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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD
700 SW Harrison Street, Suite 420
Topeka, Kansas 66603-3929

In the Matter of)
LINDA SUDERMAN, LCPC) Case No. 19-LC-0147
License No. 97)
)
Licensee/Respondent.)

CONSENT AGREEMENT AND FINAL ORDER

NOW on this 1 day of April, 2020, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board ("Board") by and through Assistant Attorney General Jane E. Weiler on behalf of the Board, and by agreement of Linda Suderman, ("Licensee"), for the purposes of resolving the above-captioned matters.

The parties knowingly and voluntarily agree as follows:

1. On August 21, 2000, the Board issued Licensee an original Licensed Clinical Professional Counselor ("LCPC") No. 97. This license will expire on January 31, 2021. Licensee is currently, and was at all times relevant to this Consent Agreement and Final Order, an LCPC within the meaning of the Kansas Professional Counselors Licensure Act, K.S.A. 65-5801 *et seq.*

CASE NO. 19-LC-0147

2. On or about, April 1, 2019, the Board received a Report of Alleged Violation alleging Licensee may have violated certain statues and regulations governing the practice of professional counselors in the State of Kansas. A subsequent investigation determined the following facts.

3. In July/August 2018, Licensee completed testing on a minor client. This testing occurred prior to the 2018-2019 school year so that the results would be beneficial to the client's teachers when creating the new IEP.

4. The family of this client completed paperwork, which included an Informed Consent. The Informed Consent did not specify who was responsible to obtain information needed by Licensee for her report.

5. Licensee reported to the family that she required the grade cards for the client. Licensee did not directly request the grade cards herself from the school.

6. The family requested the report related to Licensee's findings from her testing. Licensee scheduled a consultation with the family to review the findings. There were several delays in setting up this consultation.

7. Licensee and the family eventually met in February 2019 for the aforementioned consultation.

8. Licensee provided the report to the client's family in April 2019.

APPLICABLE LAW

9. K.S.A. 65-5809(a)(9): 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 licensure has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the Board. Specifically, K.A.R. 102-3-12a(b)(10): Offering to perform or performing professional counseling, assessments, consultations, or referrals clearly inconsistent or incommensurate with one's training, education or experience or with accepted professional standards.

10. Licensee and the Board mutually desire to enter into this Consent Agreement and Final Order in lieu of further summary and adjudicative proceedings.

11. Licensee understands that by entering into this Consent Agreement and Final Order Licensee waives all rights to further adjudication of facts and law that could be determined pursuant to summary proceedings or a hearing conducted in accordance with the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.* in relation to Case Nos. 19-LC-0147.

12. Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review, K.S.A. 77-601 *et seq.* in relation to Case Nos. 19-LC-0147.

13. The Board accepts Licensee's waiver of rights and stipulations.

ORDER

WHEREFORE, the Board finds that the above facts have been established by clear and convincing evidence; and further finds that Licensee was in violation of K.S.A. 65-5809(a)(9), as referenced in K.A.R. 102-3-12a(b)(10), in that Licensee failed to practice with the accepted professional standards when she did not provide to the family the report in a more timely manner.

AND WHEREAS Licensee and the Board mutually desire to enter into a Consent Agreement and Final Order in lieu of further adjudicative proceedings to resolve the reported violations.

THEREFORE, based on the above Findings of Fact and Conclusions of Law, the Complaint Review Committee of behalf of the Board finds that the Kansas LCPC license of Respondent Linda Suderman should be and is hereby **PUBLICALLY CENSORED** for her violations of the Kansas Professional Counselors Licensure Act.

14. The matters referred to in this Consent Agreement and Final Order shall not be grounds for future action against Licensee, except the extent that that such matters may be relevant for future disciplinary or licensure proceedings in the Board's consideration of the factors identified in K.S.A. 65-5806 [Licensure; expiration and renewal; continuing education; reinstatement of suspended or revoked license], and K.S.A. 65-5809 [Refusal to issue, suspension, limitation, refusal to renew or revocation of license or specialty designation; grounds], for establishing rehabilitation or a pattern of conduct.

15. Except as provided in paragraph 14, this Consent Agreement and Final Order shall operate as a complete release of all claims the parties may have against each other pending before the Board and arising out of the Board's investigation of these matters. Licensee agrees not to file, or cause to be filed, any litigation or claims in any federal or state court of law or federal or state administrative agency against the Board, its agents, Board members, or employees, individually or in their official capacity. Such litigation or claims include, but are not limited to, any K.S.A. Chapter 60 or Chapter 61 civil action regarding negligence and/or a 42 United States Code action and/or any administrative petition for redress. Licensee agrees that all actions in this matter were a bona fide use of administrative discretion on the part of the Board, its members, and employees, which is a statutory exception to liability within the Kansas Tort Claims Act, K.S.A. 75-6104(b), (c) or (e).

16. Licensee agrees that this Consent Agreement and Final Order conforms to Kansas and federal law and that the Board has jurisdiction to enter into it and enter the Final Order provided for herein.

17. Licensee understands that a notification of this Consent Agreement and Final Order may be provided to any other state licensing board or entity if Licensee is also licensed, registered or certified in another state.

18. This Consent Agreement and Final Order shall be a public record in the custody of the Board.

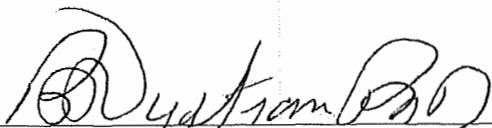
19. This Consent Agreement and Final Order constitutes the entire agreement of the parties and may only be modified by order of the Board or by a subsequent writing signed by the parties. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

20. This Consent Agreement and Final Order shall become effective on the date indicated in the Certificate of Service.

WHEREFORE, the parties consent to these provisions, which are hereby made the Final Order of the Kansas Behavioral Sciences Regulatory Board in the above-captioned case.

IT IS SO ORDERED.

Dated this 30th day of March 2020.



Chairperson, Complaint Review Committee
On behalf of Kansas Behavioral Sciences
Regulatory Board

AGREED AND CONSENTED TO BY:

Linda Suderman
Linda Suderman, LCPC
Licensee

03/20/2020
Date

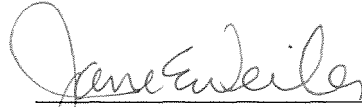
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was served on this 1 day of April 2020, by depositing the same in the United States mail, postage prepaid, addressed to:

[REDACTED]

And a copy delivered via interoffice mail to:

Jane E. Weiler, Assistant Attorney General
Office of the Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612
Disciplinary Counsel for the Board



For the Kansas Behavioral Sciences
Regulatory Board