

KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD
Eisenhower State Office Building
700 SW Harrison, Suite 420
Topeka, Kansas 66603-3240

In the Matter of

Beverly A. Bryant, LMFT #3282

Licensee

Pursuant to (K.S.A. 77-537)

Case No. 23-MF-0039

Summary Proceeding Order

Now, on this 17 day of May, 2023, 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. Beverly A. Bryant ("Licensee") was at all times relevant, a Licensed Marriage and Family Therapist (LMFT) within the meaning of the Kansas Marriage and Family Therapy Act, K.S.A. 65-6401, *et. seq.*, and amendments thereto. The Board issued Licensee's original LMFT No. #3282 on approximately July 30, 2021. This license will expire on July 31, 2023.

2. On or about September 8, 2022, the Board received a complaint against Licensee from Licensee's previous employer. The complaint stated that Licensee was unexpectedly absent from employment on August 30, 2022, and that Licensee's employer attempted multiple methods to contact her and were unable to reach her. It was noted that Licensee had appointments with clients and a meeting with her employers scheduled for August 30, 2022 and following dates. When Licensee's employer was unable to reach her, they notified Licensee's clients that she was unavailable and that the clients would be transferred to another practitioner. Licensee's absence was treated as her termination from employment.

3. On September 7, 2022, investigators for the Board sent a letter to Licensee, providing a copy of the complaint and requesting a response from her no later than October 11, 2022.

4. On October 11, 2022, Licensee had failed to provide a response to investigators for the Board.

5. On October 26, 2022, investigators for the Board sent a second message to Licensee, requesting a response concerning the complaint.

6. On October 26, 2022, Licensee informed Board investigators that she had been unavailable to assist clients and attend meetings at her previous place of employment on August 30, 2022, due to a personal emergency. Further, Licensee stated that she no longer lives in Kansas and moved out of state after her employment ended.

7. From the time period that Licensee's employment ended on August 30, 2022, until Licensee's response to Board investigators on October 26, 2022, Licensee had failed to inform the Board concerning the termination of employment.

APPLICABLE LAW

8. 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.

9. **K.S.A. 65-6402 Definitions:** As used in the marriage and family therapists licensure act:

(b) "Marriage and family therapy" means the assessment and treatment of cognitive, affective or behavioral problems within the context of marital and family systems and includes the diagnosis and treatment of mental disorders as authorized under the marriage and family therapists licensure act.

(c) "Licensed marriage and family therapist" means a person who engages in the practice of marriage and family therapy and who is licensed under this act except that on and after January 1, 2002, such person shall engage in the practice of marriage and family therapy only under the direction of a licensed clinical marriage and family therapist, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders.

10. K.S.A. 85-6408(a): 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:

(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board.

11. K.A.R. 102-5-12(b): Any of the following acts by either a marriage and family therapy licensee or a marriage and family therapy licensure applicant shall constitute unprofessional conduct:

(2) 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:

(C) 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;

(9) 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. Any 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

12. Respondent is in violation of K.S.A 65-6408(a)(9), as defined in K.A.R. 102-5-12(b)(2)(C) and (9), in that Respondent failed to report her termination to the Board within an appropriate timeframe and failed or refused to cooperate in a timely manner with the investigation by the Board.

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)(9) and KS.A. 77-537, the Complaint Review Committee of behalf of the Board finds that Licensee Beverly A. Bryant should be **PUBLICALLY CENSORED** for her violations of the Kansas Marriage and Family Therapy Licensure Act.

IT IS SO ORDERED ON THIS 17 DAY OF May, 2023.



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 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 Fye, Executive Director
Behavioral Sciences Regulatory Board
700 SW Harrison St., Suite 420
Topeka, KS 66603

This written request must be filed within fifteen (15) calendar days of the date listed in the Certificate of Service below. Pursuant to K.S.A. 77-503(c), the 15-day period begins the day after the date shown in Certificate of Service below 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 that 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.

The Board's designee who may receive service of a request for a hearing on behalf of the Board is:

David Fye, Executive Director
Behavioral Sciences Regulatory Board
700 SW Harrison, Suite 420
Topeka, Kansas 66603

CERTIFICATE OF SERVICE

This is to certify that on this 17 day of May 2023, a true and correct copy of the above and foregoing Summary Proceeding Order of Suspension was placed in the U.S. mail, first-class postage prepaid, addressed to:

Beverly A. Bryant


And by e-mail to: Jeremy.Dorsey@ks.gov

Jeremy Dorsey
Disciplinary Counsel for the Board of the Behavioral Sciences Regulatory Board
503 S. Kansas Ave.
Topeka, KS 66603
785-296-5543



Staff,
Kansas Behavioral Sciences Regulatory Board