

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

In the Matter)	
)	
of)	
)	Case No.
Raashida El-Scari,)	
Applicant for Licensure as a)	
Professional Counselor)	
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SUMMARY PROCEEDING ORDER

The above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) for consideration of the application filed by Raashida El-Scari for licensure as a professional counselor. After taking administrative notice of its records, the Board makes the following findings of fact, conclusions of law, and orders.

Findings of Fact

1. In 2020, the Board received an application for licensure as a professional counselor (LPC) from Raashida El-Scari (Applicant). She answered "Yes" to Question II.A. asking if she had ever filed an application for licensure in Kansas.
2. Applicant had previously filed a LPC application and was issued a temporary license to practice as a professional counselor; the temporary license expired on February 28, 2014. After her temporary license expired, Applicant worked as a Service Coordinator at an agency that provided services to families. The Board received a complaint concerning a sexual relationship between Applicant and a client that occurred when she was a Service Coordinator. However, because she was not licensed at that time and did not have a pending application, the Board lacked jurisdiction. Then in April 2015 Applicant filed another LPC application. At that time, the Board asked Applicant to respond to the complaint, which she did by denying it had occurred.
3. In January 2016, the Board issued a Summary Proceeding Order denying Applicant's application because she did not meet one of the qualifications for licensure, specifically, she did not merit the public trust as required in K.S.A. 65-4804a(a)(4) and defined in K.A.R. 102-3-1a(m). The Board determined that Applicant was not honest and candid with the Board about the sexual relationship that she had with a client while employed as a Service Coordinator. Applicant did not request a hearing on the order.

4. In support of her current application, Applicant advised she has learned several things since her license was denied in 2016. She understands she made a horrible mistake. At that time, she was experiencing personal matters and did not think before she made the decision to have the relationship with the client. Applicant now recognizes the harm her relationship caused for that client. She understands the importance of being assertive and having very strict boundaries in all professional settings. Since 2015, Applicant has participated in individual therapy and completed ethics courses as a refresher. She now has a better understanding of being accountable, her vulnerabilities and relationships, and how to manage them. After being denied a license, Applicant regretted her relationship with the client and began to take steps toward rehabilitation.

5. Applicant's therapist also provided a report to the Board concerning Applicant's therapy. Applicant began therapy in June 2015 to help with stress management and emotional regulation after experiencing significant new changes to her life, such as relocation and a new job. Applicant has also addressed other personal issues. Through her therapy, she has been able to identify her behaviors that cause issues, implement healthy boundaries, and make positive choices and sound decisions. Applicant has also been practicing self-evaluation. Her therapist stated Applicant had been cooperative in the therapeutic process and made progress. Applicant had set treatment goals to develop a healthier sense of self, practice self-care, and further develop her support system. The therapist's report did not mention the Board denying Applicant a license to practice as a professional counselor and the reasons for the denial.

6. In 2019, Applicant was licensed as a LPC in Missouri and passed the National Counselor Examination. Three professional references recommended Applicant for licensure. Two were coworkers who were licensed in Missouri as a LPC. Neither reference had known Applicant for more than one year. The third reference was licensed in Mississippi as a LPC and had been Applicant's instructor and practicum-internship supervisor. None of the references mentioned being aware that the Board had previously denied Applicant a license to practice as a professional counselor and the reasons for the denial.

Conclusions of Law

7. The licensure of professional counselors is governed by the Professional Counselors Licensure Act (PCLA), K.S.A. 65-5801 *et seq.* The Board is authorized to issue a professional counselor license to those applicants who meet the qualifications as a LPC. K.S.A. 65-5804a(b). However, the PCLA authorizes the Board to refuse to issue a license or to place conditions or limitations on a license upon finding an applicant for licensure has been denied a license as a professional counselor. K.S.A. 65-5809(a)(10).

8. Applicant has submitted an application for licensure as a professional counselor. The Board has jurisdiction over Applicant and this matter.

9. Administrative proceedings under the Act are conducted in accordance with the Kansas Administrative Procedure Act (KAPA), K.S.A. 77-501 et seq. K.S.A. 65-5809(c). Under the KAPA, the Board may use summary proceedings to issue an order, subject to a party's request for a hearing. The Board finds that the use of summary proceedings in this matter does not violate any law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than the parties. See K.S.A. 77-537.

10. Applicant does not dispute that she has had a previous application for licensure as a professional counselor denied. Such denial violates K.S.A. 65-5809(a)(10) and raises the issue of whether the Board should deny Applicant's current application for licensure as a professional counselor or place conditions upon her license.

11. Applicant also does dispute that she had a sexual relationship with a client while working as a Service Coordinator. Such dual relationships with clients constitute unprofessional conduct. Although she was not licensed at that time, she had previously held a temporary license to practice as a professional counselor. Thus, she was aware that such conduct could harm a client and she was not honest with the Board about her conduct. Applicant's references and therapist do not indicate they were aware of Applicant's prior LPC application had been denied and the reasons for the denial. On the other hand, Applicant's therapist has observed growth in Applicant's behavior and Applicant has a better understanding of the harm that a dual relationship with a client can cause and has taken steps to correct her decision-making process.

12. Based upon weighing the totality of the evidence and the above conclusions, the Board determines that Applicant should be granted a license to practice as a professional counselor but to place conditions on it after having previously been denied a license to practice as a professional counselor. Therefore, the Board hereby grants Applicant's license as a professional counselor subject to the following terms and conditions.

(a) Upon employment as a LPC, Applicant's practice as a LPC shall be supervised by a person who is approved by the Board, is licensed as a clinical professional counselor (LCPC) with a minimum of two (2) years in such practice, and is not in a familial, subordinate, or other dual relationship with Applicant. If a LCPC is not available to provide supervision under this Order, the Board may approve another person who is clinically licensed by the Board, has a minimum of two (2) years of clinical practice in their licensed profession, and is not in a familial, subordinate, or other dual relationship with Applicant.

(b) Applicant will hold the license as a professional counselor with the supervision, limitations, and conditions imposed herein for a minimum of twenty-four (24) months. Any period of time that Applicant is not employed as a LPC or engaged in the practice as a LPC shall not count towards this requirement of supervised practice.

(c) During this supervised period, Applicant and her supervisor shall have weekly one-hour, in-person or tele-video, supervision sessions. These sessions shall focus on professional practice, specifically Applicant's professional role with clients and boundary issues.

(d) Applicant shall continue her therapy to address self-discipline, self-evaluation, positive choices, and sound decisions that will lead to improved insight and carry over to her professional judgement.

(e) During the supervision period, Applicant's practice supervisor shall provide the Board with written reports at the end of each three (3) month period of supervision. This report shall address topics required in paragraph 12(c) above. If Applicant's supervisor is not her employer, Applicant's employer shall also provide the Board with written reports at the end of each three (3) month period of supervision that includes the information required in paragraph number 12(c) above.

(f) Applicant shall notify the Board and her practice supervisor within seven (7) calendar days of any changes in her personal or professional status that would hinder or inhibit compliance with any of the above terms and conditions.

(g) Applicant shall provide to her practice supervisor, employer, and therapist a copy of this Order and have her practice supervisor and employer sign a written agreement to abide by the terms of this Order. Applicant's practice supervisor and employer shall send a signed written agreement to the Board with seven (7) days of becoming Applicant's practice supervisor or employer.

(h) Applicant's practice supervisor or employer shall immediately notify the Board if either have concerns or reason to believe that Applicant has not complied with the terms and conditions of this Order, the Professional Counselors Licensure Act, or the Board's regulations implemented under that Act.

(i) Any supervision hours that are completed in compliance with this order shall not count toward a postgraduate supervised professional experience for licensure under the PCLA or any other professional licensure act administered by the Board.

(j) Applicant shall bear any expense of supervision and all other costs incurred in satisfying the terms of this Order.

(k) Applicant shall obey all federal, state, and local laws, including the statutes and regulations governing the practice of professional counselors.

(l) After the Board has received a minimum of three quarterly reports submitted under this Order, Applicant may make a request to the Board for termination of the supervision prior to the expiration of the two-year period if the reports submitted by Applicant's supervisor and employer advise Applicant has complied with this order and no longer poses a risk to the public in the practice of professional counseling.

(m) If the Board does not grant a request from Applicant pursuant to paragraph 12(l) above, at the end of the supervised practice period, Applicant's supervisor and employer must submit a written report to the Board addressing whether Applicant poses a risk to the public in the practice of professional counseling without supervision under this Order. The Board may consider the reports from Applicant's practice supervisor and employer in determining whether an application to renew her license as a professional counselor should be denied, granted, or granted with conditions or limitations placed thereon.


(n) If Applicant has not obtained a practice supervisor or become employed as a professional counselor within two (2) years from service of this Order, Applicant shall have to submit a new application for licensure as a professional counselor.

ORDER

Wherefore, after consideration of the above findings of fact and conclusions of law, it is the decision and order of the Board that the application filed by Raashida El-Scari for licensure as a professional counselor should be granted subject to the conditions stated above.

IT IS SO ORDERED.

Behavioral Sciences Regulatory Board



Deb Stidham, Chair and Presiding Officer
Behavioral Sciences Regulatory Board

NOTICE OF ADMINISTRATIVE RELIEF

Pursuant to K.S.A. 77-537(b) and 77-542(a), a written request for a hearing before the Board on the above Summary Proceeding Order may be filed with the Board within fifteen (15) days of the date listed on the certificate of service below. If a hearing is not requested in the time and manner stated, the above Summary Proceeding Order becomes effective upon expiration of the fifteen (15) day time. 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 15th day of April 2021 a copy of the above and foregoing Summary Proceeding Order and Notice was placed in the U.S. mail, first-class postage prepaid, addressed to:

Raashida El-Scari



A handwritten signature in cursive script that reads "Hestie A. Allen".

Staff,
Behavioral Sciences Regulatory Board