

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)
)
MARIA L. NOBLEJAS, LP) **Case No. 21-LP-0125**
License #1316)
)
Respondent)
_____)
Pursuant to K.S.A. 77-536

SUMMARY PROCEEDING ORDER

NOW, on this 10 day of March, 2022, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board (“Board”).

FINDINGS OF FACT

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

1. Maria L. Noblejas (“Respondent”) was at all times relevant, a Licensed Psychologist (“LP”), having been issued LP License No. 1316 within the meaning of the Kansas Licensure of Psychologists Act, K.S.A. 74-5301, *et seq.*, and amendments thereto.
2. On or about June 16, 2021, the Board received a complaint concerning Respondent’s unprofessional conduct, alleging Respondent may have violated certain statutes and/or regulations governing the practice of an LP in Kansas.

3. The complaint was submitted by a therapist providing services to Alpha (phonetic name used to protect the client). The therapist asserted that there were boundary issues between Respondent and Alpha.

4. In 2012-2013, Respondent provided services to a client, Alpha. During the time of these services, Respondent would email with Alpha. The Board was provided samples of email exchanges between Respondent and Alpha.

5. One such email exchange occurred on or about January 17, 2013. Respondent said to Alpha in this email exchange, statements such as:

- a. "I like you very very much. It's our secret."
- b. "U can live with me when I get a house if you want."
- c. "Sweetie. Where are u?"
- d. "Thank u sweetie. I love u bc I can see ur soul and its beautiful"
- e. "Ok sweetie. Gdnight."
- f. "I like u very very much sweetie."

APPLICABLE LAW

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. 74-5302(a): "Practice of psychology" means the application of established principles of learning, motivation, perception, thinking and emotional relationships to problems of behavior adjustment, group relations and behavior modification, by persons trained in psychology. The application of such principles includes, but is not restricted to, counseling and the use of psychological remedial measures with persons, in groups or individually, having adjustment or emotional problems in the areas of work, family, school and personal relationships; measuring and testing personality, intelligence, aptitudes, public opinion, attitudes and skills; the teaching of such subject matter; and the conducting of research on problems relating to human behavior, except that in all cases involving the care of the sick and ill as defined by the laws of this state, the primary responsibility devolves upon those licensed under the Kansas healing arts act. The practice of psychology includes 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. If a licensed psychologist cannot make an independent diagnosis of a mental disorder, such psychologist shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed psychologist may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

8. Pursuant to K.S.A. 74-5324(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 a license has violated a provision of the psychologists act of the state of Kansas or one or more rules and regulations of the board. Specifically:

- a. K.A.R. 102-1-10a(a)(2): Practicing psychology in an incompetent manner, which shall include ...performing professional services that are inconsistent with the licensee's education, training, or experience; and
- b. K.A.R. 102-1-10a(c)(3): Engaging in harmful dual relationships, which shall include the following acts: exercising undue influence over any client.

CONCLUSIONS OF LAW

9. Respondent is in violation of K.S.A. 74-5324(a)(5), as referenced in K.A.R. 102-1-10a(a)(2), in that Respondent performed professional services inconsistent with her education, training, and experience when she communicated with her client using endearing words in numerous email exchanges.

10. Additionally, Respondent is in violation of K.S.A. 74-5324(a)(5), as referenced in K.A.R. 102-1-10a(c)(3), in that Respondent exercised undue influence over her client when she said in email exchanges to her client, statements such as, "I like you very very much. It's our secret." Respondent also stated in another email, "U can live with me when I get a house if you want."

ORDER

WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 74-5324 (a) and K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Kansas LP license of Respondent Maria Noblejas should be and is hereby **PUBLICALLY CENSORED** for her violations of the Kansas Licensure of Psychologist Act.

IT IS SO ORDERED ON THIS 3rd DAY OF March 2022

B. D. Weston PhD
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:

David B. Fye, 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.

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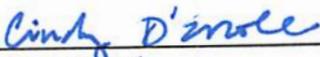
CERTIFICATE OF SERVICE

This is to certify that on this 10 day of March, 2022, 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:

Brian Russell
Attorney for Respondent
Santa Fe Building
8000 Foster
Overland Park, KS 66204

and by email to: jane.weiler@ag.ks.gov

Jane E. Weiler, Esq.
Assistant Attorney General
Disciplinary Counsel for the Board



For the Board