

KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

Eisenhower State Office Building
700 SW Harrison, Suite 420
Topeka, Kansas 66603-3240

In the Matter of)

Christopher A. Santoya)

Case No. 22-MF-0171

Respondent)

Pursuant to (K.S.A. 77-537)

Summary Proceeding Order

Now, on this 7 day of March, 2023, 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 25, 2018, Christopher A. Santoya ("Respondent") submitted an application for a Licensed Marriage and Family Therapy (LMFT) to the Board. On August 13, 2018, Board staff sent an e-mail to Respondent that he was approved to sit for the National Marriage and Family Therapy examination, which is a requirement for LMFT licensure. Respondent was informed that his application was active through August 31, 2019, and that all requirements for licensure must be met by that date, including the Board receiving his official examination score report. Respondent was provided the following information concerning eligibility for a temporary license *"IF you intend to practice while you are waiting to take the exam, you must obtain a temporary license. A temporary license will be issued for a twelve month period. A temporary license will not be renewed or re-issued on any subsequent applications for the same license level."*

2. On August 28, 2018, Respondent submitted an application for a Temporary Marriage and Family Therapy (T-LMFT) license and sent a corresponding payment of \$150 to the Board for a T-LMFT license. The T-LMFT application states *"... the temporary license shall expire upon the date the Board issues or denies a license or 12 months after the date of issuance of the license ..."* Respondent signed the form, acknowledging his understanding of this statement and other statements concerning the temporary license. Respondent was approved for a one-year T-LMFT on August 31, 2019. A certificate was sent to Respondent stating the T-LMFT was effective from Friday, August 31, 2018, through Saturday, August 31, 2019.

3. On March 15, 2019, Respondent submitted a training plan to accrue practice hours towards a clinical marriage and family therapy license. In the training plan, Respondent reported two work sites, including employment as a School-Based Therapist at USD 440 Halstead-Bently and employment as a Temporary Marriage and Family Therapist at Seasons Family Counseling. Respondent's clinical training plan supervisor, Tracy Stuever (Supervisor), reported in the training plan application that she would ensure that each client knows that Respondent is practicing clinical marriage and family therapy under supervision. Further, Supervisor reported in the training plan application that Respondent, under the direction of the Supervisor, would be providing psychotherapy to students at the school position as well as providing psychotherapy in private practice. Further, Respondent's training plan stated Respondent was anticipated to diagnose individuals at both employment locations and provide treatment. On March 27, 2019, Respondent's training plan was approved by the Board. On April 5, 2019, a letter from the Board informed Respondent of additional notes for the training plan, including but not limited to, that he must notify the Board in writing of any changes to his training plan within 45 days of the change. It was further noted that if applicant fails to submit changes to the Board office within 45 days, he will lose the hours accrued after the change.

4. On February 20, 2019, Respondent took the Marriage and Family Therapy Licensing Examination. On March 18, 2019, Board staff sent an e-mail to Respondent stating that he did not pass the examination at the level required for the Licensed Clinical Marriage and Family Therapy license, nor at the level required for the Licensed Marriage and Family Therapy License. Further, Board staff informed Respondent *"Please be reminded that all required documentation for licensure must be complete before your application and temporary license expire (8/31/2019)."*

5. On July 18, 2019, Respondent took the Marriage and Family Therapy Licensing Examination. On August 8, 2019, Board staff sent an e-mail to applicant stating that he did not pass the examination at the level required for the Licensed Clinical Marriage and Family Therapy license, nor at the level required for the Licensed Marriage and Family Therapy License. Further, Board staff informed Respondent *"Your application and temporary license will expire 08/31/2019. If you wish to pursue licensure as a Marriage and Family Therapist in Kansas, you will need to send in a new LMFT application including the \$50.00 fee and two new references."*

6. On August 31, 2019, Respondents application and temporary license expired.

7. For the time period of September 1, 2019, until October 10, 2019, Respondent did not have an active LMFT application before the Board. Additionally, as his temporary license expired on August 31, 2019, he did not have an active temporary during this time period.

8. On October 8, 2019, Respondent submitted a second LMFT application. On October 10, 2019, Respondent was sent an e-mail from Board staff stating that his application was received and approved and that he was permitted to test for the licensing examination for a period lasting 12 months, until October 31, 2019. The e-mail from the Board stated, *"IF you intend to practice while you are waiting to take the exam, you must obtain a temporary license."* Respondent was further informed *"If you have ever held a T-LMFT in Kansas we are unable to issue a second temporary license."*

9. On September 16, 2020, Respondent took the Marriage and Family Therapy Licensing Examination. On October 12, 2020, Board staff sent an e-mail to Respondent stating that he did not pass the examination at the level required for the Licensed Clinical Marriage and Family Therapy license, nor at the level required for the Licensed Marriage and Family Therapy License. Further, Respondent was informed that his application would expire at the end of October 2020.

10. On October 31, 2020, Respondent's application expired.

11. For the time period of November 1, 2020, to March 25, 2021, Respondent did not have an active LMFT application before the Board. Additionally, as his temporary license expired on August 31, 2019, he did not have an active temporary license during this time period.

12. On March 25, 2021, Respondent submitted a third LMFT application. On April 28, 2021, Respondent was sent an e-mail from Board staff stating that his application was received and approved and that he was permitted to test for the licensing examination for a period lasting 12 months, until April 30, 2022. The e-mail from the Board stated, "***IF you intend to practice while you are waiting to take the exam, you must obtain a temporary license.***" Respondent was further informed "***if you have ever held a T-LMFT in Kansas we are unable to issue a second temporary license.***" (Note: this text was bolded and highlighted in the e-mail from Board staff to Respondent.) Respondent did not pass the licensing examination during this time period and his application expired.

13. For the time period of September 1, 2019, until at least March 25, 2022, Respondent was continuing to provide services requiring licensure by the BSRB and held himself out as licensed by the BSRB, though he did not hold a temporary or permanent license.

14. On April 25, 2022, Respondent contacted the Board, noting his supervisor informed him she received information from the license verification portal and saw evidence that he was not authorized to practice.

15. The Board opened an investigation and sent Respondent a series of questions. On April 29, 2022, Respondent provide responses to Board questions, stating that he was not aware that his temporary license had expired. Respondent stated he assumed his supervisor was unaware that his temporary license had expired. Respondent stated his supervisor was aware of the expiration of his "MFT licensure," (though Respondent was never licensed in Kansas with a permanent license). Respondent informed the Board that he was not in private practice, but stated he was still working at the school setting under the training plan he previously submitted. Respondent informed the Board that he had been accruing hours after his temporary license expired.

16. In a letter to the Board dated June 10, 2022, Respondent stated that it was his understanding that each time he applied for a LMFT application, this granted/approved him for an additional year of continuing to provide services to students under his supervisor's license.

17. In an e-mail to the Board dated October 6, 2022, Respondent stated that he discontinued practicing in private practice with Seasons Family Counseling in May 2019, and acknowledged that he did not update the Board with the change on the training plan, as was required. Respondent stated it was an oversight on his part. Respondent stated he was still employed at USD 440 Halstead-Bently School district, though his role and management changed since being informed "*the license was inactive.*"

18. Representatives from Respondent's school employer confirmed that Respondent was employed until his termination from his position with the school district in January 2023.

APPLICABLE LAW

19. 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 the 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 standard 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.

20. K.S.A. 65-6405 Temporary License: A temporary license may be issued by the Board after the application has been reviewed and approved by the Board and the applicant has paid the appropriate fee as established by the Board under K.S.A. 65-6411, and amendments thereto (K.S.A. 65-6405(b)(1)). Absent extenuating circumstances approved by the Board, a temporary license issued by the Board shall expire upon the date the Board issues or denies the person a license to practice marriage and family therapy or 12 months after the date of issuance of the temporary license (K.S.A. 65-6405(b)(2)). No temporary license shall be renewed or issued again on any subsequent application for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination (K.S.A. 65-6405(b)(3)).

21. 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 licensure has violated a provision of the marriage and family therapy licensure act or one or more rules and regulations of the board or has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations of the Board. Specifically, K.A.R. 102-5-12(b)(51): practicing marriage and family therapy after once's license expires.

Also, 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 by law to be used solely by persons who currently hold that type or class of license.

CONCLUSIONS OF LAW

22. Respondent is in violation of K.S.A 65-6408(a)(9), as defined in K.A.R. 102-5-12(51) and (52), in that Respondent practiced marriage and family therapy after his temporary license expired and he used without a license or continued 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.

ORDER

WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 65-6408(a)(9) and K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that Respondent Christopher A. Santoya should be PUBLICALLY CENSORED for his violations of the Kansas Marriage and Family Therapy Licensure Act.

IT IS SO ORDERED ON THIS 7 DAY OF March, 2023.



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 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


This written request must be filed within fifteen (15) calendar days of the date listed in 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 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 that 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.

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 7 day of March 2023, a true and correct copy of the above and foregoing Summary Proceeding Order of Suspension was placed in the U.S. mail, first-class postage prepaid, addressed to:

Christopher A. Santoya


And by e-mail to: Jeremy.Dorsey@ks.gov

Jeremy Dorsey
Litigation Counsel for the Kansas Department for Aging and Disability Services
Disciplinary Counsel for the Board of the Behavioral Sciences Regulatory Board
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Staff,
Kansas Behavioral Sciences Regulatory Board