

Jane E. Weiler, #25276
Assistant Attorney General
Office of the Kansas Attorney General
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597

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

In the Matter of)
SCOTT E. SPRADLIN, LPC) Case No. 20-PC-0067
License No. 813)
)
Licensee/Respondent.)

CONSENT AGREEMENT AND FINAL ORDER

NOW on this 24 day of August, 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 Scott E. Spradlin, (“Licensee”), for the purposes of resolving the above-captioned matters.

The parties knowingly and voluntarily agree as follows:

1. On March 3, 2003, the Board issued Licensee an original Licensed Professional Counselor (“LPC”) No. 813. This license will expire on October 31, 2021. Licensee is currently, and was at all times relevant to this Consent Agreement and Final Order, an LPC within the meaning of the Kansas Professional Counselors Licensure Act, K.S.A. 65-5801 *et seq.*

CASE NO. 20-PC-0067

2. Licensee’s LPC license expired August 31, 2019.

3. On or about October 24, 2019, Licensee notified the Board that he had failed to renew his license in a timely manner.

4. Additionally, Licensee reported that he provided professional counseling services to clients during the time that his LPC license was expired, in addition to billing for these services.

5. Furthermore, on or about November 22, 2005, the Board formally reprimanded Licensee's LPC license when he practiced for seven (7) months after his LPC license had expired.

APPLICABLE LAW

6. 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:

- a. K.A.R. 102-3-12a(b): Any of the following acts by a licensed professional counselor, a licensed clinical professional counselor, or an applicant for a professional counselor license or a clinical professional counselor license shall constitute unprofessional conduct.
- b. K.A.R. 102-3-12a(b)(53): practicing professional counseling or clinical professional counseling after one's license expires.
- c. K.A.R. 102-3-12a(b)(54): using without a license, or continuing to use after the expiration of a license, any title or abbreviation prescribed by law for use solely by persons currently holding that type or class of license.

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

8. 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 No. 20-PC-0067.

9. 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 No. 20-PC-0067.

10. 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)(53) and K.A.R. 102-3-12a(b)(54), in that Licensee practiced professional counseling after his LPC license expired, and he held himself as an LPC after his license expired.

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.

NOW THEREFORE, Licensee consents to the following terms and conditions, and the Board orders that:

11. Licensee shall practice only under individual supervision by an independent clinical-level supervisor to be approved by the Board if employed using his LPC license. This may be Licensee's supervisor at his place of employment. Licensee shall have weekly one (1) hour meetings with the supervisor in a face to face manner. The focus shall include, but not limited to, clinical documentation, and taking care of one's physical/psychological needs to avoid interference with her practice. This requirement shall continue for one (1) year.

12. Within thirty (30) days of the effective date of this Consent Agreement and Final Order; or if Licensee is not currently working using his LPC license and prior to the beginning of using his LPC license, Licensee shall submit to the Board's investigator the name of his proposed supervisor.

13. Licensee shall provide a copy of this Consent Agreement and Final Order to the supervisor and authorize the supervisor to provide written quarterly reports to the Board's Investigator for the one (1) year term of supervision. There shall be a minimum of four (4) quarterly reports (every three [3] months) submitted to the Board's investigator during this one (1) year supervision timeframe.

14. During the time this Consent Agreement and Final Order is in effect, Licensee shall not serve as a supervisor to any person licensed by the Board, any person attaining supervised experienced in preparation for licensure by the Board, or any unlicensed person, including students or volunteers, who participate in the delivery of professional counseling services.

15. Hours of supervision attained by Licensee pursuant to this Consent Agreement and Final Order shall not count/accrue toward any supervised experience hours required for a higher level of licensure.

16. Licensee must notify the Board's Investigator within ten (10) days of a change in her employment and/or address change.

17. Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Final Order.

18. After completion of the actions set out in the Consent Agreement and Final Order, Licensee will have no remaining obligations to the Board in relation to this case. However, Licensee may be subject to further enforcement action if Licensee fails to comply with the terms, conditions, and requirements imposed by this Consent Agreement and Final Order.

19. 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.

20. Except as provided in paragraph 19, 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).

21. 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.

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

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

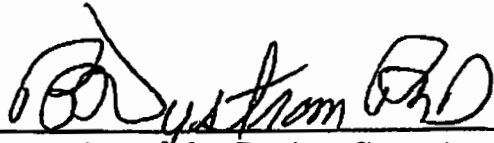
24. This Consent Agreement and Final Order constitutes the entire agreement of the parties and may only be modified by order of the Board or by a subsequent writing signed by the parties. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

25. 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.

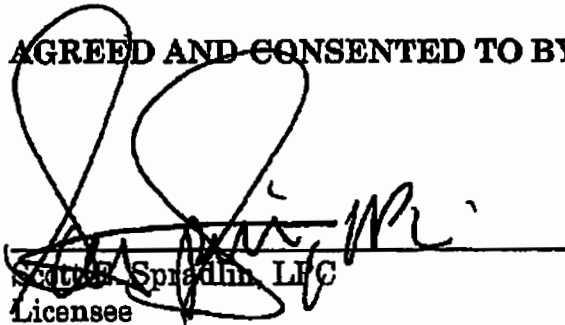
IT IS SO ORDERED.

Dated this 20th day of August 2020.



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

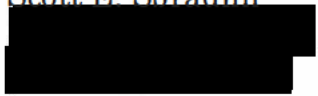
AGREED AND CONSENTED TO BY:


Scott E. Spradlin, LFC
Licensee

8/17/2020
Date


CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was served on this 24 day of August 2020, by depositing the same in the United States mail, postage prepaid, addressed to:

Scott E. Spradlin


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

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



For the Kansas Behavioral Sciences
Regulatory Board

Behavioral Sciences Regulatory Board
700 SW Harrison St. Suite 420
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David B. Fye, JD, Executive Director



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Laura Kelly, Governor

October 29, 2021

Scott Spradlin
4431 N. St. James Place
Bel Aire KS 67226

Scott Spradlin
6858 Winterberry Circle
Wichita, KS 67226

Re: Report of Alleged Violation 20-PC-0067

Dear Mr. Spradlin:

This letter is to confirm that you satisfied all of the conditions set forth in the Consent Agreement and Order. The case is now closed. Please keep a copy of this letter for your records.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "Cindy D'Ercole".

Cindy D'Ercole