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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)
)
STEPHEN D. HANDLEY, LMAC) Case No. 22-MA-0181
License #1022)
)
Respondent)
_____)
Pursuant to K.S.A. 77-536

SUMMARY PROCEEDING ORDER

NOW, on this 21 day of November, 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. Stephen D. Handley ("Respondent") was at all times relevant, a Licensed Masters Addiction Counselor ("LMAC"), having been issued LMAC License No. 1022 within the meaning of the Kansas Addiction Counselor Licensure Act, K.S.A. 65-6607, *et seq.*, and amendments thereto.
2. On or about May 23, 2022, the Board received a Report of Alleged Violation alleging Respondent may have violated certain statues and regulations governing the practice of licensed professional counselors in the State of Kansas.

3. From March 14, 2022, to May 10, 2022, Respondent was employed as an Outpatient Substance Use Disorder Counselor at Mirror, in Newton, Kansas.

4. On or about May 10, 2022, at 2:48 p.m., Respondent sent to the director of Mirror an email resigning his position from Mirror effective immediately.

5. Respondent was scheduled to provide group counseling on this same date at 4:30 p.m. Respondent did not provide any notice to these clients prior to his resignation.

6. Additionally, Respondent had a caseload of 41 clients, and again, he did not provide any notice to these clients prior to his resignation.

7. After his resignation, it was discovered that Respondent had failed to complete documentation on numerous clients.

8. During the course of the investigation, Mirror had to provide Board staff with Respondent's mailing address because Respondent had moved without providing an updated address to the Board.

APPLICABLE LAW

9. 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.

10. Pursuant to K.S.A. 65-6608(d): "Licensed master's addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction 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 substance abuse disorders or mental disorders.

11. Pursuant to K.S.A. 65-6615(a)(9): 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 been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board. Specifically:

- a. 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.
- b. K.A.R. 102-7-11(ii): failing to notify the client promptly if one anticipates terminating or interrupting service to the client.
- c. K.A.R. 102-7-11(jj): failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care.
- d. K.A.R. 102-7-11(kk): abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer.

12. Pursuant to 102-7-11 a. Recordkeeping. (a) Each licensed addiction counselor and each licensed clinical addiction counselor shall maintain a record for each client that accurately reflects the licensee's contact with the client and the results of the addiction counseling or clinical addiction counseling services provided. Each licensee shall have ultimate responsibility for the content of the licensee's records and the records of those persons under the licensee's supervision. These records may be maintained in a variety of formats, if reasonable steps are taken to maintain the confidentiality, accessibility, and durability of the records. Each record shall be completed in a timely manner and, at a minimum, shall include the following information for each client in sufficient detail to permit planning for continuity of care: (1) Adequate identifying data; (2) the date or dates of services that the licensee or the licensee's supervisee provided; (3) the type or types of services that the licensee or the licensee's supervisee provided; (4) the initial assessment, conclusions, and recommendations; (5) the treatment plan; and (6) the clinical or progress notes from each session.

13. Pursuant to K.S.A. 65-6614(d): Within 30 days after any change of permanent address, a licensee shall notify the board of such change.

CONCLUSIONS OF LAW

14. The Board finds the above facts have been established by clear and convincing evidence, and further finds that Respondent is in violation of K.S.A. 65-6615(a)(9), as referenced in K.A.R. 102-7-11(i), in that Respondent performed services clearly inconsistent with the accepted professional standards when he failed to complete documentation on numerous clients as required under K.A.R. 102-7-11a.

15. In addition, the Board finds the above facts have been established by clear and convincing evidence, and further finds that Respondent is in violation of K.S.A. 65-6615(a)(9), as

referenced in K.A.R. 102-7-11(ii), K.A.R. 102-7-11(jj), and K.A.R. 102-7-11(kk), in that Respondent emailed his resignation to Mirror less than two hours before a scheduled group counseling session, and did not notify his clients of the termination of services. Nor did Respondent make reasonable arrangements for clients prior to his resignation. Respondent's abrupt resignation also seriously impaired the delivery of professional care to the clients due to the failure to provide reasonable notice to the employer.

16. Further, the Board finds the above facts have been established by clear and convincing evidence, and further finds that Respondent is in violation of K.S.A. 65-6614(d), in that Respondent failed to notify the Board of his address change within 30 days.

ORDER

WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by 65-6615(a) and K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Kansas LMAC license of Respondent Stephan D. Handley should be and is hereby **PUBLICALLY CENSORED** for his violations of the Kansas Addiction Counselor Licensure Act.

IT IS SO ORDERED ON THIS 17th DAY OF November, 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 21 day of November, 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:

Stephen D. Handley, LMAC



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

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Disciplinary Counsel for the Board



For the Board