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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of

**LAURA CAROL CUMMINGS, LSCSW)
License #2310)**

Case No. 22-CS-0002

Respondent

Pursuant to K.S.A. 77-536

SUMMARY PROCEEDING ORDER

NOW, on this 13 day of September, 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. Laura Carol Cummings ("Respondent") was at all times relevant, a Licensed Specialist Clinical Social Worker ("LSCSW"), having been issued LSCSW License No. 2310. This license expires on March 31, 2023. Respondent is currently, and was at all times relevant an LCSSW within the meaning of the laws relating to regulation of social workers, K.S.A. 65-6301 *et seq.*

2. On or about June 30, 2021, a Report of Alleged Violation was received by the Board alleging Respondent may have violated certain statutes and regulations governing the practice of licensed specialist clinical social workers in the State of Kansas.

3. In January 2019, a husband and wife met with Respondent for marriage counseling. A family member of the husband referred them to Respondent. At the first session, Respondent completed an intake assessment of the wife.

4. During the second session, Respondent completed an intake assessment of the husband. However, the husband left before conclusion of this therapy session.

5. From late January 2019 to September 2019, the wife received individual therapy from Respondent. The wife did not sign any consent to release information regarding the wife. Of note, during one of the individual sessions with the wife, Respondent obtained client records of the husband's family members and discussed the information with the wife.

6. In November 2019, the husband and wife completed one marriage counseling session with Respondent.

7. The husband then received individual therapy from Respondent from December 2019 to January 2020.

8. In February 2020, Respondent wrote a letter to the husband's attorney regarding her observation of the couple during that marriage counseling session. In this letter, Respondent reported that the wife should not have custody of the children until she can demonstrate that she is sober. This letter also included a statement, "This session was on November 26, 2019, see enclosed notes from the session." However, Respondent did not have consent from the wife to communicate with any third party regarding the marriage counseling session. Further, there was no court order compelling Respondent to write this letter.

9. Eventually, the husband and wife were involved in a divorce action. The husband's attorney used the letter written by Respondent as an exhibit in the divorce proceedings.

10. While providing therapy to the husband and wife, Respondent used forms that indicated that she held an LMFT license. However, her LMFT license expired in 2008. An example, the Treatment/Evaluation form included, "You will be seeing Carol Cummings, LSCSW, LMFT, and LCAC."

11. During the pendency of this investigation, Board staff had to reach out to Respondent and her attorney many times to obtain a response to the complaint. In September 2021, a response was provided; however, this response did not address the issues.

12. Board staff contacted Respondent's attorney. The delay in the response to the Board's investigation and the subsequent lack of a response related to Respondent's inability to remember the clients in this case.

13. On June 7, 2022, Respondent's counsel talked with Board staff. During this conversation, Respondent's counsel discussed the need for Respondent to retire, in part based upon a decline with Respondent's cognitive functioning.

14. On June 8, 2022, Respondent's attorney sent to Board staff an email in response to a question from Board staff. In this email, Respondent's attorney wrote, "We don't have a solid plan at all. Also, please don't think that she's considering a surrender in response to this complaint. She's in her eighties. It's just time."

15. In September 2022, Respondent called to the Board offices asking why her license is listed as expired on the Board's license verification site. Board staff has attempted to explain to Respondent that her license is not listed as expired.

APPLICABLE LAW

16. 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.

17. Pursuant to K.S.A. 65-6302(b): "Social work practice" means the professional activity of helping individuals, groups or communities enhance or restore their capacity for physical, social and economic functioning and the professional application of social work values, principles and techniques in areas such as psychotherapy, social service administration, social planning, social work consultation and social work research to one or more of the following ends: Helping people obtain tangible services; counseling with individuals, families and groups; helping communities or groups provide or improve social and health services; and participating in relevant social action. The practice of social work requires knowledge of human development and behavior; of social, economic and cultural institutions and forces; and of the interaction of all these factors. Social work practice includes the teaching of practicum courses in social work and includes the diagnosis and treatment of mental disorders as authorized under K.S.A. 65-6306 and 65-6319, and amendments thereto.

18. Pursuant to K.S.A. 65-6311(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 social workers licensure act or one or more rules and regulations of the board. Specifically:

- a. K.A.R. 102-2-7(h): failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests.
- b. K.A.R. 102-2-7(j): offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, and experience and with accepted professional standards for social work.
- c. K.A.R. 102-2-7(s): revealing information, a confidence, or secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records...
- d. K.A.R. 102-2-7(v): failing to exercise due diligence in protecting information regarding and the confidences and secrets of the client from disclosure by other persons in one's work or practice setting.
- e. K.A.R. 102-2-7(w): engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation.

CONCLUSIONS OF LAW

19. The Board finds that the above facts have been established by clear and convincing evidence; and further finds that Respondent was in violation of K.S.A. 65-6311(a)(9), as defined in K.A.R. 102-2-7(h), in that Respondent has the present inability to act in the client's best interest by failing to recognize that her cognition is interfering with her professional performance.

20. Additionally, the Board finds that the above facts have been established by clear and convincing evidence; and further finds that Respondent was in violation of K.S.A. 65-6311(a)(9), as defined in K.A.R. 102-2-7(j), in that Respondent performed services inconsistent with her training when she wrote a letter to the husband's attorney indicating that the wife needed to demonstrate that she was sober despite not having any contact with the wife for several months to determine if the wife was still consuming alcohol.

21. Further, the Board finds that the above facts have been established by clear and convincing evidence; and further finds that Respondent was in violation of K.S.A. 65-6311(a)(9), as defined in K.A.R. 102-2-7(s), in that Respondent failed to protect the confidences of her client when she provided information to the husband's attorney without the wife's written consent relate to information obtained from the marriage counseling session.

22. The Board also finds that the above facts have been established by clear and convincing evidence; and further finds that Respondent was in violation of K.S.A. 65-6311(a)(9), as defined in K.A.R. 102-2-7(v), in that Respondent failed to exercise due diligence in protecting information of another client by retrieving another client record and discussing the information with the wife.

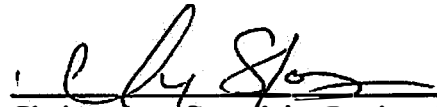
23. Lastly, the Board finds that the above facts have been established by clear and convincing evidence; and further finds that Respondent was in violation of K.S.A. 65-6311(a)(9), as

defined in K.A.R. 102-2-7(w), in that Respondent engaged in professional activities involving misrepresentation when she used forms that indicated that she was licensed as an LMFT.

ORDER

WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 65-6311(a) and K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Kansas LSCSW license of Respondent Laura Carol Cummings should be and is hereby **SUSPENDED** for her violations of the Kansas Social Workers Licensure Act until such time that Respondent provides to the Board a recent psychological evaluation demonstrating that she has the competency to practice as an LSCSW in the State of Kansas.

IT IS SO ORDERED ON THIS 12 DAY OF September, 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 13 day of September, 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:

Laura Carol Cummings, LSCSW


Scott B. Poor
Attorney for Respondent
Hartenstein Poor, LLC
200 W. Douglas Ave. #600
Wichita, KS 67202

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

Jane E. Weiler, Esq.
Assistant Attorney General
Disciplinary Counsel for the Board



For the Board