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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)
)
STEVEN E. STEINHAUS,)
LCAC #106)
)
Respondent)
_____)

Case No. 21-CA-0042

Pursuant to K.S.A. 77-536

SUMMARY PROCEEDING ORDER

NOW, on this 18 day of November, 2020, 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. Steven E. Steinhaus ("Respondent") was at all times relevant, a Licensed Clinical Addictions Counselor ("LCAC") within the meaning of the Kansas Addictions Counselor Licensure Act, K.S.A. 65-6607, *et seq.*, and amendments thereto.
2. On or about July 14, 2020, the Board issued a Summary Proceeding Order against Respondent's Kansas Clinical Addiction Counselor's license in Case No. 19-CA-0152, Case No. 20-CA-0042, Case No. 20-CA-0057, and Case No. 20-CA-0143. This became a Final Order ("Final Order") on approximately August 3, 2020.

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3. The Final Order was issued for Respondent's violation K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-111(g), K.A.R. 102-7-11(h), K.A.R. 102-7-11(i), K.A.R. 102-7-11(ss), and K.A.R. 102-7-11(tt).

4. The Final Order required in part that Respondent shall practice only under individual supervision by an independent clinical-level supervisor to be approved by the Board if employed using his LCAC license.

5. Further, that within thirty (30) days of the effective date of the Final Order, that Respondent submit to the Board's investigator the name of his proposed supervisor.

6. On August 5, 2020, the Board's investigator sent to Respondent a letter to follow-up with the aforementioned requirement.

7. Respondent failed to submit to the Board's investigator the name of his proposed supervisor by September 5, 2020.

8. On or about September 16, 2020, the Board's investigator sent to Respondent notice that an investigation was initiated for his failure to comply with the terms and conditions of the Final Order. This notice requested that Respondent submit to the Board's investigator the name of his proposed supervisor required by the Final Order. Respondent did not respond to this notice.

9. At this time, Respondent has failed to submit to the Board's investigator the name of his proposed supervisor as required by the Final Order.

APPLICABLE LAW

10. 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.

11. Pursuant to K.S.A. 65-6608(e): "Licensed clinical addiction counselor" means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed under this act.

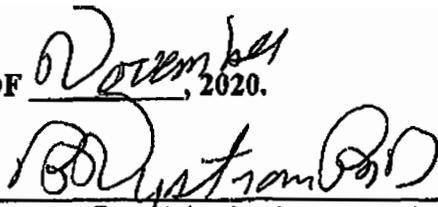
12. Pursuant to K.S.A. 65-6615(a)(5): The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license has violated a provision of the addiction counselor licensure act or one or more rules and regulations of the board. Specifically, 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. 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.

CONCLUSIONS OF LAW

13. Respondent is in violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(h), in that Respondent has failed to cooperate in a timely manner with the lawful request from the Board to submit to the Board the name of his proposed supervisor as required by the Final Order in Case No. 19-CA-0152, Case No. 20-CA-0042, Case No. 20-CA-0057, and Case No. 20-CA-0143.

ORDER

14. WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 65-6615(a) and K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Kansas Clinical Addiction Counselor license of Respondent Steven E. Steinhaus should be and is hereby **SUSPENDED** effective date of this Summary Proceeding Order as set forth in the Notice of Relief and the Certificate of Service below, and until such order of the Board.

IT IS SO ORDERED ON THIS 17 DAY OF December, 2020.


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

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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 18 day of November, 2020, 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:

Steven E. Steinhaus, LCAC



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

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



For the Board

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