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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)

KRYSTAL I. GARMON,)
LCPC #2851)

Case No. 22-LC-0108

Respondent/Licensee)

_____))
Pursuant to K.S.A. 77-536

SUMMARY PROCEEDING ORDER

NOW, on this 31 day of August, 2022, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board (“Board”).

FINDINGS OF FACT

1. Krystal I. Garmon (“Respondent”) was at all times relevant, a Licensed Clinical Professional Counselor (“LCPC”) 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 LCPC No. 2851 on approximately April 29, 2022, which will expire on April 30, 2024.
2. On or about February 11, 2022, self-reported to the Board that the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling of the State of Florida (“Florida Board”) took action against her Florida Mental Health Counseling license.
3. On or about December 2, 2021, Respondent entered into a Settlement Agreement with the Florida Board for violations of the practice of mental health counseling in the State of

Florida. Under the terms of this Settlement Agreement, the Florida Board reprimanded Respondent's Mental Health Counseling license, imposed a fine of \$1,000.00, reimbursement of investigative costs at \$3,000.00, and completion of continuing education.

4. On or about February 10, 2022, Respondent appeared before the Florida Board to address the Settlement Agreement, and a subsequent Final Order was issued on approximately February 21, 2022.

5. The Florida Board reported the Settlement Agreement as disciplinary action to the National Practitioner Data Bank.

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. 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.

8. K.S.A. 65-5809(a)(10): 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 had a professional registration, license or certificate revoked, suspended or limited, or has had other disciplinary action taken, or an application for a registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia, or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

CONCLUSIONS OF LAW

9. Respondent is in violation of K.S.A. 65-5809(a)(10), in that on February 21, 2022, the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling of the State of Florida reprimanded Respondent's Mental Health Counselor's license, which is a disciplinary action taken against a professional license.

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 LCPC license of Respondent Krystal I. Garmon should be and is hereby **PUBLICALLY CENSORED** for her violations of the Kansas Professional Counselors Licensure Act.

IT IS SO ORDERED ON THIS 31 DAY OF August 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 B. 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 31 day of August 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:

Krystal I. Garmon, LCPC



and a copy delivered via email to: jane.weiler@ag.ks.gov

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