

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

In The Matter Of)	
)	
WENDY L. HAVERSTADT,)	Case No. 21-MA-0099
LMAC #917)	
)	
Respondent)	
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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. On June 11, 2019, the Board issued Wendy L. Halverstadt ("Respondent") a temporary Licensed Masters Addiction Counselor ("LMAC") license. On November 13, 2020, the Board issued Respondent a permanent LMAC license no. 917. Respondent is currently, and was at all times relevant to this Summary Proceeding Order, an LMAC within the meaning of the Kansas Addiction Counselor Licensure Act, K.S.A. 65-6607 *et seq.*

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2. On or about, April 6, 2021, the Board received a Report of Alleged Violation (“RAV”) alleging Respondent may have violated certain statues and regulations governing the practice of addiction counselors in the State of Kansas.

3. On or about April 26, 2021, Board staff sent to Respondent notice of this complaint. She was asked to provide a response to the Board no later than May 24, 2021. Respondent did not respond to this request.

4. On or about June 21, 2021, Board staff once again sent to Respondent notice of this complaint. She was again asked to provide a response to the Board no later than July 21, 2021.

5. Respondent failed to provide any response to the Board related to this investigation.

APPLICABLE LAW

6. 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.

7. Pursuant to K.S.A. 65-6608(d): "Licensed master's addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction 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 substance abuse disorders or mental disorders.

8. 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 violated a provision of the addiction counselor licensure act or one or more of the rules and regulations of the board. Specifically, K.A.R. 102-7-11(h): 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. Each 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

9. The Board finds that the above facts have been established by clear and convincing evidence; and further the Board finds that Respondent is in violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(h) when Respondent failed to cooperate in a timely manner with the lawful request from the Board for responses related to this investigation.

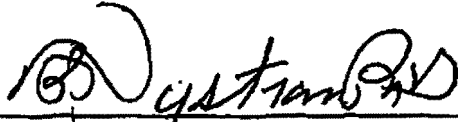
ORDER

10. WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 65-6615(a) and K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Kansas Masters Addiction Counselor license of Respondent Wendy L. Halverstadt should be and is hereby **SUSPENDED** effective date of this

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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 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(e), 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:

Wendy L. Halverstadt, LMAC



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

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