

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)
PAUL G. DAIGLE, LAC) Case No. 22-AC-0063
LAC License No. 177)
)
Licensee/Respondent.)

CONSENT AGREEMENT AND FINAL ORDER

NOW on this 18 day of July, 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 Paul G. Daigle, (“Licensee”), for the purposes of resolving the above-captioned matters.

The parties knowingly and voluntarily agree as follows:

1. On July 26, 2011, the Board issued Licensee an original Licensed Addiction Counselor (“LAC”) license No. 177. 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, November 29, 2021, the Board received a Report of Alleged Violation (“RAV”) alleging Licensee may have violated certain statutes and regulations governing the practice of addiction counselors in the State of Kansas. A subsequent investigation determined the following facts.
3. Licensee was employed as an addiction counselor at COMCARE of Sedgwick County (“COMCARE”) in Wichita, Kansas.

4. In July 2021, several COMCARE group participants voiced concerns regarding Licensee's discussions in group. COMCARE staff conducted interview with group participants, and made changes to the gender-specific group topics.

5. In September 2021, COMCARE continued to receive complaints regarding Licensee. Additionally, group members were asking to be reassigned to other groups due to Licensee's language and conduct. COMCARE staff coached Licensee on appropriate language and conduct.

6. In October 2021, COMCARE staff met with Licensee, and issued to Licensee a written reprimand related to continued concerns regarding his conduct in group. During this meeting between Licensee and COMCARE staff, Licensee was directed specifically to not use sexualized language during group.

7. Despite having received a written reprimand coaching from COMCARE staff, Licensee continued to use very sexualized language in group within days of the written reprimand.

8. On November 4, 2021, Licensee was placed on paid relief of duty related to an internal investigation regarding his continued conduct. Licensee was aware that he was placed on paid relief of duty.

9. On November 24, 2021, Licensee resigned his position at COMCARE. Licensee did not report to the Board in a timely manner that he resigned from COMCARE while he was on paid relief of duty.

APPLICABLE LAW

10. 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.

11. 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:

- a. K.A.R. 102-7-11(a)(3): except when the information has been obtained in the context of a confidential relationship, failing to notify the board, within a reasonable period of time, that ... oneself has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has

resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance.

- b. K.A.R. 102-7-11(i): Offering to perform or performing services clearly inconsistent or incommensurate with one's training, education or experience or with accepted professional standards.
- c. K.A.R. 102-7-11(j): engaging in any behavior that is abusive or demeaning to a client, student, or supervisee.

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

13. 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. 22-AC-0063.

14. 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. 22-AC-0063.

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

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)(5), as defined in K.A.R. 102-7-11(a)(3) in that Licensee resigned from COMCARE while he was on a paid relief of duty, and he did not report this resignation to the Board in a reasonable period of time.

Licensee was also in violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(i) in that Licensee practiced addiction counseling inconsistent with the with the accepted standards when he used sexualized language to group participants despite being coached on appropriate language and conduct.

In addition, Licensee was in violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(j), in that Licensee engaged in behavior that was abusive or demeaning to clients when he continued to use sexualized language to group participants despite being coached on appropriate language and conduct.

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. Licensee shall practice only under individual supervision by an independent clinical-level supervisor to be approved by the Board if employed using his LAC license. Licensee shall have weekly one (1) hour meetings with the supervisor in a face to face manner. The focus shall include, but not limited to, boundaries, professionalism, client relationships, and professional expectations. This requirement shall continue for two (2) year.

17. Within thirty (30) days of the effective date of this Consent Agreement and Final Order; or if Licensee is not currently working using his LAC license, and prior to the beginning of using his LAC license, Licensee shall submit to the Board's investigator the name of his proposed supervisor.

18. Licensee shall provide a copy of this Consent Agreement to the supervisor and authorize the supervisor to provide written monthly reports to the Board's Investigator for the two (2) year term of supervision. There shall be a minimum of twenty-four (24) monthly reports submitted to the Board's investigator during this two (2) year supervision timeframe.

19. Licensee shall provide a copy of this Consent Agreement and Final Order to the supervisor.

20. During the time this Consent Agreement and Final Order is in effect, Licensee shall not serve as a supervisor to any person actively using a license regulated by the Board in a position in which such license is required. In addition, Licensee shall not engage in the provision of clinical supervision to any person attaining supervised experience in preparation by the Board. Finally, Licensee shall not supervise any unlicensed person, including students or volunteers, when such persons are engaged in the delivery of professional counseling services.

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

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

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

24. 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.

25. 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.

26. 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.

27. Except as provided in paragraph 26, 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).

28. 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.

29. 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.

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

31. 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.

32. 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 18 day of July 2022.



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

AGREED AND CONSENTED TO BY:



Paul G. Daigle, LAC
Licensee/Respondent

July 6, 2022

Date

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was served on this 18 day of July 2022, by depositing the same in the United States mail, postage prepaid, addressed to:

Paul G. Daigle, 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

Cindy D'Évole
For the Board