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APR 03 2015

BY: _____

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)
)
Amber T. Olson,)
LBSW #1944)
_____)

Case No. 15-PC-0023

Pursuant to K.S.A. 77-537

SUMMARY PROCEEDING ORDER

NOW, on this 6 day of April, 2015, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board (the "Board").

FINDINGS OF FACT

The Board finds that the following facts have been established by a preponderance of the evidence:

1. Amber Olson ("Licensee") was at all times relevant hereto 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.
2. On February 3, 2014, Licensee submitted her application for renewal of her LPC license. Licensee signed an attestation clause in the application that stated the information in the application was accurate, including that she had received all continuing education hours required for renewal of her license and that she possessed the necessary documentation.
3. On February 6, 2014, the Board sent Licensee a Notice of Audit, which required her to submit documentation for continuing education units (CEUs) that she was claiming for the

renewal period by the last day of the month following her license expiration date.

4. Licensee's license was set to expire on January 31, 2014.

5. Licensee was provided the necessary audit forms in an email sent by the Board on February 12, 2014.

6. On April 2, 2014, the Board sent an email to Licensee notifying her that the audit materials still had not been received and that the renewal information would be sent to the Board's Special Investigator to determine whether a violation of the statutes regulating LPCs had occurred. Licensee responded to the email on April 2, 2014, but did not provide audit materials.

7. On or about August 8, 2014, the Board's Investigator filed a Report of Alleged Violation stating Licensee may have violated certain statutes and regulations governing unprofessional conduct and prohibited acts. Licensee was informed of the reported information in a letter dated August 8, 2014.

8. Licensee was notified of the reported information again by email on October 17, 2014. Licensee responded to the October 17, 2014 email on October 31, 2014, and requested a meeting with the Board's Investigator. Licensee was advised via email on October 31, 2014, that an answer should be made in writing to the Report of Alleged Violation, and to provide the materials to comply with the audit as soon as possible.

9. On December 9, 2014, the Board sent Licensee a letter notifying her that the Board was reviewing the case against her and giving her another opportunity to answer and cooperate. Licensee was notified of the reported information again by email on December 22, 2014.

10. Finally, the Board sent a letter to Licensee on January 29, 2015 advising her that the Board's Complaint Review Committee would be reviewing the Report of Alleged Violation against her at its next meeting.

11. To date, audit materials have not been received.

CONCLUSIONS OF LAW

12. Based on the allegations and subsequent investigation, the Complaint Review Committee of the Board finds that Respondent, while a Licensed Professional Counselor, violated the following statute and regulations:

A. K.S.A. 65-5809. Refusal to issue, suspension, limitation, refusal to renew or revocation of license or specialty designation; grounds.

The board may refuse to issue, suspend, limit, refuse to renew, condition or revoke, any license under the professional counselors licensure act for any of the following reasons:

(n) unprofessional conduct as defined by rules and regulations adopted by the board.

B. K.A.R. 102-3-9b. Renewal Audit.

(a) A random audit of the continuing education documentation for 10 percent of the professional counselor licenses and the clinical professional counselor licenses expiring each month shall be conducted by the board;

(c) Upon board notification, each renewal applicant shall submit the following to the board within 30 days after the license expiration date:

(1) The completed renewal audit forms; and

(2) the original continuing education documents that validate all continuing education units claimed for credit during the current renewal period.

(d) Continuing education units that a renewal applicant earns after board receipt of the renewal application form shall not be approved for continuing education credit for the current renewal period;

(e) Failure to comply with this regulation shall be considered unprofessional conduct;

C. K.A.R. 102-3-12a. Unprofessional conduct.

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

(1) Obtaining or attempting to obtain a license or registration for oneself or another by means of fraud, bribery, deceit, misrepresentation, or concealment of a material fact;

(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;

13. Proceedings under the Kansas Professional Counselors Licensure Act are subject to the Kansas Administrative Procedure Act (K.S.A. 77-501, *et seq.*) ("KAPA") pursuant to K.S.A. 65-5815. K.S.A. 77-537 of KAPA provides that the Board may use summary proceedings when necessary and appropriate.

14. The Board is authorized to take disciplinary action against a Licensed Professional Counselor pursuant to K.S.A. 65-5809.

15. The Board has jurisdiction over Respondent because Respondent was at all times relevant hereto a Licensed Professional Counselor within the meaning of the Kansas Professional Counselors Licensure Act, K.S.A. 65-5801, *et seq.*, and amendments thereto.

16. The Board has been charged by the Kansas Legislature with the responsibility to protect the public health, safety, and welfare by assuring the current competence to practice of its licensees.

SANCTION

Based on the above Findings of Fact and Conclusions of Law, Amber T. Olson's Kansas Licensed Professional Counselor license, #1944, should be and is hereby temporarily **suspended** until further order of the Board. Additionally, the Board **refuses to renew** Amber T. Olson's Kansas Licensed Professional Counselor license.

IT IS SO ORDERED.


Terry Pfannenstiel
Chair, Complaint Review Committee

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:

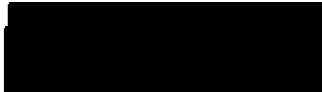
Max Foster, Executive Director
Behavioral Sciences Regulatory Board
700 SW Harrison St., Suite 420
Topeka, KS 66603-3929

Whitney L. Casement, Esq.
Kansas Office of the Attorney General
120 SW Tenth Ave., 2nd Floor
Topeka, KS 66612


Any such request must be filed within fifteen (15) days of service of this Notice. If a hearing is not requested in the time and manner stated, this Summary Proceeding Order becomes final and effective upon the expiration of the time for requesting a hearing and will be a Final Order of the Board.

CERTIFICATE OF SERVICE

This is to certify that on this 6 day of April, 2015, 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:

Amber T. Olson


and sent via email to:

Amber T. Olson


and a copy delivered via interoffice mail to:

Whitney L. Casement
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612
Disciplinary Counsel for the Board

Cindy D'Ercole
For the Board