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JUN 11 2018
BY: _____

Marty M. Snyder, KS S. Ct. #11317
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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
FRANCISCO TORRES-GONZALEZ,)
LCAC #461,)
Respondent)

Case No. 17-CA-001

SUMMARY PROCEEDING ORDER OF SUSPENSION

NOW, on this 12 day of June, 2018, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [Board], by and through Assistant Attorney General Marty M. Snyder

Findings of Fact

1. Francisco Torres-Gonzalez, at all times relevant, has been a Licensed Clinical Addictions Counselor within the meaning of the Addictions Counselor Licensure Act, K.S.A. 65-6601, *et seq.*, and amendments thereto.

2. On June 23, 2016, the Board received a report of information concerning Respondent's conduct, alleging Respondent may have violated certain statutes and regulations governing the practice of addictions counseling in Kansas.

3. The Board conducted an investigation concerning Respondent's alleged violation of statutes and regulations. During the investigation, Respondent was informed of the reported information January 5, 2017 and was requested to respond to the allegations. His written response was received March 31, 2017.

4. As a result of the investigation, the Board found that the following facts had been established by a preponderance of persuasive evidence:

a. Licensee was employed as a clinical addictions counselor with his agency We Can Recover. The program is also licensed by the Kansas Department for Aging and Disability Services [KDADS]. KDADS received a complaint from another licensed provider regarding misconduct by Licensee.

b. It was determined that Licensee removed the employer and assessor information from two prior client assessments, substituted his own company and his own signature and then provided the altered documents to the Gardner, Kansas, Municipal Court without the consent of the other evaluator. It appeared that he was presenting the work of another licensee as his own work.

c. KDADS found deficiencies in six standards and recommended specific corrective actions. Licensee accepted the Corrective Action Plan and implemented the actions.

5. The parties entered a Consent Agreement and Order, effective December 7, 2017. [Exhibit A] Subsequently, the Board's Special Investigator presented satisfactory evidence to the Complaint Review Committee of the Board that Respondent failed to comply with the terms of the Consent Agreement and Order despite efforts to communicate with him regarding this failure to cooperate.

6. The Committee voted unanimously to suspend Respondent's license for six (6) months and further order of the Board for the original violations, for violation of the Consent Agreement and Order and violation of K.A.R. 102-7-11(h) failing or refusing to cooperate in a timely manner with any request from the Board.

Conclusions of Law

The Complaint Review Committee of the Board found that probable cause exists to believe Respondent has violated the following statutes and regulations:

A. K.S.A. 65-6615. Grounds for discipline (a)(9).

B. K.A.R. 102-7-11 – Unprofessional Conduct.

1. Each of the following acts shall be considered unprofessional conduct for a licensed addiction counselor:

(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;

(t) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;

(ff) taking credit for work not personally performed, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;

(hh) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading.

2. Subsequently, the Committee found that Respondent also violated terms of the Consent Agreement and Order and the following additional Unprofessional Conduct administrative regulation:


(h) 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. Each 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.

Sanction

Pursuant to paragraph (e) at p. 4 of the Consent Agreement and Order, the Committee voted unanimously to suspend Respondent's Kansas Licensed Clinical Addictions Counselor license for a definite term of six (6) months and further order of the Board until such time as he can demonstrate compliance with all terms and conditions of the Consent Agreement and Order to the satisfaction of the Board.

This Summary Order of Suspension is effective on the date as determined pursuant to the Notice of Relief and Certificate of Service below.

IT IS SO ORDERED this 11th day of June, 2018.


Terry Pfannenstiel, Ph.D., ~~LCP~~, LCMFT
Chair, Complaint Review Committee

NOTICE OF RELIEF FROM THIS ORDER


Pursuant to K.S.A. 77-537 and K.S.A. 77-542, this Summary Proceeding Order of Suspension 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
Kansas Behavioral Sciences Regulatory Board
Eisenhower State Office Building, #430
Topeka, KS 66603

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 12 day of June, 2018, a true and correct copy of the above Summary Proceeding Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Francisco Torres-Gonzalez


Francisco Torres-Gonzalez
We Can Recover


and emailed to: 

and a copy sent by building mail to:

Marty M. Snyder
Assistant Attorney General

Cindy D'Emole

For the Board

Marty M. Snyder, KS S. Ct. #11317
Assistant Attorney General
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597
(785) 296-2215

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
FRANCISCO TORRES-GONZALEZ,)
LCAC #461,)
Respondent)

Case No. 17-CA-001

CONSENT AGREEMENT AND ORDER

NOW, on this 7 day of December, 2017, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [Board], by and through Assistant Attorney General Marty M. Snyder, by agreement with Francisco Torres-Gonzalez [Respondent / Licensee], for the purpose of resolving the above-captioned case.

Respondent hereby acknowledges the following:

1. Francisco Torres-Gonzalez, at all times relevant, has been a Licensed Clinical Addictions Counselor within the meaning of the Addictions Counselor Licensure Act, K.S.A. 65-6601, *et seq.*, and amendments thereto.

2. On June 23, 2016, the Board received a report of information concerning Respondent's conduct, alleging Respondent may have violated certain statutes and regulations governing the practice of addictions counseling in Kansas.

3. The Board conducted an investigation concerning Respondent's alleged violation of statutes and regulations. During the investigation, Respondent was informed of the reported information January 5, 2017 and was requested to respond to the allegations. His written response was received March 31, 2017.



4. As a result of the investigation, the Board finds that the following facts have been established by a preponderance of persuasive evidence:

a. Licensee was employed as a clinical addictions counselor with his agency We Can Recover. The program is also licensed by the Kansas Department for Aging and Disability Services [KDADS]. KDADS received a complaint from another licensed provider regarding misconduct by Licensee.

b. It was determined that Licensee removed the employer and assessor information from two prior client assessments, substituted his own company and his own signature and then provided the altered documents to the Gardner, Kansas, Municipal Court without the consent of the other evaluator. It appeared that he was presenting the work of another licensee as his own work.

c. KDADS found deficiencies in six standards and recommended specific corrective actions. Licensee accepted the Corrective Action Plan and implemented the actions.

Conclusions of Law

The Complaint Review Committee of the Board finds that probable cause exists to believe Respondent has violated the following statutes and regulations:

A. K.S.A. 65-6615. Grounds for discipline (a)(9).

B. K.A.R. 102-7-11 – Unprofessional Conduct.

Each of the following acts shall be considered unprofessional conduct for a licensed addiction counselor:

(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;

(t) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;

(ff) taking credit for work not personally performed, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;

(hh) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading.

However, Respondent and the Board mutually desire to enter a Consent Agreement and Order in lieu of adjudicative proceedings to resolve the above violations.

WHEREFORE, Respondent waives all rights to an adjudication of facts and law which could be determined pursuant to a hearing conducted in accordance with the Kansas Administrative Procedure Act [KAPA] in relation to Case No. 17-CA-001.

WHEREFORE, Respondent waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act [KJRA] in relation to Case No. 17-CA-001.

WHEREFORE, the Board and Respondent agree to the following terms and conditions of probation until he has completed one year of supervised practice:

(a) Licensee shall obtain three additional Ethics CEUs within six months of the effective date of this Consent Agreement and Order [CAO]. The focus of these Ethics CEUs shall be on the legal and ethical ramifications of accurate documentation, and the course may be taken online. He shall furnish proof of completion to the Board's Investigator.

(b) Licensee shall obtain a Board-approved clinical supervisor and meet face to face a minimum of one hour per week. Licensee shall provide copies of this CAO to his supervisor. The focus of the supervision shall be on accuracy and integrity of documentation. The supervisor shall provide quarterly written reports to the Board's

Investigator but initiate immediate contact if there are any problems.

(c) Respondent shall submit a ten-page paper in APA format within three months of the effective date of this CAO on "Professional and Ethical Documentation in Clinical Settings."

(d) Respondent shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.

(e) Evidence of Respondent's failure to comply with any of these conditions may result in suspension of Respondent's Kansas Licensed Clinical Addictions Counselor license until such time as he can demonstrate compliance with all terms and conditions of this Consent Agreement and Order to the satisfaction of the Board.

(f) Respondent acknowledges an affirmative duty to notify the Board's Investigator within five (5) days of any changes in personal or professional status which would inhibit compliance with any condition of this Consent Agreement and Order. In such event, a designee of the Board is authorized to modify or amend this Consent Agreement and Order in writing.

(g) Respondent understands that a notification of this Consent Agreement and Order shall be provided to any other state licensing board if Respondent is also licensed, registered or certified in another state and as otherwise required by law.

(h) This Consent Agreement and Order constitutes the entire agreement between Respondent and the Board and may be modified or amended only by written agreement signed by Respondent and the Board or a designee of the Board.

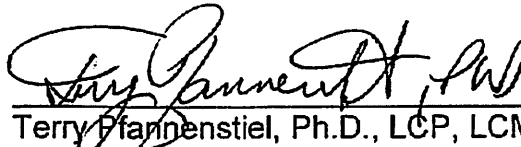
WHEREFORE, Respondent consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval by the Complaint Review Committee, this Consent Agreement and

Order will become a Final Order of the Board. The Board has authorized the Complaint Review Committee to determine approval of this Consent Agreement and Order.

WHEREFORE, the Board agrees that, so long as Respondent complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 65-6615 and K.A.R. 102-7-11 as a result of this proceeding.

WHEREFORE, the foregoing provisions are consented to, are hereby made the final Order of the Kansas Behavioral Sciences Regulatory Board and become effective on the date indicated in the Certificate of Service below.

IT IS SO ORDERED this 4th day of December, 2017.



Terry Pfannenstiel, Ph.D., LCP, LCMFT
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:



Francisco Torres-Gonzalez, LCAC
Licensee / Respondent

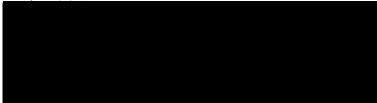
11-22-17

Date

CERTIFICATE OF SERVICE

This is to certify that on this 7 day of December, 2017, a true and correct copy of the above Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Francisco Torres-Gonzalez



Francisco Torres-Gonzalez
We Can Recover



and emailed to:



and a copy sent by building mail to:

Marty M. Snyder
Assistant Attorney General

Cindy D'Grado
For the Board