

Jane E. Weiler, KS S. Ct. #25276
Assistant Attorney General
120 SW 10th Ave., Second Floor
Topeka, KS 66612
(785) 296-2215

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)

JAMI L. EVANS)

Case No. 22-MF-0072

Respondent)

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

SUMMARY PROCEEDING ORDER

NOW, on this 9 day of May, 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. On July 20, 2020, the Board issued to Jami L. Evans (“Respondent”) a temporary Licensed Marriage and Family Therapist (“LMFT”) license within the meaning of the Kansas Marriage and Family Therapists Licensure Act, K.S.A 65-6401, *et seq.*, and amendments thereto. This license expired on July 31, 2021.

2. On or about December 16, 2021, a Report of Alleged Violation was received by the Board alleging Respondent may have violated certain statues and regulations governing the practice of LMFT’s in the State of Kansas.

3. In December 2020, Respondent submitted to the Board her LCMFT clinical training plan. In this training plan, which was confirmed by her supervisors, Respondent would provide diagnosis and psychotherapy to clients in the State of Kansas.

4. On July 31, 2021, Respondent's temporary LMFT license expired. Nonetheless, Respondent has continued to provide diagnosis and psychotherapy to clients under the aforementioned LCMFT clinical training plan despite the expiration of her temporary LMFT license.

5. Respondent has an application for a permanent LMFT license submitted to the Board; however, Respondent has not passed the required examination to meet the statutory requirements for licensure.

6. At this time, Respondent does not possess any license issued by the Board that would permit her to engage in the practice of providing mental health services in the State of Kansas.

APPLICABLE LAW

7. 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.

8. K.S.A. 65-6402(c): "Licensed marriage and family therapist" means a person who engages in the practice of marriage and family therapy and who is licensed under this act except that on and after January 1, 2002, such person shall engage in the practice of marriage and family therapy only under the direction of a licensed clinical marriage and family therapist, 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.

9. Pursuant to K.S.A. 74-7508(b)(3)(A), if the board determines that an individual has practiced without a valid license a profession regulated by the board for which the practitioners of the profession are required by law to be licensed in order to practice the profession, in addition to any other penalties imposed by law, the board, in accordance with the Kansas Administrative Procedure Act, may issue a cease and desist order against such individual.

10. K.S.A. 65-6408(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. 102-5-12(b)(51): practicing marriage and family therapy after one's license expires.
- b. K.A.R. 102-5-12(b)(52): using without a license or continuing to use after a license has expired any title or abbreviation prescribed by law to be used solely by persons who currently hold that type or class of license.

CONCLUSIONS OF LAW


11. Respondent is in violation of K.S.A. 65-6408(a)(5), as defined in K.A.R. 102-5-12(b)(51) and K.A.R. 102-5-12(b)(52), in that Respondent has continued to practice marriage and family therapy since the expiration of her license.

ORDER

WHEREFORE, pursuant to K.S.A. 74-7508(b)(3)(A), Respondent Jami L. Evans shall immediately upon receipt of this Order **CEASE AND DESIST** the practice of a licensed marriage and family therapists in the State of Kansas until Respondent possesses an LMFT license issued by the Board.

Furthermore, for her violation of K.S.A. 65-6408(a)(5), as defined in K.A.R. 102-5-12(b)(51) and K.A.R. 102-5-12(b)(52), Respondent shall pay a fine of \$200.00 within thirty (30) days of the effective date of this Summary Proceeding Order. Respondent shall remit this payment by check or money order, payable to the "Kansas Behavioral Sciences Regulatory Board", and sent to the Board's investigator at its offices located at 700 SW Harrison St, Suite 420, Topeka, Kansas, 66603.

IT IS SO ORDERED ON THIS 4th DAY OF May, 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 9 day of May, 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:

Jami L. Evans


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

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

Cindy D'Ercole
For the Board