

Jane E. Weiler, #25276
Assistant Attorney General
Office of the Kansas Attorney General
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597

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

In the Matter of)
JARED W. FINLEY, LPC) Case No. 22-PC-0119
License No. 3317)
)
Licensee/Respondent.)

CONSENT AGREEMENT AND FINAL ORDER

NOW on this 4 day of October, 2022, 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 Jared W. Finley, (“Licensee”), by an through his attorney of record, Diane Bellquist of Joseph, Hollander & Craft LLC, for the purposes of resolving the above-captioned matter.

The parties knowingly and voluntarily agree as follows:

1. On September 22, 2020, the Board issued Licensee an original Licensed Professional Counselor (“LPC”) license No. 3317. This license will expire on September 30, 2022. Licensee is currently, and was at all times relevant to this Consent Agreement and Final Order, an LPC within the meaning of the Kansas Professional Counselors Licensure Act, K.S.A. 65-5801 *et seq.*
2. On or about March 1, 2022, the Board received a Report of Alleged Violation alleging Licensee may have violated certain statues and regulations governing the practice of licensed professional counselors in the State of Kansas.
3. From approximately September 2021 through February 2022, Licensee provided counseling services to a 14-year old client (“Client”).

4. During this time, Licensee attended a meeting related to Client at Client's school. Information regarding Client was discussed that this meeting. Client's parent attended this same meeting.

5. On another occasion, Licensee had a telephone conversation with a member of the school. Client's parent did not participate in this meeting, nor did the parent know the meeting was to occur. There was no written, informed consent signed by Client's parent to allow Licensee to communicate about Client to a third party.

6. On or about February 10, 2022, Client was scheduled to have a therapy session with Licensee. Three hours before this therapy session, Licensee sent a text message to Client's parent canceling the scheduled therapy session, and terminating therapy for Client. Client's parent requested a termination visit. Licensee informed Client's parent that Client could contact Licensee if Client wanted a termination visit.

7. Licensee did not arrange for any continuation of therapy services for Client prior to terminating therapy.

APPLICABLE LAW

8. 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)(19): revealing information, a confidence, or a secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records...
- b. K.A.R. 102-3-12a(b)(20)(C): failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of these actions releasing information concerning a client to a third person, except as required or permitted by law,
- c. K.A.R. 102-3-12a(b)(39): failing to notify the client promptly when termination or interruption of service to the client is anticipated; and
- d. K.A.R. 102-3-12a(b)(40): failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care.

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

10. 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-PC-0119.

11. 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-PC-0119.

12. 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)(19) and K.A.R. 102-3-12a(b)(20)(C) in that Licensee failed to protect Client's confidentiality when he failed to obtain written consent from Client's parent when he had a conversation about Client to a third party.

In addition, 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)(39) and K.A.R. 102-3-12a(b)(40) in that Licensee terminated therapy services three hours before a scheduled therapy session, and he did not make any arrangements for continuation of therapy services for Client.

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:

13. Licensee shall practice only under individual supervision by a clinical-level supervisor, to be approved by the Board if employed using his LPC license. There shall be no dual relationship with the supervisor. Licensee shall have weekly one (1) hour meetings with the supervisor in a face to face manner. The focus shall include, but not limited to, consent, client abandonment, and standard of care. This requirement shall continue for one (1) year. However, after the first six (6) months of this individual supervision, the weekly one (1) hour meetings may alternate between a face to face manner with a video conference manner for the remaining six (6) months of the individual supervision.

14. Within thirty (30) days of the effective date of this Consent Agreement and Final Order; or if Licensee is not currently working using his LPC license and prior to the beginning of using his LPC license, Licensee shall submit to the Board's investigator the name of his proposed supervisor.

15. Licensee shall provide a copy of this Consent Agreement and Final Order to the supervisor and authorize the supervisor to provide written quarterly reports to the Board's Investigator for the one (1) year term of supervision. There shall be a minimum of four (4) quarterly reports (every three [3] months) submitted to the Board's investigator during this one (1) year supervision timeframe.

16. During the time this Consent Agreement and Final Order is in effect, Licensee shall not serve as a supervisor to any person actively using a license regulated by the Board in a position in which such license is required. In addition, Licensee shall not engage in the provision of clinical supervision to any person attaining supervised experience in preparation by the Board. Finally, Licensee shall not supervise any unlicensed person, including students or volunteers, when such persons are engaged in the delivery of professional counseling services.

17. Hours of supervision attained by Licensee pursuant to this Consent Agreement and Final Order shall not count/accrue toward any supervised experience hours required for a higher level of licensure.

18. Additionally, Licensee shall obtain three (3) extra continuing education hours in Ethics beyond the biennial requirement, taken in-person or on-line within six (6) months of the effective date of this Consent Agreement and Final Order. These additional continuing education hours shall include, but not limited to, continuation of care/termination of therapy.

19. These hours shall be in addition to those continuing education hours required for renewal of license.

20. All foreseen and unforeseen expenses to complete the aforementioned course(s) including travel, lodging, program fee, meals, etc., shall be at Licensee's own expense.

21. Licensee must notify the Board's Investigator within ten (10) days of a change in her employment and/or address change.

22. Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Final Order.

23. Licensee shall submit to the Board's investigator at its offices located at 700 SW Harrison St, Suite 420, Topeka, Kansas, 66603, any and all documents evidencing

compliance with the terms and conditions required by this Consent Agreement and Final Order.

24. 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.

25. 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.

26. Except as provided in paragraph 25, 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).

27. 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.

28. 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.

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

30. 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

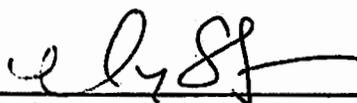
signed by the parties. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

31. 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.

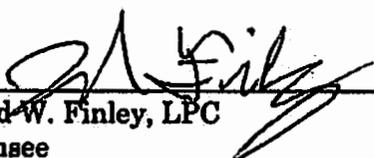
IT IS SO ORDERED.

Dated this 22 day of September 2022.



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

AGREED AND CONSENTED TO BY:



Jared W. Finley, LPC
Licensee

9-22-2022

Date

/s/ Diane L. Bellquist

Diane Bellquist, #20969
Attorney for Respondent/Licensee

10-3-2022

Date

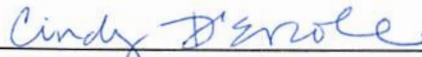
CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was served on this 4 day of October 2022, by depositing the same in the United States mail, postage prepaid, addressed to:

Diane Bellquist
Attorney for Respondent/Licensee
Joseph, Hollander & Craft LLC
1508 SW Topeka Blvd.
Topeka, KS 66612

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

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



For the Kansas Behavioral Sciences
Regulatory Board