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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
CAROL ESAU,)
LMFT #2648,)
Respondent)
_____)

Case No. 17-MF-082

CONSENT AGREEMENT AND ORDER

NOW, on this 14 day of November, 2017, 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 Carol Esau [Respondent / Licensee], for the purpose of resolving the above-captioned case.

Respondent hereby acknowledges the following:

1. Carol Esau, at all times relevant, has been a Licensed Marriage and Family Therapist within the meaning of the Marriage and Family Therapists Licensure Act, K.S.A. 65-6401, *et seq.*, and amendments thereto.

2. On January 29, 2017, Licensee filed a self-report stating that she provided therapy to clients while in private practice without direction or a clinical supervisor from June to December of 2016.

3. The Board conducted an investigation concerning Respondent's alleged violation of statutes and regulations. During the investigation, Respondent's self-reported information was verified.

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 in private practice at Integrative Counseling Center. Her clinical supervisor discontinued the supervision in May of 2016, and Licensee failed to seek another supervisor at that time. However, she continued to provide 33.5 hours of unsupervised therapy between June and December of 2016.

b. Licensee self-reported her violation to the Board, and now has an employment clinical supervisor under a new clinical supervision training plan.

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. 65-6402. (c) “Licensed marriage and family therapists ... shall engage in the practice of marriage and family therapy only under the direction of a licensed clinical marriage and family therapist ...”

B. K.S.A. 65-6404. (b)(4) “... a licensed MFT may diagnose and treat mental disorders ... only under the direction of a licensed clinical marriage and family therapist ...”

C. K.S.A. 65-6408. Grounds for discipline (C)(9).

D. K.A.R. 102-5-12. Unprofessional Conduct.

(a) Any license may be suspended, limited, conditioned, qualified, restricted, revoked, not issued or not renewed upon a finding by the Board that unprofessional conduct has occurred.

(b) Any of the following acts by ... a marriage and family therapy licensee ... shall constituted unprofessional conduct:

(2) failing to notify the Board within a reasonable period of time that the licensee has:

(E) has practiced the licensee’s profession in violation of the laws or regulations that regulate the profession;

(10) offering to perform or performing services clearly inconsistent or incommensurate with one’s training, education or experience or with accepted professional standards;

However, Respondent and the Board mutually desire to enter a Consent Agreement and Order [CAO] 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. 17-MF-082.

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. 17-MF-082.

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

(a) 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 licensure requirements and the importance of supervision, and they may be taken online. She shall furnish proof of completion to the Board's Investigator.

(b) Licensee shall obtain an employment clinical and training supervisor and meet face-to-face a minimum of one hour per week. Licensee shall provide copies of this CAO to her supervisor. The focus of the supervision shall be on licensure requirements and the importance of supervision.

(c) Respondent shall submit a ten-page paper in APA format within three months of the effective date of this CAO on the philosophy and importance of supervision.

(d) Respondent's previous practice hours earned from June through December of 2016 while unsupervised shall not count toward clinical experience hours for her clinical license.

(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 Marriage and Family Therapist 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 CAO. In such event, a designee of the Board is authorized to modify or amend this CAO 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 CAO will become a Final Order of the Board. The Board has authorized the Complaint Review Committee to determine approval of this CAO.

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. 65-6402, 65-6404, 65-6408 and K.A.R. 102-5-12 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 10th day of November, 2017.



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

APPROVED AND CONSENTED TO:




Carol Esau, LMFT
Licensee / Respondent

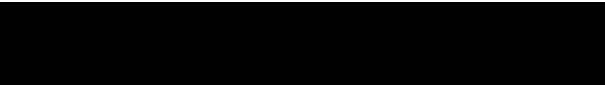
11/01/17

Date

CERTIFICATE OF SERVICE

This is to certify that on this 14 day of November, 2017, 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:

Carol Esau




and a copy sent by building mail to:

Marty M. Snyder, Esq.
Assistant Attorney General



For the Board