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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)	
)	
MICHAEL W. BAKER, LCMFT)	Case No. 21-CT-0069
License #781)	
)	
Respondent)	
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Pursuant to K.S.A. 77-536		

SUMMARY PROCEEDING ORDER

NOW, on this 10 day of May, 2021, 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. Michael W. Baker (“Licensee”) was at all times a Licensed Clinical Marriage and Family Therapist (“LCMFT”) within the meaning of the Kansas Marriage and Family Therapists Licensure Act, K.S.A 65-6401, *et seq.*, and amendments thereto.
2. On or about December 14, 2020, Licensee submitted to the Board a self-report that the State of Washington took disciplinary action against his LMFT license.

3. Specifically, Licensee entered into an agreement, "Washington State Stipulated Findings of Fact, Conclusions of Law and Agreed Order" [Washington Order] on approximately June 19, 2020.

4. The Washington Order placed Licensee's LMFT license on probation for two (2) years, and ordered disciplinary conditions on his LMFT license during this probationary timeframe.

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. K.S.A. 65-6402(d): "Licensed clinical marriage and family therapist" means a person who engages in the independent practice of marriage and family therapy 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 is licensed under this act.

7. Pursuant to K.S.A. 65-6408(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 marriage and family therapists licensure act or one or more of the rules and regulations of the board. Specifically, pursuant to K.A.R. 102-5-12(b)(2)(A): Has had a professional license, certificate, permit, registration, certification, or professional membership granted by any jurisdiction, professional association, or professional organization that has been limited, conditioned, qualified, restricted, suspended, revoked, refused, voluntarily surrendered, or allowed to expire in lieu of or during investigatory or disciplinary proceedings.

CONCLUSIONS OF LAW

8. Licensee is in violation of K.S.A. 65-6408(a)(5), as defined in K.A.R. 102-5-12(b)(2)(A), in that Licensee had disciplinary action taken against his LMFT license by the State of Washington.

ORDER

WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 65-6408(a) and the Kansas Administrative Procedure Act K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Licensed Clinical Marriage and Family Therapist of Licensee Michael W. Baker is hereby **PUBLICALLY CENSORED** for her violations of the Kansas Marriage and Family Therapists Licensure Act.

IT IS SO ORDERED ON THIS 10 DAY OF May, 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 10 day of May, 2021, a true and correct copy of the above and foregoing Summary Proceeding Order of Suspension was deposited in the U.S. mail, first class postage prepaid, addressed to:

Michael W. Baker, LCMFT


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

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