

KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

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

In the Matter of)

Gregory S. Belew)
LPC #3416)

Respondent.)

Case Nos. 22-PC-0163, 22-PC0195
23-PC-0137

CONSENT AGREEMENT AND ORDER

Now, on this 22 day of January, 2024, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board ("Board") by agreement of Gregory S. Belew ("Respondent") and the Kansas Behavioral Sciences Regulatory Board for the purposes of resolving the above-captioned case.

1. The Board is represented herein by its Counsel, Timothy D. Resner of Frieden & Forbes, LLP, 1414 S.W. Ashworth Place, Suite 201, Topeka, Kansas 66604. Respondent is represented herein by his attorney Tracie England of Gilliland & Green, LLC, 1 North Main, Suite 700, P. O. Box 2977, Hutchinson, KS 67504-2977.

2. The Board is the duly constituted and acting agency of the State of Kansas authorized to administer and enforce the provisions of the Kansas Professional Counselors Licensure Act, K.S.A. 65-5801 *et seq.*, and amendments thereto (the "Act"). Pursuant to applicable provisions of the Act and the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.* ("KAPA"), whenever it is established that the applicant and/or Respondent has committed any of the acts described in K.S.A. 65-5809(a), the Board may refuse to issue, renew or reinstate a license, and/or revoke, suspend, censure, condition, and/or limit a Respondent and/or assess a fine against the applicant and/or Respondent in an amount not in excess of \$1,000.00 per violation

3. The Board's Complaint Review Committee has received certain information, has investigated and has determined that there are reasonable grounds to believe that Respondent has committed one or more acts in violation of the Act and/or the Board's Regulations that would justify, pursuant to the provisions of K.S.A. 65-5809(a), the imposition of disciplinary action against his license and the assessment of a civil fine against Respondent in an amount not to exceed \$1,000.00 per violation.

4. Respondent hereby admits and waives any further proof in this or any other proceeding before or initiated by the Board, and upon motion duly made, seconded and passed, the Board's Complaint Review Committee finds, that:

I. FINDINGS OF FACT

5. Respondent was at all times relevant herein, a Licensed Professional Counselor (LPC) within the meaning of the Act. The Board issued Respondent's original LPC No. 3416 on approximately May 17, 2019. The license is set to expire on May 31, 2025.

Facts Common to Case No. 22-PC-0163

6. On or about April 22, 2022, a complaint was received from Respondent's employer against Respondent. The complaint stated that on April 21, 2022, Respondent had transported a minor client off-site during a counseling appointment without parental consent. The complainant reported that the parent of the minor client contacted the employer and informed them that while Respondent was transporting the minor client, Respondent was involved in an accident. Respondent's employer reported that Respondent had been suspended 3 days from his employment due to the incident described.

7. On or about April 25, 2022, Board investigators sent a copy of the complaint to Respondent and Respondent was asked to provide a written response to investigators no later than May 31, 2022.

8. On or about of May 26, 2022, Respondent provided a brief response to Board investigators.

9. On February 22, 2023, Board investigators sent additional questions to Respondent and Respondent was asked to respond in writing no later than March 22, 2023.

10. Respondent failed to provide responses to Board investigators, and as a result, the Board entered a Summary Proceeding Order on May 25, 2023 which sought to suspend Respondent's license indefinitely.

11. Respondent timely requested a hearing on the Summary Proceeding Order.

12. On or about August 8, 2023, Respondent, through his legal counsel, provided a response to the Board Investigator's letter dated February 22, 2023, which admitted, in relevant part, Respondent transported the minor client off-site without parental consent and Respondent did not notify the parents of the minor client that he was involved in a minor car accident while the child client was in the car. Respondent's response further relayed Respondent has completed eight (8) hours of continuing education in the areas of "Ethics and Boundary Issues" and "Ethics with Minors: An Essential Guide for Mental Health Professionals."

Facts Common to Case No. 22-PC-0195

13. On or about June 6, 2022, the Board received a complaint from a former client of Respondent's which asserted that Respondent coordinated and conducted a counseling session with such complainant in a public non-confidential setting.

14. Respondent coordinated the session with the complainant via text message and the session occurred in a coffee shop. During the session, other coffee shop patrons were sitting near Respondent and the complainant.

15. Respondent provided a response to the complaint denying that the complainant was a client at the time of the meeting (asserting that the individual had ceased the client-therapist relationship in December 2021). Respondent further denies the session was a counseling session. Rather, Respondent asserts that the session was a coaching session and further that the complainant inquired about Respondent resuming counseling for the complainant's sons.

16. Respondent further relayed through a supplemental response that he completed 4.5 hours of continuing education on HIPAA, confidentiality and ethics.

Facts Common to Case No. 23-PC-0137

17. On or about March 23, 2023, the Board received a complaint against Respondent from a former client alleging that Respondent in relevant part made certain sexual advances towards the client, offered the client marijuana, and that Respondent's office smelled of marijuana.

18. In response, Respondent denied all allegations of the complaint as false. However, Respondent did admit to smoking marijuana during non-clinical hours in the back room of his office prior to the client session in question, and that the smell lingered in the back room of the office.

19. Respondent further provided information through his legal counsel regarding the counseling session, including Respondent's patient schedule, which controvert the allegations made by the client.

II. APPLICABLE LAW

20. K.S.A. 65-5809 provides that:

(a) 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 Respondent or may impose a fine not to exceed \$1,000 per violation upon a finding that a Respondent or an applicant for a license:

(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board;

21. K.A.R. 102-3-12a(b) provides:

Any of the following acts by a licensed professional counselor, a licensed clinical professional counselor, or an applicant for a professional counselor license or a clinical professional counselor license shall constitute unprofessional conduct:

(9) failing or refusing to cooperate in a timely manner with any request from the board for a response, information, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the board. Any person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner;

(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;

(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 . . .
.;

III. CONCLUSIONS OF LAW

22. Based on the facts stipulated to herein, Respondent is subject to sanction pursuant to K.S.A. 65-5809a(a)(9) for engaging in unprofessional conduct as further defined in K.A.R. 102-3-12a(b)(9) for failing to timely cooperate with a request from the board for a response, information or assistance with respect to a Board investigation; K.A.R. 102-3-12a(b)(10) for performing professional counseling and consultations clearly inconsistent with one's training, education or experience or with accepted professional standards through taking a minor client off-site without parental consent, conducting a counseling session or consultation in a public non-confidential setting, and using an illegal controlled substance prior to providing counseling services to clients; and K.A.R. 102-3-12a(b)(19) for engaging in conduct which revealed information, confidence or secrets of a client.

IV. AGREEMENT

23. Respondent and the Board mutually desire to enter a Consent Agreement and Order ("Agreement") in lieu of adjudicative proceedings at this time.

WHEREFORE, Respondent agrees and consents to, and the Board further orders, the following interim conditions:

a. Respondent shall complete a fitness for duty evaluation within 60 days of the effective date of the Consent Agreement and Order. The evaluation must be performed by a professional approved in advance by the Board. In conjunction with the evaluation, the evaluator shall be provided in advance by the Board with a copy of this Consent Agreement and Order, and the Board's investigative file relating the three (3) cases addressed by this Consent Agreement and Order, to include without limitation the complaints, Mr. Belew's responses to the complaints and any correspondence and filings relating to the subject matter of the three (3) cases. The Board shall provide Respondent with the same documents the Board provides to the professional who will complete the fitness for duty evaluation. The evaluator must provide a copy of the report issued in conjunction with the evaluation directly to the Board. Respondent shall timely complete all recommendations made by the evaluator in conjunction with the fitness for duty evaluation within the timeframe established by the evaluator. Respondent is responsible for all costs associated with the evaluation and completing any recommendations made by the evaluator.

b. Beginning no later than the second full week following the effective date of this Consent Agreement and Order and continuing until further order of the Board, Respondent shall practice only under individual supervision by independent clinical-level supervisor(s) to be approved in advance by the Board. Respondent may practice under the supervision of two (2) independent clinical-level supervisors approved in advance by the Board, provided that such supervisors must clearly communicate with each other regarding supervision of Respondent, including sharing of all reports, notes, evaluations, goals, progress and concerns relating to their supervision of Respondent. There shall be no dual relationship with the supervisor(s). Respondent must have weekly one (1) hour meetings with his supervisor(s), during which Respondent and the supervisor are present in the same physical place; provided, however, that during the pendency of this supervision requirement, Respondent may complete no more than one (1) supervision meeting on a monthly basis through real-time remote means in the event of an emergency or circumstances out of Respondent's control. The supervisor(s) shall provide weekly written reports to the Board regarding the supervision, to include whether or not Respondent is in compliance with the requirements of supervision. The Board shall provide to the supervisor(s) a copy of this Consent Agreement and Order, and the Board's investigative file relating the three (3) cases addressed by this Consent Agreement and Order, to include without limitation the complaints, Mr. Belew's responses to the complaints and any correspondence and filings relating to the subject matter of the three (3) cases. The Board shall provide Respondent with the same documents the Board provides to the supervisors. The focus of supervision shall include, but not be limited to, client confidentiality, boundaries, appropriate interactions with clients, professionalism and record-keeping. Respondent is responsible for all costs associated with supervision.

c. Beginning with the first full week following the effective date of this Consent Agreement and Order, Respondent shall take weekly urinalysis ("UA") tests through an independent testing laboratory approved in advance by the Board. The UA's must produce clean

test results. Respondent shall cause the UA test results to be provided directly to the Board by the independent testing laboratory to the Board's Investigator at the address referenced in subsection h below, and Respondent consents to the release of the test results and any associated information to the Board. Respondent shall be responsible for all costs associated with the UA tests.

d. Respondent shall not perform any counseling, assessments, consultations or referral sessions with clients in a public non-confidential setting, and shall otherwise protect client confidentiality as required by the Act.

e. Upon the receipt and review of the fitness for duty evaluation, the Complaint Review Committee will review the evaluation report, as well as all supervisor reports, UA test results, and Respondent's compliance under the terms of this Consent Agreement and Order. Upon notice and an opportunity for hearing pursuant to KAPA, the Complaint Review Committee may direct that additional disciplinary action be pursued against Respondent based upon the fitness for duty evaluation, supervisor reports, UA test results and Respondent's compliance with this Consent Agreement and Order.

f. Respondent shall be responsible for all costs and expenses incurred in satisfying terms of this Consent Agreement and Order.

g. This Consent Agreement and Order will be reported to other licensing boards, it is public record in the custody of the Board, and it can only be modified by a further order of the Board.

h. Except as otherwise provided herein, Respondent shall submit to the Board's investigator at its offices at 700 SW Harrison, Suite 420, Topeka, Kansas, 66603, any and all documents evidencing compliance with the terms and conditions required by this Consent Agreement and Order.

i. The Board shall, within one (1) month of receipt of the fitness for duty evaluation, review the fitness for duty evaluation, supervisor reports, UA test results and all other information available to the Board relating to Respondent's compliance with the Consent Agreement and Order. The purpose of such review shall be to determine whether Respondent's continuation with the duties and obligations stated herein is justified or whether Respondent's compliance justifies modification or successful termination of the Consent Agreement and Order. The Respondent shall, at such time and anytime thereafter, have the opportunity and right to petition the Board for release from this Consent Agreement and Order's duties and obligations.

V. ADDITIONAL STIPULATIONS

24. Respondent agrees that all information in the possession of the Board's Complaint Review Committee, its staff, its investigators and its attorney regarding the matters which led to this disciplinary action, the investigation and all information discovered during the pendency of the disciplinary action may be disclosed to and considered by the Board's Complaint Review Committee as part of the presentation and consideration of the proposal of settlement in the

form of this Consent Agreement and Order, with or without the presence of the Respondent or his attorney. In the event that this Consent Agreement and Order is not accepted and approved by the Board's Complaint Review Committee, Respondent waives any objection to Board members' consideration of this Consent Agreement and Order or the information mentioned in the preceding sentence and further waives the disqualification of any Board member, including any right to seek the disqualification of any Board member, based on such Board member's consideration of said document and information.

25. The stipulations and orders contained herein shall not become binding until this Consent Agreement and Order is approved and entered by the Complaint Review Committee. Respondent acknowledges that the approval of the Board's Counsel shall not constitute the approval of the Board or bind the Board to approve this Consent Agreement and Order.

26. Respondent agrees that this Consent Agreement and Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter into it. Respondent further agrees that the Act referenced in paragraph 2 above is constitutional on its face and as applied in this case.

27. This stipulation constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by them. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

28. Respondent acknowledges that he has the following rights:

- (a) To have formal notice of charges served upon him;
- (b) To file a response to the charges;
- (c) To have notice of and participate in a formal adjudicative hearing with the Board or its designee making specific findings of facts and conclusions of law based only upon evidence admitted at such hearing; and
- (d) To take advantage of all applicable provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.* and the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*

Respondent freely waives these rights and acknowledges that such waiver is made voluntarily and in consideration of avoiding an administrative hearing and the Board's agreement to limit the disciplinary action taken against him in accordance with the terms and conditions provided for herein. Respondent also waives all of his rights to seek reconsideration, administrative review and/or judicial review of this Consent Agreement and Order or to otherwise challenge or contest this Consent Agreement and Order in any direct or collateral administrative or judicial proceedings.

29. Respondent acknowledges that he enters into this Consent Agreement and Order freely and voluntarily after consultation or a reasonable opportunity for consultation with counsel of his choosing. Respondent further acknowledges that his representatives have read this Consent Agreement and Order in its entirety, that they understand its legal consequences and

that they agree that none of its terms or conditions is unconscionable, arbitrary, capricious or unreasonable.

30. Time is of the essence to this Consent Agreement and Order. Respondent acknowledges and agrees that any violation of this Consent Agreement and Order shall constitute a violation of a lawful Board order pursuant to K.S.A. 65-5809(a)(11) and grounds for further disciplinary action against him. The pendency of any disciplinary action arising out of any alleged violation of this Consent Agreement and Order shall not affect the obligation of Respondent to comply with all terms and conditions of this Consent Agreement and Order.

31. This Consent Agreement and Order constitutes the entire and final agreement of the parties. In the event any provision of this Consent Agreement and Order is determined to be invalid or unenforceable by a court of competent jurisdiction, it shall be severed and the remaining provisions of this Consent Agreement and Order shall be given full force and effect.

32. Upon execution by all parties and entry as an order by the Board, this Consent Agreement and Order shall be a public record in the custody of the Board.

33. This Consent Agreement and Order shall become effective on the day it is approved by the signature of the Complaint Review Committee's Chairperson or designee below.

34. Respondent acknowledges that he has been advised by the Board that after the Consent Agreement and Order becomes effective Respondent has the right within 15 days after service of this Consent Agreement and Order to file a petition for reconsideration with the Board and the right within 30 days after service of the Consent Agreement and Order to file a petition for judicial review in the District Court of Shawnee County, Kansas in accordance with the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*, which must be served on the Kansas Behavioral Sciences Regulatory Board by serving David Fye, its Executive Director, at 700 SW Harrison, Suite 420, Topeka, KS 66603-3240. However, Respondent expressly waives these rights.

35. In accordance with K.S.A. 77-531(a)(3), Respondent consents to service of this Consent Agreement and Order via electronic mail, addressed to Respondent at: gregbelew9@gmail.com and : tengland@gglawks.com.

WHEREFORE, the foregoing provisions are consented to, are hereby made the Order of the Kansas Behavioral Sciences Regulatory Board and become effective on the date indicated in the Certificate of Service below.

IT IS SO ORDERED.




Mary Jones
Chairperson, Complaint Review Committee
On behalf of the Behavioral Sciences Regulatory Board

APPROVED AND CONSENTED TO:


Gregory S. Belew, Respondent

01/15/2024
Date


Tracie England
Attorney for Respondent

1/15/2024
Date

CERTIFICATE OF SERVICE

This is to certify that on this 22 day of January, 2024, a true and correct copy of the above and foregoing Consent Agreement Order was served via electronic mail only, addressed to:

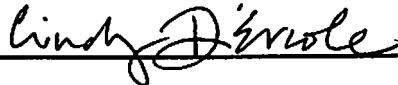
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