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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)

CYNTHIA REETZ,)
LAC #1442)

Respondent)

Case No. 19-AC-0077

_____) Pursuant to K.S.A. 77-536

SUMMARY PROCEEDING ORDER OF REVOCATION

NOW, on this 3 day of May, 2019, 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. Cynthia Reetz (“Respondent”) was at all times relevant, a Licensed Addictions Counselor (“LAC”) within the meaning of the Kansas Addictions Counselor Licensure Act, K.S.A. 65-6607, *et seq.*, and amendments thereto.
2. Respondent was employed at the Substance Abuse Center of Kansas (“SACK”).
3. The Kansas Department of Children and Families reported to SACK that Respondent was suspected of illicit drug use.

4. On or about November 6, 2018, Respondent's immediate supervisor at SACK confronted Respondent regarding this report. Respondent told her immediate supervisor that she had been using marijuana. Respondent's employer requested a drug test.

5. On or about November 6, 2018, Respondent completed a drug test. Respondent tested positive for methamphetamine.

6. Respondent was then terminated from her position at SACK. Respondent did not report her termination to the Board.

7. On or about December 7, 2018, Board staff sent to Respondent a letter informing her of the reported allegations. Board staff asked Respondent to respond to these allegations no later than January 8, 2019. Respondent failed to respond to this letter.

8. On or about January 17, 2019, Board staff again sent to Respondent a letter informing her of the reported allegations. Board staff asked Respondent to respond to these allegations no later than January 28, 2019. Once again, Respondent failed to respond to Board staff.

9. On or about February 12, 2019, Respondent's license to practice as an LAC in the State of Kansas was emergently suspended when the Board found that continued clinical practice created an immediate risk of harm to the public health, safety or welfare.

10. Respondent did not contact the Board to request relief from the emergency proceedings.

APPLICABLE LAW

11. Pursuant to K.S.A. 65-6615(c): Administrative proceedings and disciplinary actions regarding licensure under the Addiction Counselor Licensure Act shall be conducted in accordance with the Kansas Administrative Procedure Act.

12. Pursuant to K.S.A. 2017 Supp. 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.

13. Pursuant to K.S.A. 65-6608(c): “Licensed addiction counselor” means a person who engages in the practice of addiction counseling limited to substance abuse disorders and who is licensed under this act.

14. Pursuant to K.S.A. 65-6615(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 addiction counselor licensure act or one or more of the rules and regulations of the board.

15. Pursuant to K.A.R. 102-7-11, 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:

- a. K.A.R. 102-7-11(a)(3): Except when the information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that the licensee or applicant or any other person regulated by the board or applying for licensure or registration has been demoted, terminated, suspended, reassigned, or

asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance.

- b. K.A.R. 102-7-11(a)(5): Except when the information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that the licensee or applicant or any other person regulated by the board or applying for licensure or registration has practiced the licensee's profession in violation of the laws or regulations that regulate the profession.
- c. K.A.R. 102-7-11(g): 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.
- d. K.A.R. 102-7-11(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.
- e. K.A.R. 102-7-11(i): Offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards.
- f. K.A.R. 102-7-11(u): using alcohol or any illegal drug or misusing any substance that could cause impairment while performing the duties or services of an addiction counselor.

CONCLUSIONS OF LAW

16. Respondent is in violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(a)(3), in that Respondent failed to notify the Board that she was terminated from SACK for malfeasance when she was found to have methamphetamine in her system while employed as an LAC.

17. Respondent is also in violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(a)(5), in that Respondent failed to notify the Board that she practiced as an LAC in violation of the laws and regulations that regulate addiction counselors when she was found to have methamphetamine in her system while employed as an LAC.

18. Respondent is also in violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(g), in that Respondent failed to recognize, seek intervention, or otherwise appropriately respond to her own personal problems, which impacted her ability to act in the client's best interests when she was found to have methamphetamine in her system while employed as an LAC.

19. Respondent is also in violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(h), in that Respondent failed to cooperate in a timely manner with several requests from the Board for a response regarding the aforementioned allegations.


20. Respondent is also in violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(i), in that Respondent performed services clearly inconsistent or incommensurate with the accepted professional standards when she was found to have methamphetamine in her system while employed as an LAC.

21. Respondent is also in violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(u), in that Respondent was using an illegal drug, specifically methamphetamine, while performing the duties or services of an addiction counselor.

ORDER

WHEREFORE, based on the above Findings of Fact and Conclusions of Law, Respondent Cynthia Reetz's Kansas Licensed Addictions Counselor license should be and is hereby **REVOKED** pursuant to K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(a)(3), K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(a)(5), K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(g), K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(h), K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(i), and K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(i).

IT IS SO ORDERED ON THIS 28th DAY OF April, 2019.



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 3 day of May, 2019, a true and correct copy of the above and foregoing Summary Proceeding Order of Suspension was deposited in the U.S. mail, first class postage prepaid, addressed to:

Cynthia Reetz
[REDACTED]
[REDACTED]

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