

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

In The Matter Of)	
)	
LORENE MARTINS,)	Case No. 21-PC-0083
LPC #3361)	
)	
Respondent)	

Pursuant to K.S.A. 77-536		

SUMMARY PROCEEDING ORDER

NOW, on this 21 day of November, 2022, 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. Lorene Martins ("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. 3361 on approximately January 14, 2019. This license will expire on January 31, 2023.
2. On or about February 1, 2021, February 12, 2021, and March 15, 2021, the Board received Reports of Alleged Violation ("RAV") alleging Respondent may have violated certain

statutes and regulations governing the practice of licensed professional counselors in the State of Kansas.

3. On or about February 1, 2021, Respondent was arrested by the Lawrence Police Department in Lawrence, Kansas, and she was charged with, in part, two (2) counts of aggravated endangering of a child, intimidation of a witness/victim, and failure of a mental health care provider to report child abuse.

4. On or about March 18, 2021, the State of Kansas Department for Children and Families substantiated child abuse or neglect, specifically lack of supervision pursuant to K.S.A. 38-2202 against Respondent related to the same facts as contained in the RAV's submitted to the Board. As such, Respondent is now listed on the Kansas Child Abuse Registry.

5. On or about August 24, 2022, Respondent pleaded guilty to two (2) counts of Felony Aggravated Endangering a Child in Case No. 2022-CR-000423 in the Seventh Judicial District, Douglas County, Kansas.

6. On or about October 6, 2022, Respondent was sentenced to a total of one year of supervised probation for the aforementioned felonies.

APPLICABLE LAW

7. 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.

8. 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.

9. K.S.A. 65-5809(a)(2): 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 been convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust.

10. K.S.A. 65-5809(a)(4): 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 is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state, the District of Columbia or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust.

CONCLUSIONS OF LAW

11. The Board finds the above facts have been established by clear and convincing evidence, and further finds that Respondent is in violation of K.S.A. 65-5809(a)(2), in that Respondent has been convicted of two (2) counts of Felony Aggravated Endangering a Child, and she has not demonstrated to the board's satisfaction that she has been sufficiently rehabilitated to merit the public trust.

12. Further, the Board finds the above facts have been established by clear and convincing evidence, and further finds Respondent is in violation of K.S.A. 65-5809(a)(4), in that Respondent is now listed on the Kansas Child Abuse Registry as the result of a substantiated finding of lack of supervision by the State of Kansas Department for Children and Families.

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 LPC license of Respondent Lorene Martins should be and is hereby **REVOKED** for her violations of the Kansas Professional Counselors Licensure Act.

IT IS SO ORDERED ON THIS 17th DAY OF December, 2022.



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.

CERTIFICATE OF SERVICE

This is to certify that on this 21 day of November, 2022, 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:

Lorene Martins, LPC
[REDACTED]
[REDACTED]

Christopher Brackman
Franke Schultz & Mullen PC
7101 College Blvd, Ste 510
Overland Park, KS 66210

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

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