

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

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

In the Matter of)
)
Angie Ellis)
AKA)
Angela Bogue-Gilmore)
) Case No.
LCMFT #267)
Application for Reinstatement)

SUMMARY PROCEEDING ORDER

The above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) for consideration of the application filed by Angie Ellis, previously licensed as Angela Bogue-Gilmore, for reinstatement of her licensure as a clinical marriage and family therapist. Her application was considered by the following Board members: David Anderson, Mary Jones, Jacqueline Lightcap, Bruce Nystrom, Andrea Perdomo-Morales, Laura Shaughnessy, Ric Steele, Deb Stidham, and Carolyn Szafran.

After reviewing its administrative records, the Board makes the following findings of fact, conclusions of law, and orders.

Findings of Fact

1. In 2002, the Board issued Angela Bogue-Gilmore, now Angie Ellis, a license to practice as a clinical marriage and family therapist (LCMFT).

2. In 2012, a Presiding Officer with the Office of Administrative Hearings conducted a hearing to determine whether Applicant had violated the Marriage and Family Therapist Licensure Act (Act). At the conclusion of the hearing, the Presiding Officer issued an Initial Order revoking Applicant's license to practice as a LCMFT. The factual basis for the revocation included the following:

a. Applicant shared her personal family and financial information with S.B., a client, while providing professional services to S.B.;

b. Applicant requested and received an unsecured loan from S.B. in the amount of \$6,000 shortly after terminating her professional services with S.B.;

c. Applicant requested and received another loan from S.B. in the amount of \$1,000; on the memo line of the check, S.B. wrote "short term loan."

d. Applicant and her husband repaid the amount of \$1,250 to S.B. for the above-referenced loans;

e. Applicant and her husband filed for Chapter 7 bankruptcy and listed the money owed to S.B. as a loan; the loans were eventually discharged by the Bankruptcy Court; and

f. Applicant never paid S.B. the entirety of the above-referenced loans; rather, Applicant claimed at the hearing these funds were payment for her services even though the Board submitted proof that S.B.'s spouse had paid Applicant in full for her services.

g. Applicant had previous disciplinary actions for similar violations.

3. The Presiding Officer concluded that the facts referenced in paragraph numbered 2 above showed Applicant had violated the following provisions in the Act:

a. K.S.A. 65-6408(7) – unprofessional conduct as defined in K.A.R. 102-5-12(b)(8): "failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interest;"

b. K.S.A. 65-6408(7) – unprofessional conduct as defined in K.A.R. 102-5-12(b)(23): "engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;

c. K.S.A. 65-6408(7) – unprofessional conduct as defined in K.A.R. 102-5-12(b)(26): "making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been one's client;"

d. K.S.A. 65-6408(7) – unprofessional conduct as defined in K.A.R. 102-5-12(b)(27): "exercising undue influence over any client, student, or supervisee, including promoting sales or services or goods, in a manner that will exploit the client, student, or supervisee for the financial gain, personal gratification, or advantage of oneself or a third party;" and

e. K.S.A. 65-6408(7) – unprofessional conduct as defined in K.A.R. 102-5-

12(b)(44): “engaging in a dual relationship with a client, student, or supervisee.”

4. Applicant filed a Petition for Review of the Presiding Officer’s Initial Order, which the Board denied. Applicant then filed a Petition for Judicial Review alleging numerous procedural and factual errors. On December 4, 2012, the district court rejected all of Applicant’s claims and affirmed the Board’s action. No further appeal was taken by Applicant.

5. On November 7, 2016 Applicant submitted an application for reinstatement of her clinical marriage and family therapist license. On March 13, 2017, after reviewing its administrative records and the material filed by Applicant, the Board denied her request for reinstatement of clinical marriage and family therapist license.

6. On June 2, 2021 Applicant again filed an application for reinstatement of her clinical marriage and family counselors license with the Board.

7. When Applicant submitted her reinstatement application, she did not provide any additional information to support being reinstated as a LCMFT other than the completion of continuing education. She also stated “Illness” in response to the question “Please explain why you allowed your marriage and family therapy license to expire.”

Conclusions of Law

8. The practice of marriage and family therapy includes “the assessment and treatment of cognitive, affective or behavioral problems within the context of marital and family systems and includes the diagnosis and treatment of mental disorders as authority under the Act. K.S.A. 65-6401. A LCMFT is a person “who engages in the independent practice of marriage and family therapy including the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations and is licensed under this act.” K.S.A. 65-6402(d).

9. Under the Act, the Board is authorized to issue a LCMFT license to a person who has submitted an application and is qualified. See K.S.A. 65-6404. However, the Board may refuse to issue, renew or reinstate a license or may condition, limit, revoke or suspend license if it finds a licensee or applicant for licensure has engaged in unprofessional conduct as defined in a regulation adopted by the Board. K.S.A. 65-6408(a)(9).

10. Because she has submitted an application for reinstatement of her licensure as a clinical marriage and family therapist, the Board has jurisdiction over Applicant and this matter. Administrative and disciplinary proceedings under the Act are conducted in

accordance with the Kansas Administrative Procedure Act (KAPA), K.S.A. 77-501 *et seq.* K.S.A. 65-6408(c).

11. In 2012, there were five separate conclusions that Applicant had engaged in unprofessional conduct. Each of those conclusions constituted a violation of K.S.A. 65-6408(9) and numerous provisions in K.A.R. 102-5-12(b). As a result of those violations, Applicant's license to practice as a clinical marriage and family therapist was revoked.

12. K.A.R. 102-5-9(e) addresses reinstatement after revocation of a clinical marriage and family therapist license. K.A.R. 102-5-9(e)(4) identifies factors to be considered by the Board in determining whether or not to reinstate a license, the factors include:

- (A) the extent to which the individual presently merits the public trust;
- (B) the extent to which the individual demonstrates consciousness of the wrongful conduct that resulted in the license suspension;
- (C) the extent of the individual's remediation and rehabilitation in regard to the wrongful conduct that resulted in the license suspension;
- (D) the nature and seriousness of the original misconduct;
- (E) the individual's conduct after the license suspension;
- (F) the time elapsed since the license suspension; and
- (G) the individual's present competence in marriage and family therapy knowledge and skills.

In 2012, Applicant was found to have engaged in five instances of unprofessional conduct. Applicant has not shown any evidence of how she presently merits public trust, is conscious of her wrongful conduct or any evidence of rehabilitation. She has not acknowledged or accepted responsibility for any of her unprofessional conduct or shown how she has changed since the revocation of her license. *See also Vakas v. Kansas Bd. of Healing Arts*, 248 Kan. 589, 600 (1991) (factors to consider when determining whether a physician's license should be reinstated after having been revoked for misconduct). Additionally, on her application for reinstatement Applicant answered a question regarding the reason for expiration of her license as "Illness". Applicant's license was not simply expired; it was revoked for the reasons outlined above. The Board finds Applicant's response misleading and a misrepresentation.

13. The Board concludes that the totality of the facts and the above-referenced law show Applicant's application for reinstatement to practice as a LCMFT should be denied.

IT IS SO ORDERED.



Leslie Sewester, Chair
Behavioral Sciences Regulatory Board

NOTICE OF ADMINISTRATIVE RELIEF

Pursuant to K.S.A. 77-537(b) and 77-542(a), a written request for a hearing before the Board on the above Summary Proceeding Order may be filed with the Board within fifteen (15) days of the date listed on the certificate of service below. If a hearing is not requested in the time and manner stated, the above Summary Proceeding Order becomes effective upon expiration of the fifteen (15) day time. 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

The undersigned hereby certifies that on the 13 day of January 2022, a true and correct copy of the above and foregoing ORDER was deposited in the U. S. mail, first-class postage prepaid, addressed to:

Angie Ellis



David Fye, Executive Director
Behavioral Sciences Regulatory Board