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**BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**

**In The Matter Of** )

**HEIDI L. FISCHER,** )  
**LPC #1978** )

**Case No. 21-PC-0096**

**Respondent/Licensee** )

\_\_\_\_\_) )  
Pursuant to K.S.A. 77-536

**SUMMARY PROCEEDING ORDER**

NOW, on this 23 day of August, 2021, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board ("Board").

**FINDINGS OF FACT**

1. Heidi L. Fischer ("Respondent") was at all times relevant, a Licensed Professional Counselor ("LPC") within the meaning of the Kansas Professional Counselors Licensure Act, K.S.A. 65-5801, *et seq.*, and amendments thereto. The Board issued Respondent original LPC No. 1978 on approximately April 22, 2008. This license will expire on April 30, 2022.

2. On or about March 22, 2021, the Board received a Report of Alleged Violation concerning Respondent's unprofessional conduct, alleging Respondent may have violated certain statutes and/or regulations governing the practice of an LPC in Kansas.

3. Respondent was employed as a Human Services Counselor with the Department for Children and Families ("DCF"), Rehab Services, in Topeka, Kansas.

4. While employed with DCF, Respondent was living with two clients receiving DCF services, and these two clients were assigned as clients to Respondent.

5. On or about March 8, 2021, DCF terminated Respondent for professional malfeasance. Respondent failed to notify the Board of her termination.

#### **APPLICABLE LAW**

6. 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.

7. K.S.A. 65-5802(g): "Licensed professional counselor" means a person who is licensed under this act and who engages in the practice of professional counseling except that on and after January 1, 2002, such person shall engage in the practice of professional counseling only under the direction of a licensed clinical professional counselor, 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.

8. K.S.A. 65-5809(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 licensure has violated a provision of the professional counselors licensure act or one or more rules and regulations of the board. Specifically, K.A.R. 102-3-12a(b)(2)(C): except when the information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that any of the following circumstances apply to any person regulated by the board or applying for a license or registration, including oneself 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.

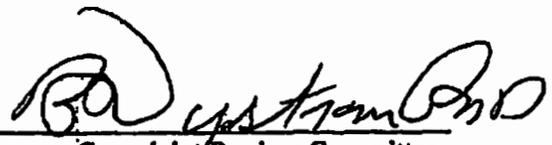
**CONCLUSIONS OF LAW**

9. Respondent is in violation of K.S.A. 65-5809(a)(9), as referenced in K.A.R. 102-3-12a(b)(2)(C), in that DCF terminated Licensee for malfeasance; however, Licensee did not report her termination to the Board within a reasonable period of time.

**SANCTION**

WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 65-5809(a) and K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Kansas LPC license of Respondent Heidi L. Fischer should be and is hereby **PUBLICALLY CENSORED** for her violations of the Kansas Professional Counselors Licensure Act.

IT IS SO ORDERED ON THIS 20<sup>th</sup> DAY OF August 2021.



Chairperson, Complaint Review Committee  
On behalf of the Behavioral Sciences  
Regulatory Board

*In the Matter of Heidi L. Fischer, Case No. 21-PC-0096*

**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:

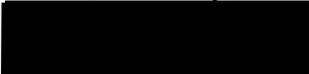
David B. Fye, Executive Director  
Behavioral Sciences Regulatory Board  
700 SW Harrison St., Suite 420  
Topeka, KS 66603-3929

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 15<sup>th</sup> 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 23 day of August, 2021, a true and correct copy of the above and foregoing Summary Proceeding Order of Statutory Revocation was deposited in the U.S. mail, first class postage prepaid, addressed to:

Heidi L. Fischer, LPC



and a copy delivered via email to: [jane.weiler@ag.ks.gov](mailto:jane.weiler@ag.ks.gov)

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Assistant Attorney General  
120 SW 10th Ave., 2nd Floor  
Topeka, KS 66612  
*Disciplinary Counsel for the Board*

  
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For the Board