

STATE OF KANSAS  
BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of  
Jean Laymon, LAC  
License #342

Case No. 14-AC-0032

OAH No. 15BS0002

INITIAL ORDER

Statement of Case

Jean Laymon appeals the agency action proposing discipline. A formal hearing of this matter was held on November 25, 2014. Testifying at the formal hearing were Cindy D'Ercole, Jean Laymon, Diane Briggs, and Brenda Brown

Findings of Fact

1. The respondent is licensed by the Kansas Behavioral Sciences Regulatory Board (Board) as an addiction counselor.
2. The respondent was formerly employed by the Cowley County Mental Health and Counseling Center (CCMHCC). The respondent represented her employer at the local drug court.
3. During the course of her employment, the respondent treated individuals who were either charged or convicted of criminal offenses. At times, the individuals had warrants out for their arrest.
4. None of the clients that the respondent had at CCMHCC had signed any type of written consent allowing the respondent to report their presence to law enforcement entities.

5. Notwithstanding the fact that the respondent never had written permission to reveal clients' presence at her office, the respondent would call law enforcement entities when one of her clients was to be at her office and there was a warrant out for the client.

#### Conclusions of Law

The issue is whether the Board has properly found that the respondent is subject to discipline.

1. K.S.A. 65-6615(a), (c), and (g) provide as follows:

The board may refuse to grant licensure to, or may suspend, revoke, condition, limit, qualify or restrict the licensure issued under this act of any individual who the board, after the opportunity for a hearing, determines:

(a) Is incompetent to practice addiction counseling, or is found to engage in the practice of addiction counseling in a manner harmful or dangerous to a client or to the public;

(c) has violated a provision of the addictions counselor licensure act or one or more of the rules and regulations of the board;

(g) has been found guilty of unprofessional conduct as defined by rules and regulations established by the board.

2. K.S.A. 65-6617(a)(5) provides as follows:

A person licensed under the addictions counselor licensure act and employees and professional associates of the person shall not be required to disclose any information that the person, employee or associate may have acquired in rendering addiction counseling services, unless:

(5) a client agrees to a waiver of the privilege accorded by this section, and in circumstances where more than one person in a family is receiving therapy, each such

family member agrees to the waiver. Absent a waiver from each family member, an addiction counselor shall not disclose information received from a family member.

3. K.A.R. 102-7-11(r)(3) and (s) provide as follows:

Each of the following acts shall be considered unprofessional conduct for a licensed addiction counselor, a licensed clinical addiction counselor, or an applicant for an addiction counselor license or a clinical addiction counselor license:

- (r) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of the following actions:
  - (3) releasing information concerning a client to a third person, unless required or permitted by law;
- (s) failing to exercise due diligence in protecting the information regarding the client from disclosure by other persons in one's work or practice setting.

- 4. The evidence is clear that the respondent released information concerning clients to law enforcement agencies.
- 5. There is no evidence that there was any written consent by any client giving the respondent permission to contact law enforcement entities regarding the whereabouts of clients.
- 6. There is no evidence in the record that any client gave a waiver of the right of confidentiality to the respondent that would give the respondent any permission to provide information concerning the client to law enforcement agencies.

7. The testimony of the respondent was particularly troubling. The respondent, in her final statements at the hearing of this matter, stated, "I would do what I did again."
8. The respondent does not understand that she violated the rules regarding addiction counselor licensure. The respondent does not seem to understand that she violated the rights of her clients for confidentiality and for protection of their information.
9. The fact that the respondent stated that she would do the same thing in the future places Kansas individuals at risk.

#### Conclusion

Based upon the respondent's violation of K.A.R. 102-7-11(r)(3) and (s), the respondent's addiction counselor license is hereby suspended for a minimum of six months. The effective date of the suspension shall be 18 days from the date of this order unless a petition for review under K.S.A. 77-527 is made by either party.

Additionally, the respondent is ordered to obtain six hours of additional continuing education or training in ethics and confidentiality and provide proof of completion of said hours within six months of the effective date of this order.

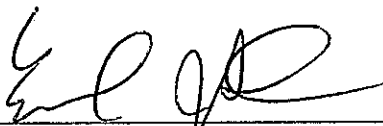
It is further ordered that the respondent shall obtain a Board approved supervisor who will supervise her for compliance with ethics and confidentiality. Said Board approved supervisor shall file monthly reports with the Board.

It is further ordered that, pursuant to K.S.A. 74-7507, the costs of this action totaling \$200.00 are assessed to the respondent.

**IT IS SO ORDERED.**

NOTICE REGARDING REVIEW

Pursuant to K.S.A. 77-527, either party may appeal this Initial Order. A petition for review must be filed within 15 days from the date of this Initial Order. Failure to timely request review may preclude further judicial review. If neither party requests a review, this Initial Order becomes final and binding on the 30<sup>th</sup> day following its mailing. Petitions for review shall be mailed or personally delivered to: Max Foster, Executive Director, Kansas Behavioral Sciences Regulatory Board, 700 SW Harrison, Ste. 420, Topeka, Kansas 66603-3929.



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Edward J. Gascher  
Administrative Law Judge/Presiding Officer  
Office of Administrative Hearings  
1020 S. Kansas Ave.  
Topeka, KS 66612

CERTIFICATE OF SERVICE

On December 23, 2014, I mailed a copy of this document to:



Whitney L. Casement.  
Assistant Attorney General  
120 SW 10<sup>th</sup> Avenue, 2<sup>nd</sup> Floor  
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Max Foster, Executive Director  
Kansas Behavioral Sciences Regulatory Board  
700 SW Harrison, Ste. 420  
Topeka, KS 66603-3929  
Telephone: 785-296-3240

A handwritten signature in cursive script that reads "Eric Miller".

Staff Person  
Office of Administrative Hearings