

KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD
Eisenhower State Office Building
700 SW Harrison, Suite 420
Topeka, Kansas 66603-3240

In the Matter of)	
)	
Lauren M. Mautz)	Case No. 22-MA-005
)	
Applicant for Licensure as a)	
<u>Master's Addiction Counselor</u>)	

Summary Proceeding Order

The above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) for consideration of the application submitted by Lauren M. Mautz for licensure as a master's addiction counselor. The Presiding Officers who considered her application were the following Board members: Donna Hoener-Queal, Johnna Norton, Bruce Nystrom, Laura Shaughnessy, Ric Steele, Deb Stidham, and Carolyn Szafran. Board members David Anderson, Mary Jones, Jacqueline Lightcap, Andrea Perdomo-Morales, and Leslie Sewester were not present.

After reviewing its administrative records, the Board makes the following findings of fact, conclusions of law, and orders.

Findings of Fact

1. On June 29, 2021, the Board received an application submitted by Lauren M. Mautz (Applicant) for licensure as a master's addiction counselor under the Addiction Counselor Licensure Act (Act), K.S.A. 65-6607 *et seq.* Applicant was licensed by the Board as master social worker (LMSW) in 2020.

2. On or about July 9, 2021, the Board received a Report of Alleged Violation (RAV) alleging Applicant may have violated the Social Workers Licensure Act, K.S.A. 65-6301 *et seq.* Within a week, the Board received second RAV against Applicant. After an investigation, the Board issued an order that made the following factual findings, conclusions of law, and sanctions.

A. Applicant was completing a crisis screening at a police department when the police officer involved with the case raised concerns that Applicant was providing counseling services while she was under the influence of a substance. Applicant's employer was contacted. After she provided a drug screen, the employer terminated Applicant from her employment for non-compliance with the employer's drug-free workplace policy.

B. Prior to the termination from her employment, Applicant accessed and viewed documents related to another client. However, Applicant was not assigned to provide services to this client. Applicant admitted to accessing the client's confidential information.

C. The Board concluded that Applicant had violated K.S.A. 65-6311(a)(9) by engaging in unprofessional conduct as defined in following provisions of K.A.R. 102-2-7.

(i) 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 judgement, professional performance and functioning, or the ability to act in the client's best interests;

(ii) 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;

(iii) 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 a client's records, except when at least one of these conditions is met . . . (3) the licensee is a party to a civil, criminal or disciplinary investigation or action arising from the practice of social work, in which case disclosure is limited to that action; and

(iv) K.A.R. 102-2-7(x): using alcohol or illegally using any controlled substance while performing the duties or services of a licensee.

D. Based on the factual findings and conclusions above, the Board issued a public censure against Applicant's master social worker license.

3. A copy of the order and notice of relief was mailed to Applicant on April 4, 2022. Applicant did not request a hearing on the order regarding her master social worker license.

Conclusions of Law

4. The Board is authorized to issue a license as a master's addiction counselor (LMAC) to applicants who provide sufficient evidence of their qualifications. See K.S.A. 2021 Supp. 65-6610(b). Because she applied for licensure as a master's addiction counselor, the Board has jurisdiction over Applicant and this matter.

5. However, the Board may refuse to issue a license or may condition or limit a license if the Board finds that a licensee or an applicant for a license "has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the Board." K.S.A. 2021 Supp. 65-6615(a)(9).

6. K.A.R. 102-7-11 defines unprofessional conduct for addiction counselors. It includes the following provisions:

(A) K.A.R. 102-7-11(g): 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 judgement, professional performance and functioning, or the ability to act in the client's best interests;

(B) K.A.R. 102-7-11(i): offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, and experience and with accepted professional standards;

(C) K.A.R. 102-7-11(s): failing to exercise due diligence in protecting the information regarding the client from disclosure by other persons in one's work or practice setting; and

(D) K.A.R. 102-7-11(u): using alcohol or any illegal drug or misusing any substance that could cause impairment while performing the duties or services of an addiction counselor.

7. The Board conducts administrative proceedings for licensure under the Act in accordance with the Kansas Administrative Procedure Act (KAPA), K.S.A. 77-501 *et seq.* K.S.A. 2021 Supp. 65-6615(c). Under the KAPA, the Board may use summary proceedings to issue an order, subject to a party's request for a hearing. The Board finds that the use of summary proceedings in this matter does not violate any law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than the parties. K.S.A. 2021 Supp. 77-537.

8. Because she did not request a hearing on the order regarding her master social worker license, the factual findings and legal conclusions in that order have become final. See 77-537(b)(3). The three definitions of unprofessional conduct for a social worker in K.A.R. 102-2-7(h), (j), and (x) mirror the three definitions for an addiction counselor in K.A.R. 102-7-11(g), (i), and (u), respectively. However, the definition of unprofessional conduct in K.A.R. 102-2-7(s) governing social workers does not mirror the definition in K.A.R. 102-7-11(s) governing addiction counselor.

9. K.A.R. 102-7-11(s) addresses someone who does not exercise due diligence in protecting client information from "*disclosure by other persons.*" Applicant's conduct did not result in another person disclosing the confidential client records of a client. Rather, Applicant accessed the confidential records of someone who was not her client. Although her conduct may not precisely fit within the definition of unprofessional conduct in K.A.R. 102-7-11(s), it still shows she failed to recognize or appropriately respond when her personal problems, psychosocial distress, or mental health difficulties negatively impacted her professional judgement, professional performance and functioning.

10. Applicant's unprofessional conduct involved accessing confidential records of someone who was not her client and being under the influence of a substance while performing services as a licensed master social worker. Thus, the Board concludes that Applicant has committed unprofessional conduct for an addiction counselor as defined in K.A.R. 102-7-11(g), (i), and (u).

11. The Board further concludes that Applicant's unprofessional conduct shows cause exists to place conditions upon Applicant's license to practice as a master's addiction counselor. Therefore, the Board hereby grants Applicant's application to practice as a master's addiction counselor subject to the following terms and conditions.

(A) Applicant will hold the license as a master's addiction counselor with the supervision and conditions imposed herein for twenty-four (24) months. Applicant shall practice as LMAC only under individual supervision by a clinical supervisor. Any period of time that Applicant is not employed as a LMAC or engaged in the practice as a LMAC shall not count toward this requirement of supervised practice. Prior to beginning practice as a LMAC, Applicant shall submit to the Board the name of her proposed supervisor.

(B) Upon employment as a LMAC, Applicant's practice as a LMAC shall be supervised by a licensed clinical addiction counselor (LCAC) who has been approved by the Board, has a minimum of twelve (12) months in such practice, and is not in a familial, subordinate, or other dual relationship with Applicant. If a LCAC is not available to provide supervision under this Order, the Board may approve another person who holds a clinical license from the Board, has a minimum of two (2) years of clinical practice in their licensed profession, and is not a familial, subordinate, other dual relationship with Applicant.

(C) If she decides to pursue licensure at a clinical level, Applicant may use the same supervisor but the hours of supervision completed for compliance with this Order shall not count toward any supervised experience hours required for a clinical license.

(D) Applicant shall provide a copy of this Order to her practice supervisor and her employer and authorize her supervisor and employer to provide written quarterly reports to the Board for the duration of the supervision period. Her practice supervisor and employer must agree in writing to abide by its terms. Applicant's practice supervisor and employer shall submit their signed written agreement to the Board within seven (7) calendar days of becoming Applicant's practice supervisor or employer.

(E) During this supervised period, Applicant and her supervisor shall meet in person, or face-to-face, for a one-hour supervision session once every two weeks. These sessions shall focus on professional practice, professional ethics, professional judgment, substance use, and compliance with the conditions placed on Applicant's LMAC.

(F) Applicant shall complete a total of twelve (12) hours of continuing education. Six of those hours shall be on ethics involving client confidentiality and the professional practice of addiction counseling and the remaining six hours shall be on substance use. Applicant can complete this continuing education by attending in person or by an electronic medium. These twelve hours of continuing education shall be in addition to the continuing education hours required for renewal of Applicant's LMAC or LMSW. Applicant shall submit proof of completion of any continuing education to the Board on or before the first day of March, June, September, and December during this supervision period.

(G) While performing duties as a LMAC during the supervision period, Applicant shall not use or consume any alcohol or drugs unless prescribed by a licensed physician and taken as prescribed. Applicant shall complete an evaluation for substance abuse and provide the name of the person who will complete the evaluation within thirty (30) days from the date on the Certificate of Service below. Applicant must sign all necessary releases or waivers allowing the person who completed the evaluation to send a copy of the evaluation to the Board and her supervisor. A person holding a clinical license from the Board shall complete this evaluation within sixty (60) days from the date on the Certificate of Service below. Applicant shall comply with all recommendations in the evaluation and submit proof of such compliance to the Board on or before the first day of March, June, September, and December during this supervision period.

(H) During this supervised period, Applicant's practice supervisor shall provide the Board with written reports on or before the first day of March, June, September, and December during this supervision period. This report shall address the topics in paragraphs 11(E), (F), and (G) above. If her supervisor is not her employer, Applicant's employer shall also provide the Board with written reports at the end of each three (3) month period of supervision that address the topics in paragraphs 11(E), (F), and (G) above.

(I) Applicant shall submit any and all documents evidencing compliance with the terms and conditions required by this Order to the Board at its offices located at 700 SW Harrison Street, Suite 420, Topeka, Kansas 66603.

(J) Applicant shall notify the Board and her practice supervisor within seven (7) calendar days of any unforeseen changes in her personal or professional status that would hinder or inhibit compliance with any of the above terms and conditions. In such event, a Board member who is licensed as an addiction counselor and serving on the Board's Addiction Counseling Advisory Committee is authorized to modify or amend the terms or conditions of this Order. Any such modification or amendment of this Order must be in writing and signed by Applicant and the Board member.

(K) Applicant's practice supervisor or employer shall immediately notify the Board of their concerns if they have reason to believe that Applicant has not complied with the terms and conditions of this Order, the Act, or the Board's regulations.

(L) Applicant shall bear any expense of supervision and all other foreseen and unforeseen costs incurred in satisfying the terms of this Order.

(M) Applicant must obey all federal, state, and local laws, including the statutes and regulations governing the practice of addiction counseling.

(N) Applicant shall notify the Board within fourteen (14) days of a change in her employment and/or address.

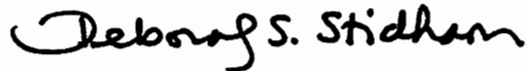
(O) Applicant must successfully pass the required examination for licensure as a master's addiction counselor.

Order

WHEREFORE, after consideration of the above findings of fact and conclusions of law, it is the decision and order of the Board that the application filed by Lauren M. Mautz for licensure as a master's addiction counselor should be and is hereby granted subject to the terms and conditions set forth above.

IT IS SO ORDERED.

Kansas Behavioral Sciences Regulatory Board



Deb Stidham, Board Member and
Presiding Officer

NOTICE OF ADMINISTRATIVE RELIEF

Pursuant to K.S.A. 77-537(b) and 77-542(a), a written request for a hearing before the Board on the above Summary Proceeding Order may be filed with the Board within fifteen (15) days of the date listed on the Certificate of Service below. Pursuant to K.S.A. 77-503(c), the 15-day period begins the day after the date shown in Certificate of Service below. 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 that is not a Saturday, Sunday, or legal holiday. Receipt of a written request occurs on the date the Board's office receives it. If the Board does not receive a request for a hearing in the time and the manner stated, the above Summary Proceeding Order becomes effective upon expiration of the 15-day period.

The Board's designee who may receive service of a request for a hearing on behalf of the Board is:

David Fye, Executive Director
Behavioral Sciences Regulatory Board
700 SW Harrison, Suite 420
Topeka, Kansas 66603

CERTIFICATE OF SERVICE

This is to certify that on this 18th day of May 2022 a copy of the above and foregoing Summary Proceeding Order and Notice of Administrative Relief was placed in the U.S. mail, first-class postage prepaid addressed to:

Lauren Mautz



A handwritten signature in blue ink, appearing to read "Ashley Allen", written over a horizontal line.

Staff,
Kansas Behavioral Sciences Regulatory Board