

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)
)
STEPHANIE McCAIN, T-LMFT)
T-LMFT #2951)
)
Licensee/Respondent)
_____)

Case No. 18-MF-0132

Pursuant to K.S.A. 77-536

SUMMARY PROCEEDING ORDER OF PUBLIC CENSURE

NOW, on this 5 day of November, 2018, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board ("Board").

FINDINGS OF FACT

1. Stephanie McCain ("Licensee") was a Temporary Licensed Marriage and Family Therapist ("T-LMFT") within the meaning of the Kansas Marriage and Family Therapists Licensure Act, K.S.A 65-6401, *et seq.*, and amendments thereto.
2. On or about June 20, 2018, the Board received a complaint concerning Licensee's unprofessional conduct, alleging Licensee may have violated certain statutes and/or regulations governing the practice of an T-LMFT in Kansas.
3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and/or regulations.
4. As a result of the investigation, the Board found that the following facts had been established by a preponderance of evidence:

- a. On December 22, 2017, the Board issued an T-LMFT license to Licensee.
- b. Since issuance of this license, Licensee provided therapy in a private practice setting located in Overland Park, Kansas.
- c. On May 9, 2018, Licensee informed her supervisor that she would be moving back to Ohio to take care of personal matters. Her supervisor informed her that she would need to refer her clients for appropriate care.
- d. On May 16, 2018, Licensee met with her supervisor, and her supervisor asked if she had transitioned her clients; however, at that time, Licensee had yet to transition her clients. Her supervisor told her to speak with her clients before she met again with her supervisor on June 6, 2018.
- e. On June 5, 2018, Licensee sent to her supervisor an email that she was in Ohio taking care of personal matters, and she would not be meeting with him on June 6, 2018. Licensee's supervisor responded to this email asking if Licensee had talked with her clients and referred them to other therapists.
- f. On June 12, 2018, a client reached out to another therapist asking if Licensee would be available. This therapist notified Licensee's supervisor to the client. Licensee's supervisor sent Licensee an email informing her that a client was trying to contact her. Licensee did respond to this email informing her supervisor that she was experiencing high stress related to her personal matters. She informed her supervisor that she was working on closing her files, and she would call her supervisor the following day.
- g. On June 13, 2018, Licensee did not call her supervisor; however, her supervisor called and left a voicemail with Licensee. Additionally, her supervisor sent an email expressing concerns about Licensee's clients. Her supervisor informed her that due

to ethical concerns, if he did not hear from her within twenty-four (24) hours, he would contact the Board.

- h. Licensee did not contact her supervisor as requested.
- i. Ultimately, Licensee's supervisor contacted Licensee's clients to make arrangements for further therapy.

APPLICABLE LAW

5. Pursuant to K.S.A. 65-6408(c): Administrative proceedings and disciplinary actions regarding licensure under the Marriage and Family Therapists Licensure act shall be conducted in accordance with the Kansas Administrative Procedure Act.

6. 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.

7. Pursuant to 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.

8. Pursuant to K.S.A. 65-6408(a)(5): 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 violated a provision of the marriage and family therapists licensure act or one or more of the rules and regulations of the board.

9. Pursuant to K.A.R. 102-5-12(b): Any of the following acts by either a marriage and family therapy licensee or a marriage and family therapy licensure applicant shall constitute unprofessional conduct:

- a. 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 interests.
- b. K.A.R. 102-5-12(b)(10): Offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards.
- c. K.A.R. 102-5-12(b)(38): Failing to notify the client promptly when one anticipates terminating or interrupting service to the client.
- d. K.A.R. 102-5-12(b)(39): Failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care.

CONCLUSIONS OF LAW

10. Licensee experienced significant personal issues in Ohio and was required to return to Ohio abruptly without transferring her clients to another therapist prior to leaving Kansas despite her supervisor's direction on several occasions to ensure a continuation of therapy. She reported that she experienced high stress related to these personal matters. Licensee personal issues

impacted her professional performance and functioning. This is a violation of K.A.R. 102-5-12(b)(8).

11. Licensee experienced significant personal issues in Ohio and was required to return to Ohio abruptly without transferring her clients to another therapist prior to leaving Kansas despite her supervisor's direction on several occasions to ensure a continuation of therapy. Licensee's actions in this case were inconsistent with the accepted professional standards. This is a violation of K.A.R. 102-5-12(b)(10).


12. Licensee experienced significant personal issues in Ohio and was required to return to Ohio abruptly without transferring her clients to another therapist prior to leaving Kansas despite her supervisor's direction on several occasions to ensure a continuation of therapy. A client had to contact another therapist when the client could not reach Licensee. This is a violation of K.A.R. 102-5-12(b)(38).

13. Licensee experienced significant personal issues in Ohio and was required to return to Ohio abruptly without transferring her clients to another therapist prior to leaving Kansas despite her supervisor's direction on several occasions to ensure a continuation of therapy. A client had to contact another therapist when the client could not reach Licensee. This is a violation of K.A.R. 102-5-12(b)(39).

SANCTION

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) and the Kansas Administrative Procedure Act K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Temporary Licensed Marriage and Family Therapist of Licensee Stephanie McCain is hereby **PUBLICALLY CENSORED** for her violations of the Kansas Marriage and Family Therapists Licensure Act.

IT IS SO ORDERED ON THIS 3rd DAY OF November 2018.


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:

Max Foster, 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 5 day of November, 2018, a true and correct copy of the above and foregoing Summary Proceeding Order of Public Censure was deposited in the U.S. mail, first class postage prepaid, addressed to:

Stephani McCain


and a copy delivered via interoffice mail to:

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