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BY: MS

Marty M. Snyder, KS S. Ct. #11317  
Assistant Attorney General  
120 SW 10th Avenue, Second Floor  
Topeka, KS 66612-1597  
(785) 296-2215

**BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**

In the Matter of )  
)  
KRISTINA M. ARB, )  
LAC #1548, )  
Respondent )

Case No. 18-AC-039

**CONSENT AGREEMENT AND ORDER**

NOW, on this 10 day of August, 2018, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [Board], by and through Assistant Attorney General Marty M. Snyder, by agreement with Kristina M. Arb [Respondent / Licensee], for the purpose of resolving the above-captioned case.

Respondent hereby acknowledges the following:

1. Kristina Arb, at all times relevant, has been a Licensed Addictions Counselor within the meaning of the Addictions Counselor Licensure Act, K.S.A. 65-6601, *et seq.*, and amendments thereto.
2. On October 3, 2017, the Board received a report of information concerning Respondent's conduct, alleging Respondent may have violated certain statutes and regulations governing the practice of addictions counseling in Kansas.
3. The Board conducted an investigation concerning Respondent's alleged violation of statutes and regulations. During the investigation, Respondent was informed of the reported information in a letter dated October 30, 2017 and was requested to respond to the allegations. Her written response was received November 29, 2017.

4. As a result of the investigation, the Board finds that the following facts have been established by a preponderance of persuasive evidence:

a. Licensee was employed as substance abuse counselor with Valley Hope Association in Overland Park. She coordinated group therapy and was assigned to some clients as their primary counselor.

b. Licensee received her temporary LAC license in August of 2016 and her permanent license on September 8, 2017. Just ten days later, her supervisor was contacted by a client who reported she had seen Licensee socially outside of the clinic and was also in the same AA group. The client reported giving gift cards for \$100 and \$50 to Licensee. The client was very reluctant to come forward as she did not want to get Licensee in trouble but her AA sponsor encouraged her to report the information.

c. Licensee admitted this conduct and that it was a dual relationship in violation of therapist – client boundaries. She states this client was in her very first group therapy group, and her own inexperience contributed to her mishandling of contact outside of the counseling relationship.

d. Licensee's job with Valley Hope was terminated on September 20, 2017, but Licensee failed to report the termination to the Board as required.

#### **Conclusions of Law**

The Complaint Review Committee of the Board finds that probable cause exists to believe Respondent has violated the following statutes and regulations:

**A. K.S.A. 65-6615. Grounds for discipline (a)(9).**

**B. K.A.R. 102-7-11 – Unprofessional Conduct.**

Each of the following acts shall be considered unprofessional conduct for a licensed addiction counselor:

(a) Except when the information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that the licensee or applicant or any other person regulated by the board or applying for licensure or registration has met any of these conditions:

(3) has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance; and

(v) engaging in a harmful dual relationship or exercising undue influence.

However, Respondent and the Board mutually desire to enter a Consent Agreement and Order in lieu of adjudicative proceedings to resolve the above violations.

WHEREFORE, Respondent waives all rights to an adjudication of facts and law which could be determined pursuant to a hearing conducted in accordance with the Kansas Administrative Procedure Act [KAPA] in relation to Case No. 18-AC-039.

WHEREFORE, Respondent waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act [KJRA] in relation to Case No. 18-AC-039.

WHEREFORE, the Board and Respondent agree to the following terms and conditions of probation until she has completed one year of supervised practice:

(a) Licensee shall provide the Board's investigator with current employment information within five days of the effective date of this Consent Agreement and Order.

(b) If Licensee is not currently working in an employment position that requires a LAC license, she shall inform the Board's investigator when she becomes employed using her license. Licensee shall inform the Board's investigator as to any changes in her employment within five days.

(c) When Licensee is employed using her LAC license, she shall practice only under employment or Board-approved supervision for the one-year term of this Consent Agreement and Order. Supervision shall be weekly for at least one hour face-to-face and will focus on boundaries and avoiding dual relationships and undue influence with clients. Licensee shall furnish a copy of this Order to her supervisor, and the supervisor shall provide monthly written progress reports to the Board's investigator.

(d) Licensee shall obtain three additional Ethics CEUs within six months of the effective date of this Consent Agreement and Order [CAO]. The focus of these Ethics CEUs shall be on dual relationships and appropriate counselor – client boundaries, and the course may be taken online. She shall furnish proof of completion to the Board's Investigator.

(e) Respondent shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.

(f) Evidence of Respondent's failure to comply with any of these conditions may result in suspension of Respondent's Kansas Licensed Addictions Counselor license until such time as she can demonstrate compliance with all terms and conditions of this Consent Agreement and Order to the satisfaction of the Board.

(g) Respondent acknowledges an affirmative duty to notify the Board's Investigator within five (5) days of any changes in personal or professional status which would inhibit compliance with any condition of this Consent Agreement and Order. In such event, the Board is authorized to modify this Order in writing.

(h) Respondent understands that a notification of this Consent Agreement and Order shall be provided to any other state licensing board if Respondent is also licensed, registered or certified in another state and as otherwise required by law.

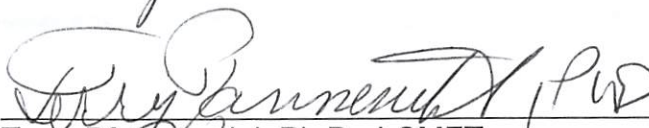
(i) This Consent Agreement and Order constitutes the entire agreement between Respondent and the Board and may be modified or amended only by written agreement signed by Respondent and the Board or a designee of the Board.

WHEREFORE, Respondent consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval by the Complaint Review Committee, this Consent Agreement and Order will become a Final Order of the Board. The Board has authorized the Complaint Review Committee to determine approval of this Consent Agreement and Order.

WHEREFORE, the Board agrees that, so long as Respondent complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 65-6615 and K.A.R. 102-7-11 as a result of this proceeding.

WHEREFORE, the foregoing provisions are consented to, are hereby made the final Order of the Kansas Behavioral Sciences Regulatory Board and become effective on the date indicated in the Certificate of Service below.

IT IS SO ORDERED this 6<sup>th</sup> day of August, 2018.

  
Terry Pfannenstiel, Ph.D., LCMFT  
Chair, Complaint Review Committee

**APPROVED AND CONSENTED TO:**

  
Kristina M. Arb, LAC  
Licensee / Respondent

7/24/18  
Date

**CERTIFICATE OF SERVICE**

This is to certify that on this 10 day of August, 2018, a true and correct copy of the above Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Kristina Arb



and emailed to: karb@g.emporia.edu

and a copy sent by building mail to:

Marty M. Snyder  
Assistant Attorney General

Cindy D'Ercole  
For the Board