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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)
)
ELONA F. REVERS, LCPC) **Case No. 21-LC-0052**
LCPC #323)
)
Respondent/Licensee)
_____)
Pursuant to K.S.A. 77-536

SUMMARY PROCEEDING ORDER OF STATUTORY REVOCATION

NOW, on this 6 day of April, 2021, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board ("Board").

FINDINGS OF FACT

1. Elona F. Revers ("Respondent") was at all times relevant, a Licensed Clinical Professional Counselor ("LCPC") within the meaning of the Kansas Professional Counselors Licensure Act, K.S.A. 65-5801, *et seq.*, and amendments thereto.
2. On or about October 23, 2020, the Board received a complaint concerning Respondent's unprofessional conduct, alleging Respondent may have violated certain statutes and/or regulations governing the practice of an LCPC in Kansas.
3. The Board conducted an investigation concerning Respondent's alleged violation of statutes and/or regulations.

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

- a. Respondent was employed at Larned State Hospital (“LSH”) in Larned, Kansas.
- b. During her employment, Respondent provided individual counseling and group counseling to inmates. Specifically, Respondent was assigned to provide counseling to inmate “India” [phonetic alphabet used to protect the client’s name].
- c. LSH staff reported that Respondent was seen meeting with India at his door multiple times a day outside of the individual therapy sessions.
- d. On or about August 14, 2020, Respondent voluntarily terminated employment with LSH. India was discharged from LSH in around this same time.
- e. After Respondent terminated her employment, LSH staff were notified that Respondent was with India after his discharge from LSH. Further, that India had abandoned Respondent in a hotel in Kansas City, Missouri, and he took her car and bank card.
- f. On or about November 23, 2020, Respondent submitted to the Board a letter describing the events related to the aforementioned complaint. In her response, Respondent admitted to ethical violations. Specifically, Respondent stated, “I do realize that my behavior on certain issues was unethical.”
- g. Respondent reported that she considered India a friend, and as such, she was in a dual relationship with her client. Respondent reported that she assisted India by getting him to meetings. Respondent denied any sexual relationship.

- h. Furthermore, in her response, Respondent stated, "I would like to resolve this by turning in my license which I won't be using and this should end any debate about what should happen."

APPLICABLE LAW

5. 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.

6. Pursuant to K.S.A. 65-5802(h): "Licensed clinical professional counselor" means a person who engages in the independent practice of professional counseling including the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations and who is licensed under this act.

7. Pursuant to K.S.A. 65-5809(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 professional counselors licensure act or one or more rules and regulation of the board.

8. Pursuant to 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:

- a. K.A.R. 102-3-12a(b)(26): making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been one's client.
- b. K.A.R. 102-3-12a(b)(46): engaging in a dual relationship with a client, student, or supervisee.

9. Pursuant to K.S.A. 74-7508(e): In all matters pending before the Behavioral Sciences Regulatory Board, the Board shall have the power to revoke the license or registration of any licensee or registrant who voluntarily surrenders such person's license or registration pending investigation of misconduct or while charges of misconduct against the licensee are pending or anticipated.

CONCLUSIONS OF LAW

10. In this case, Respondent exercised undue influence over her recent client when she entered into a friendship with him following his discharge from LSH, and taking him to meetings. This is a violation of K.S.A. 65-5809(a)(5), as defined in K.A.R. 102-3-12a(b)(26).

11. Additionally, Respondent admitted that she engaged in a dual relationship with her client when she entered into a friendship with India. This is a violation of K.S.A. 65-5809(a)(5), as defined in K.A.R. 102-3-12a(b)(46).


12. Respondent surrendered her license to practice as a clinical professional counselor in the State of Kansas after she received notice of the investigation involving alleged boundary issues

with a recent client. The Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board has reviewed all information related to this investigation, and on behalf of the Board and finds Respondent's license shall be revoked pursuant to K.S.A. 74-7508(e) for her voluntary surrender of her license during an investigation for unprofessional conduct.

SANCTION

WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 74-7508(c) and the Kansas Administrative Procedure Act K.S.A. 77-537, the Complaint Review Committee on behalf of the Board finds that the Kansas Clinical Professional Counselor license of Licensee Elona F. Revers is hereby **REVOKED** for her violations of the Kansas Professional Counselors Licensure Act.

IT IS SO ORDERED ON THIS 5th DAY OF April, 2021.



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:

David B. Fye, 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 6 day of April, 2021, a true and correct copy of the above and foregoing Summary Proceeding Order of Statutory Revocation was deposited in the U.S. mail, first class postage prepaid, addressed to:

Elona F. Revers


and a copy delivered via email to: jane.weiler@ag.ks.gov

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For the Board