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**BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD
700 SW Harrison Street, Suite 420
Topeka, Kansas 66603-3929**

In the Matter of)
GREGORY L. FERGUSON, LCPC) Case No. 22-PC-0019
License No. 2711)
)
Licensee/Respondent.)

CONSENT AGREEMENT AND FINAL ORDER

NOW on this 16 day of November, 2021, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board ("Board") by and through Assistant Attorney General Jane E. Weiler on behalf of the Board, and by agreement of Gregory L. Ferguson, ("Licensee"), for the purposes of resolving the above-captioned matters.

The parties knowingly and voluntarily agree as follows:

1. On May 21, 2019, the Board issued Licensee an original Licensed Clinical Professional Counselor ("LCPC") No. 2711. Licensee is currently, and was at all times relevant to this Consent Agreement and Final Order, an LCPC within the meaning of the Kansas Professional Counselors Licensure Act, K.S.A. 65-5801 *et seq.*
2. Licensee's LCPC license expired May 31, 2021.
3. On or about July 22, 2021, Board staff sent to Licensee notice that his license was expired.
4. Thereafter, Licensee submitted to the Board an application for reinstatement of his LCPC license. In his reinstatement application, Licensee reported that he continued to provide services, and he held herself out as a social worker during the time his LCPC license was expired.

APPLICABLE LAW

5. K.S.A. 65-5802(h): "Licensed clinical professional counselor" means a person who engages in the independent practice of professional counseling 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 who is licensed under this act.

6. K.S.A. 65-5809(a)(9): 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 been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the Board. Specifically:

- a. K.A.R. 102-3-12a(b): Any of the following acts by a licensed professional counselor, a licensed clinical professional counselor, or an applicant for a professional counselor license or a clinical professional counselor license shall constitute unprofessional conduct.
- b. K.A.R. 102-3-12a(b)(53): practicing professional counseling or clinical professional counseling after one's license expires.
- c. K.A.R. 102-3-12a(b)(54): using without a license, or continuing to use after the expiration of a license, any title or abbreviation prescribed by law for use solely by persons currently holding that type or class of license.

7. Licensee and the Board mutually desire to enter into this Consent Agreement and Final Order in lieu of further summary and adjudicative proceedings.

8. Licensee understands that by entering into this Consent Agreement and Final Order Licensee waives all rights to further adjudication of facts and law that could be determined pursuant to summary proceedings or a hearing conducted in accordance with the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.* in relation to Case No. 22-LC-0019.

9. Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review, K.S.A. 77-601 *et seq.* in relation to Case No. 22-LC-0019.

10. The Board accepts Licensee's waiver of rights and stipulations.

ORDER

WHEREFORE, the Board finds that the above facts have been established by clear and convincing evidence; and further finds that Licensee was in violation of

K.S.A. 65-5809(a)(9), as referenced in K.A.R. 102-3-12a(b)(53) and K.A.R. 102-3-12a(b)(54), in that Licensee practiced professional counseling after his LCPC license expired, and he held himself as an LCPC after his license expired.

AND WHEREAS Licensee and the Board mutually desire to enter into a Consent Agreement and Final Order in lieu of further adjudicative proceedings to resolve the reported violations.

NOW THEREFORE, Licensee consents to the following terms and conditions, and the Board orders that:

11. Licensee shall pay a fine of \$200.00 within thirty (30) days of the effective date of this Consent Agreement and Final Order. Licensee shall remit this payment by check or money order, payable to the "Kansas Behavioral Sciences Regulatory Board", and sent to the Board's investigator at its offices located at 700 SW Harrison St, Suite 420, Topeka, Kansas, 66603.

12. After completion of the actions set out in the Consent Agreement and Final Order, Licensee will have no remaining obligations to the Board in relation to this case. However, Licensee may be subject to further enforcement action if Licensee fails to comply with the terms, conditions, and requirements imposed by this Consent Agreement and Final Order.

13. The matters referred to in this Consent Agreement and Final Order shall not be grounds for future action against Licensee, except the extent that that such matters may be relevant for future disciplinary or licensure proceedings in the Board's consideration of the factors identified in K.S.A. 65-5806 [Licensure; expiration and renewal; continuing education; reinstatement of suspended or revoked license], and K.S.A. 65-5809 [Refusal to issue, suspension, limitation, refusal to renew or revocation of license or specialty designation; grounds], for establishing rehabilitation or a pattern of conduct.

14. Except as provided in paragraph 13, this Consent Agreement and Final Order shall operate as a complete release of all claims the parties may have against each other pending before the Board and arising out of the Board's investigation of these matters. Licensee agrees not to file, or cause to be filed, any litigation or claims in any federal or state court of law or federal or state administrative agency against the Board, its agents, Board members, or employees, individually or in their official capacity. Such litigation or claims include, but are not limited to, any K.S.A. Chapter 60 or Chapter 61 civil action regarding negligence and/or a 42 United States Code action and/or any administrative petition for redress. Licensee agrees that all actions in this matter were a bona fide use of administrative discretion on the part of the Board, its members, and employees, which is a statutory exception to liability within the Kansas Tort Claims Act, K.S.A. 75-6104(b), (c) or (e).

15. Licensee agrees that this Consent Agreement and Final Order conforms to Kansas and federal law and that the Board has jurisdiction to enter into it and enter the Final Order provided for herein.

16. Licensee understands that a notification of this Consent Agreement and Final Order shall be provided to any other state licensing board or entity if Licensee is also licensed, registered or certified in another state.

17. This Consent Agreement and Final Order shall be a public record in the custody of the Board.

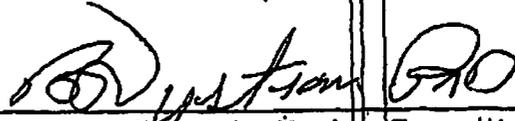
18. This Consent Agreement and Final Order constitutes the entire agreement of the parties and may only be modified by order of the Board or by a subsequent writing signed by the parties. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

19. This Consent Agreement and Final Order shall become effective on the date indicated in the Certificate of Service.

WHEREFORE, the parties consent to these provisions, which are hereby made the Final Order of the Kansas Behavioral Sciences Regulatory Board in the above-captioned case.

IT IS SO ORDERED.

Dated this 10th day of November 2021.



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

AGREED AND CONSENTED TO BY:


Gregory L. Ferguson, LCPC
Licensee

November 7, 2021
Date

In the Matter of Gregory L. Ferguson, Case No. 22-LC-0019
Consent Agreement and Final Order, page 4

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was served on this 16 day of November 2021, by depositing the same in the United States mail, postage prepaid, addressed to:

Gregory L. Ferguson, LCPC

And a copy delivered via email to:

Jane E. Weiler, Assistant Attorney General
Jane.weiler@ag.ks.gov
Office of the Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612
Disciplinary Counsel for the Board



For the Kansas Behavioral Sciences
Regulatory Board