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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)	
KARMELETA BURNETT, LAC)	Case No. 22-AC-0151
LAC License No. 1741)	
)	
<u>Licensee/Respondent.</u>)	

CONSENT AGREEMENT AND FINAL ORDER

NOW on this 19 day of December, 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 Karmeleta Burnett, ("Licensee"), for the purposes of resolving the above-captioned matters.

The parties knowingly and voluntarily agree as follows:

1. On February 26, 2021, the Board issued Licensee an original Licensed Addiction Counselor ("LAC") license No. 1741. 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 April 12, 2022, Licensee submitted to the Board a self-report that she may be in violation of the statutes and regulations governing the practice of addiction counselors in the State of Kansas.
3. Further, on or about, May 10, 2022, 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.

4. Licensee was employed at Mental Health Association of South Central Kansas("MHA").

5. During her employment at MHA, Licensee provided counseling services to Client. Client was also under the care of a medical doctor.

6. In her self-report to the Board, Licensee reported that she suggested to Client that the client study/research Kratom to see if it might help some with Client's anxiety. Licensee further stated, "I stated to my supervisor (SA) there was a client on my caseload who was using kratom to help him work and keep his anxiety down, which is why I suggested [Client] study/research."

7. On or about March 24, 2022, Licensee's supervisor discussed with the issue about suggesting that Client research/study Kratom to see if it would help with client's anxiety. Licensee's supervisor told her Client was hospitalized with suicidal ideation related to Client's use of Kratom. Licensee was then placed on suspension pending an outcome of an investigation by MHA.

8. On or about March 29, 2022, Licensee was terminated from her position at MHA. Licensee did report this termination to the Board on April 12, 2022.

APPLICABLE LAW

9. 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.

10. 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(i): Offering to perform or performing services clearly inconsistent or incommensurate with one's training, education or experience or with accepted professional standards.

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. 22-AC-0151.

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. 22-AC-0151.

14. 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(i) in that Licensee practiced addiction counseling inconsistent with the with the accepted standards when she suggested her client research/study Kratom to see if it might help with some of Client's anxiety, despite Licensee only holding an LAC license.

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:

15. Licensee shall practice only under individual supervision by an independent clinical-level supervisor to be approved by the Board if employed using her LAC license. Supervision may be employment based. 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, the scope of practice for an addiction counselor, standard of care, and client care. This requirement shall continue for two (2) years.

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

17. 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 first year of this two (2) year term of supervision. There shall be a minimum of twelve (12) monthly reports submitted to the Board's investigator during this first year of the two (2) year supervision timeframe. If the monthly reports evidence that Licensee has demonstrated progress and growth, the Complaint Review Committee may consider a reduction of the reporting to a quarterly basis for the final year of the two (2) year timeframe.

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

19. 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 addiction counseling services.

20. Licensee shall provide a copy of this Consent Agreement and Final Order to her employer.

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. 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.

24. 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.

25. 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.

26. Except as provided in paragraph 25, 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).

27. 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.

28. 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.

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

30. 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.

31. 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 8th day of December 2022.



Co-chairperson, Complaint Review Committee
On behalf of Kansas Behavioral Sciences
Regulatory Board

AGREED AND CONSENTED TO BY:

Karmeleta Burnett
Karmeleta Burnett, LAC
Licensee/Respondent

11-28-2022
Date

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was served on this 28th day of November 2022, by depositing the same in the United States mail, postage prepaid, addressed to:

[REDACTED] Burnett, LAC
[REDACTED]

[REDACTED] via email to:

Jane E. Weiler, Assistant Attorney General
Disciplinary Counsel for the Board
Jane.weiler@ag.ks.gov
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120 SW 10th Ave., 2nd Floor
Topeka, KS 66612

Cindy D'Ercole
For the Board