Order, and Licensee will provide the name of her therapist to the Board. This therapy will continue until the therapist feels the therapeutic process is complete.

20. Licensee shall provide a copy of this Consent Agreement and Final Order to her therapist and authorize his therapist to provide written quarterly reports to the Board's investigator for the duration of Licensee's therapy.

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

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

23. Additionally, Licensee shall attend, and successfully complete the "Professional Boundary Training for Medical Professionals" offered by the Acumen

Institute in Lawrence, Kansas within 60 days of the effective date of this Consent Agreement and Final Order. Licensee may also propose a similar course, with similar content that will be approved by the Board as a comparable substitute.

24. These hours shall be in addition to those continuing education hours required for renewal of license.

25. All foreseen and unforeseen expenses to complete the aforementioned course(s) including travel, lodging, program fee, meals, etc., shall be at Licensee's own expense.

26. 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.

27. 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.

28. 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. 65-6407 [Licensure; expiration and renewal; continuing education; reinstatement of suspended or revoked license], and K.S.A. 65-6408 [Refusal to grant, suspension, condition, limitation, qualification, restriction or revocation of license, grounds], for establishing rehabilitation or a pattern of conduct.

29. Except as provided in paragraph 28, 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).

30. 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.

31. 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.

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

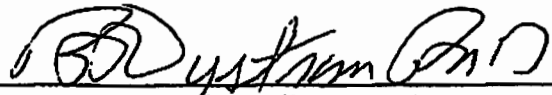
33. This Consent Agreement and Final Order constitutes the entire agreement of the parties and may only be modified by order of the Board or by a subsequent writing signed by the parties. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

34. 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 7th day of September 2021.


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


AGREED AND CONSENTED TO BY:


Heather L. LaRue, JCMFT
Respondent/Licensee

9.1.21
Date

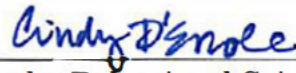
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was served on this 13 day of September 2021, by depositing the same in the United States mail, postage prepaid, addressed to:

Heather L. LaRue, LCMFT


And a copy delivered via email to jane.weiler@ag.ks.gov:

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



For the Behavioral Sciences
Regulatory Board