

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter of)
)
TOMASINA K. HICKS,) **Case No.**
LAC #372)
)
Applicant)
_____)

SUMMARY PROCEEDING ORDER

The above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) for consideration of the application filed by Tomasina Hicks for reinstatement of her license as a Licensed Addictions Counselor (“LAC”) within the meaning of the Kansas Addictions Counselor Licensure Act, K.S.A. 65-6607. Her application for reinstatement was considered by the following Board members: Ric Steele, Jacqueline Lightcap, Mary Jones, David Anderson, Bruce Nystrom, Andrea Perdoma-Morales, Carolyn Szafran and Laura Shaughnessy.

After review its administrative records, the Board makes the following findings of fact, conclusions or law, and orders.

FINDINGS OF FACT

1. Tomasina K. Hicks (“Applicant”) was 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. The Board issued Applicant original LAC No. 372 on approximately August 10, 2011. On or about August 30, 2019, Applicant submitted to the Board her renewal application.
2. On or about September 4, 2019, Board staff notified Applicant that her LAC license was randomly selected for an audit. As part of the audit, Applicant was to submit to the Board documentation for the Continuing Education Units (“CEUs”) claimed as part of her renewal. Applicant was to submit to the Board this documentation by September 30, 2019. Applicant failed

to submit to the Board the documentation for the CEUs claimed as part of her renewal by September 30, 2019.

3. On or about March 4, 2020, Board staff sent to Applicant a second notice of the audit. Applicant was again informed that she was required to submit to the Board the audit materials with a deadline now of March 31, 2020.

4. On or about June 16, 2020, Applicant talked with Board staff. Applicant informed Board staff that she had moved and she had not received the letter regarding her audit. Board staff again informed Applicant that she was required to submit to the Board her audit packet.

5. Later on June 16, 2020, Applicant emailed to Board staff a list of CEUs completed; however, Applicant did not submit to the Board the audit packet which included the certificates evidencing completion of the CEUs claimed as part of her renewal. This requirement was included in the initial notice of audit.

6. On or about June 17, 2020, Board staff sent an email to Applicant informing her that she was required to submit to the Board the entire audit packet, which included the certificates evidencing completion of the CEUs in order for the Board to process her audit. Applicant did not submit to the Board any documentation evidencing completion of her CEUs claimed as part of her renewal.

7. On or about June 24, 2020, Board staff once again sent to Applicant notice that she had yet to complete her audit, as she had not submitted to the Board any documentation evidencing completion of her CEUs claimed as part of her renewal. Further, Board staff provided Applicant with another audit packet in this email. Applicant did not respond to this email, nor did she submit to the Board any documentation evidencing completion of her CEUs claimed as part of her renewal.

8. On or about July 17, 2020, the Board's investigator sent to Applicant notice that her failure to comply with the Board's audit resulted in a Report of Alleged Violation. The Board's

investigator requested Applicant respond by June 17, 2020. Applicant failed to respond to the Board's investigator by June 17, 2020.

9. On or about July 17, 2020, a second notice was sent to Applicant regarding the Board's investigation. This email informed Applicant that she had until August 17, 2020, to respond to the Board's investigation. Applicant failed to respond by August 17, 2020.

10. The Complaint Review Committee of behalf of the Board, pursuant to the authority granted by K.S.A. 65-6615(a) and K.S.A. 77-537, found that the Kansas Addiction Counselor license of Applicant Tomasina K. Hicks should be suspended effective November 18, 2020, the date of the Summary Proceeding Order and until such order of the Board. Applicant was further ordered to pay a fine of \$250.00 within thirty (30) days of the effective date of the Summary Proceeding Order to the Board's investigator at its offices located at 700 SW Harrison St, Suite 420, Topeka, Kansas, 66603.

11. On May 13, 2021 Applicant filed with the Board an application to reinstate her Licensed Addiction Counselor's License. Applicant paid the assessed \$250.00 fine and provided proof of CEUs claimed for her 2019 renewal. Applicant cited stressors related to the COVID pandemic, out of state job training and a change in mailing address for her failure to respond to the audit.

CONCLUSIONS OF LAW

12. K.S.A. 65-6614 authorizes the Board to reinstate a license as a Licensed Addiction Counselor to a person whose licensed has been suspended or revoked upon written application and payment of the fee authorized by K.S.A. 6618, and amendments thereto.

13. Additionally, K.A.R. 102-7-7a, *Reinstatement after suspension or revocation* states:

a) If the license of any individual has been suspended and the individual subsequently wants to apply for license reinstatement, the individual shall submit the following items: (1) The completed reinstatement application form; (2) the required reinstatement fee specified in K.A.R. 102-7-2; (3) the continuing education reporting form and documentation pursuant to K.A.R. 102-7-10; (4) proof satisfactory to the board that the individual has complied with and any other conditions imposed under the suspension; and (5) any materials, information, evaluation or examination reports, or other documentation that may be requested by the board and that will enable the board.

14. Because Applicant has applied for reinstatement of her Licensed Addiction Counselor license the Board has jurisdiction over Applicant and this matter.

15. Administrative proceedings under the Licensed Addiction Counselor Licensure Act are conducted in accordance with the Kansas Administrative Procedure Act (KAPA), K.S.A. 77-501 *et seq.* Under the KAPA, the Board may use summary proceedings to issue an order, subject to a party's request for hearing. The Board finds that the use of summary proceeding in this matter does not violate any law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than the parties. K.S.A. 77-537.

16. After evaluating K.S.A. 65-6614, K.A.R. 102-7-7(a), Applicant's application, proof of CEU compliance, her cited stressors related to the COVID pandemic, out of state job training, change in mailing address and payment of the \$250.00 fine, the Board finds satisfactory evidence that Applicant has complied with the sanctions and conditions imposed.

ORDER

WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 65-6614 and K.A.R. 102-7-7a, the Board finds that the Kansas Addiction Counselor license of Applicant Tomasina K. Hicks should be and is hereby

REINSTATED effective the date of this Order as set forth in the Notice of Relief and the Certificate of Service below.

IT IS SO ORDERED ON THIS 11th DAY OF August, 2021.



Acting Chairperson, Ric G. Steele
On behalf of the Behavioral Sciences
Regulatory Board

NOTICE OF ADMINISTRATIVE RELIEF

Pursuant to K.S.A. 77-537 and K.S.A. 77-542, this Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for hearing to:

David 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 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 11th day of August, 2021, 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:

Tomasina K. Hicks



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

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

A handwritten signature in cursive script that reads "Leslie A. Allen". The signature is written over a horizontal line.

Staff
Behavioral Sciences Regulatory Board