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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)	
)	
BRENDA J. BENSON, LP)	Case No. 21-LP-0100
License #2179)	
)	
Respondent)	
_____)	
Pursuant to K.S.A. 77-536)	

SUMMARY PROCEEDING ORDER

NOW, on this 23 day of August, 2021, 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. Brenda J. Benson ("Respondent") was at all times relevant, a Licensed Psychologist ("LP"), having been issued LP License No. 2179 within the meaning of the Kansas Licensure of Psychologists Act, K.S.A. 74-5301, *et seq.*, and amendments thereto.
2. On or about January 28, 2021, Respondent entered into a settlement agreement with the State Committee of Psychologists in the State of Missouri. In this settlement agreement, Respondent agreed to violations of the Missouri statues governing the practice of psychologists,

which resulted in disciplinary action being taken against her Missouri psychologist license. In this case, the disciplinary action was a public censure.

APPLICABLE LAW

3. 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.

4. Pursuant to K.S.A. 74-5302(a): "Practice of psychology" means the application of established principles of learning, motivation, perception, thinking and emotional relationships to problems of behavior adjustment, group relations and behavior modification, by persons trained in psychology. The application of such principles includes, but is not restricted to, counseling and the use of psychological remedial measures with persons, in groups or individually, having adjustment or emotional problems in the areas of work, family, school and personal relationships; measuring and testing personality, intelligence, aptitudes, public opinion, attitudes and skills; the teaching of such subject matter; and the conducting of research on problems relating to human behavior, except that in all cases involving the care of the sick and ill as defined by the laws of this state, the primary responsibility devolves upon those licensed under the Kansas healing arts act. The practice of psychology includes 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. If a licensed psychologist cannot make an independent diagnosis of a mental disorder, such psychologist shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed psychologist may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

5. Pursuant to K.S.A. 74-5324(a)(10): 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 a license has had a registration, license or certificate as a psychologist revoked, suspended or limited, or has had other disciplinary action taken, or an application for registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or another country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

CONCLUSIONS OF LAW

6. Respondent is in violation of K.S.A. 74-5324(a)(10), in that Respondent had disciplinary action taken against her psychologist license by the State of Missouri.

ORDER

WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 74-5324 (a) and K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Kansas LP license of Respondent Brenda J. Benson

should be and is hereby **PUBLICALLY CENSORED** for her violations of the Kansas Addiction Counselor Licensure Act.

IT IS SO ORDERED ON THIS 20th DAY OF August, 2021.


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:

David Fye, 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.

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CERTIFICATE OF SERVICE

This is to certify that on this 23 day of August, 2021, a true and correct copy of the above and foregoing Summary Proceeding Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Danielle R. Sanger
Attorney for Licensee
Sanger Law Office
5040 Bob Billings Parkway, Suite C-1
Lawrence, KS 66049

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

Jane E. Weiler, Esq.
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Cindy D'Ercole
For the Board