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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)
)
KRISTINA L. HOBBS,) Case No. 22-PC-0137
LPC #2862)
)
Respondent)
_____)
Pursuant to K.S.A. 77-536

SUMMARY PROCEEDING ORDER

NOW, on this 8 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. Kristina L. Hobbs (“Respondent”) was at all times relevant, a Licensed Professional Counselor (“LPC”) 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 LPC No. 2862 on approximately November 2, 2015. This license will expire on November 30, 2023.
2. On or about March 28, 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. Respondent was employed as a therapist via telehealth counseling for Teledoc, Inc. During this time at Teledoc, Inc., Respondent provided therapeutic services to a client that was on probation.

4. Respondent composed a letter regarding this client's progress with therapy. Respondent then sent this letter to the client so that the client could then forward this letter to the client's probation officer.

5. This letter was not addressed to a specific probation officer, but was addressed, "To Whom It May Concern".

6. In her response to the Board, Respondent stated, "I had an email dialogue with the probation officer to confirm some additional information."

7. Respondent reported that she had verbal consent from the client to provide this letter.

8. Respondent did not provide to the Board any written, informed consent signed by the client to allow Respondent to release any information, such as a letter to an unknown probation officer, nor any subsequent discussions with a probation officer.

9. Additionally, Respondent did not have a court order signed by a judge mandating that Respondent provide to a probation officer a letter, nor provide additional information to a probation officer.

APPLICABLE LAW

10. 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.

11. 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.

12. K.S.A. 65-5809(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 been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board. Specifically:

- a. K.A.R. 102-3-12a(b)(10): offering to perform or performing professional counseling, assessments, consultations, or referrals clearly inconsistent or incommensurate with one's training, education or experience or with accepted professional standards.
- b. K.A.R. 102-3-12a(b)(19): revealing information, a confidence, or a secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records...

- c. K.A.R. 102-3-12a(b)(20): failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of these actions (C): releasing information concerning a client to a third person, except as required or permitted by law.

CONCLUSIONS OF LAW

13. Respondent is in violation of K.S.A. 65-5809(a)(9), as defined in K.A.R. 102-3-12a(b)(10), in that Respondent performed professional counseling inconsistent with the accepted professional standards when she provided a letter initially regarding a client to a probation officer, and then provide additional information to a probation officer without the written consent of the client.

14. Further, Respondent is in violation of K.S.A. 65-5809(a)(9), as defined in K.A.R. 102-3-12a(b)(19), in that Respondent failed to protect confidential client information when she provided to a probation officer information regarding the client without written consent.

15. Additionally, Respondent is in violation of K.S.A. 65-5809(a)(9), as defined in K.A.R. 102-3-12a(b)(20)(C), in that Respondent failed to obtain written, informed consent from a client before providing information to the client's probation officer. Additionally, Respondent provided this information without a court order signed by a judge mandating that she provide this information to anyone.

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 conditions the Kansas Professional Counselor license of Respondent Kristina L. Hobbs. Specifically, the Board orders the following terms and conditions:

16. Respondent shall practice only under individual supervision by a clinical-level supervisor, to be approved by the Board if employed using her LPC license. There shall be no dual relationship with the supervisor. Respondent shall have weekly one (1) hour meetings with the supervisor in a face to face manner. The focus shall include, but not limited to, professional standards, confidentiality, and coordination of care. This requirement shall continue for one (1) year.

17. Respondent shall provide a copy of this Summary Proceeding Order to the supervisor and authorize the supervisor to provide written quarterly reports to the Board's Investigator for the one (1) year term of supervision. There shall be a minimum of four (4) quarterly reports (every three [3] months) submitted to the Board's investigator during this one (1) year supervision timeframe.

18. Respondent shall provide a copy of this Summary Proceeding Order to the supervisor.

19. During the time this Summary Proceeding Order is in effect, Respondent shall not serve as a supervisor to any person actively using a license regulated by the Board in a position in which such license is required. In addition, Respondent shall not engage in the provision of clinical supervision to any person attaining supervised experience in preparation by the Board. Finally, Respondent shall not supervise any unlicensed person, including students or volunteers, when such persons are engaged in the delivery of professional counseling services.

20. Hours of supervision attained by Respondent pursuant to this Summary Proceeding Order shall not count/accrue toward any supervised experience hours required for a higher level of licensure.

21. Additionally, Respondent shall obtain six (6) extra continuing education hours in Ethics beyond the biennial requirement, taken in-person or on-line within six (6) months of the effective date of this Summary Proceeding Order. These additional continuing education hours shall include, but not limited to, confidentiality and Health Insurance Portability and Accountability Act ("HIPAA") related disclosures.

22. These hours shall be in addition to those continuing education hours required for renewal of license.

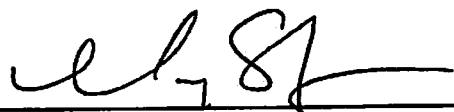
23. All foreseen and unforeseen expenses to complete the aforementioned course(s) including travel, lodging, program fee, meals, etc., shall be at Respondent's own expense.

24. Respondent must notify the Board's Investigator within ten (10) days of a change in her employment and/or address change.

25. Respondent shall be responsible for any costs and expenses incurred in satisfying the terms of this Summary Proceeding Order.

26. Respondent shall submit to the Board's investigator at its offices located at 700 SW Harrison St, Suite 420, Topeka, Kansas, 66603, any and all documents evidencing compliance with the terms and conditions required by this Summary Proceeding Order.

IT IS SO ORDERED ON THIS 7 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

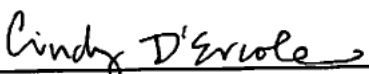
This is to certify that on this 8 day of November, 2022, a true and correct copy of the above and foregoing Summary Proceeding Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Kristina L. Hobbs, LPC



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

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Disciplinary Counsel for the Board



For the Board