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Governor

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Executive Director



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June 2, 2015

Heidi Fischer


Re: Consent Agreement and Order 11-PC-0033

Dear Ms. Fischer,

This letter is to confirm that you complied with all of the conditions set forth in the Consent Agreement and Order dated November 20, 2012.

You are now unconditionally licensed to practice as a LPC.

Thank you for your cooperation in this matter.

Sincerely,

Cindy D'Ercole
Special Investigator

Marty M. Snyder, KS S Ct #11317
Assistant Attorney General
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597

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BY:

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)

HEIDI FISCHER,)
LPC #1978)
_____)

Case No. 11-PC-033

CONSENT AGREEMENT AND ORDER

NOW, on this 20th day of November, 2012, above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Heidi Fischer (Licensee), through counsel Mark A. Cowell, and the Board, by and through counsel Assistant Attorney General Marty M. Snyder, for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Heidi Fischer, Licensee, at all times relevant, was a Licensed Professional Counselor within the meaning of the Professional Counselors Licensure Act, K.S.A. 65-5801, *et seq.*, and amendments thereto.

2. On October 20, 2010, the Board received information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing her license as a professional counselor.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations. During the investigation, Licensee was informed of the reported information and was given the opportunity to respond to the allegations. Licensee responded by letter dated December 2 and 3, 2010.

4. As a result of the investigation, the Board finds probable cause that the following facts have been established by a preponderance of clear and convincing evidence:

a. On October 4, 2010, Licensee reported to her supervisor at St. Francis Community Services [SFCS] that she had been communicating on her personal phone after hours with the adoptive father of one of her clients.

b. Licensee reported that she had originally met the father at a party in a bar on August 13, 2010. When she appeared at court on August 17, 2010, the father was also at the courthouse, and Licensee recognized him. She learned he was the adoptive father of a SFCS client. That day she was assigned by the court to provide therapy for his daughter. She did not reveal the prior social contact with the father.

c. Licensee provided therapy sessions for the client, often in the parents' homes. The parents were married but separated and living separately.

d. Licensee and the client's father began numerous personal telephone calls and contacts on or before September 18, 2010.

e. Licensee failed to review the BSRB administrative regulations governing personal relationships. Licensee told her supervisor that she and the client's father were interested in dating and that she needed to assign a different therapist for the teenage client.

f. Licensee's employment status was immediately placed on paid suspension.

g. Licensee provided false information in the investigation of this matter regarding services provided to her client. The client's father did

participate with therapy appointments. Licensee's file documentation shows that four of six contacts involved the father: 1) initial appointment with the family August 17, 2010; 2) in-home therapy with client and mother August 29, 2010; 3) in-home therapy with client and father September 1, 2010; 4) in-home therapy with client and father September 8, 2010; 5) in-home therapy with client and father September 16, 2010; and 6) in-home therapy with client and mother September 22, 2010.

5. The Complaint Review Committee of the Board finds that probable cause exists to believe Licensee has violated the following statute and regulation:

A. K.S.A. 65-5809(n) unprofessional conduct as defined by the rules and regulations adopted by the board.

B. K.A.R. 102-3-12a. Unprofessional Conduct. (b) Any of the following acts by a licensed professional counselor. . . shall constitute unprofessional conduct:

(8) failing to recognize, seek intervention or appropriately respond when one's own personal problems ... interfere with or negatively impact professional judgment, professional performance and functioning or the ability to act in the client's best interests;

(23) engaging in professional activities . . . involving dishonesty, ... deceit or misrepresentation;

(26) making sexual advances toward, engaging in physical intimacies or sexual activities with or exercising undue influence over any person who, within the past 24 months, has been one's client;

(27) exercising undue influence over any client ... in a manner that will exploit the client ... for the ... personal gratification or advantage of oneself or a third party;

(39) failing to notify the client promptly when termination or interruption of service to the client is anticipated;

(42) failing to terminate the professional counseling . . . services when it is apparent that the relationship no longer serves the client's needs or best interests;

(46) engaging in a dual relationship with a client ...;

(52) practicing professional counseling . . . in an incompetent manner.

However, Licensee and the Board mutually desire to enter a Consent Agreement and Order in lieu of adjudicative proceedings to resolve the report of alleged violations.

WHEREFORE, Licensee 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 in relation to Case No. 11-PC-033.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act in relation to Case No. 11-PC-033.

WHEREFORE, the Board and Licensee agree that Licensee's Professional Counselor license shall be suspended for one year, but the suspension stayed while Licensee complies with the following terms and conditions:

(a) Licensee shall attend ten (10) hours of continuing education on dual relationships and ethics within 90 days of the effective date of this Agreement and shall provide a copy of her certificate(s) of attendance to the Board upon completion. Such continuing education shall be attended in person and not on-line, shall be in addition to licensure requirements, and shall be at Licensee's expense.

(b) At such time as Licensee is employed in a position providing professional counseling services, Licensee's practice shall be supervised for 18 months by a Board-approved supervisor. Licensee shall meet with her supervisor a minimum of one hour per week, with the focus on dual relationships and ethics. Licensee will provide a copy of the Consent Agreement and Order to the supervisor and will authorize the supervisor to provide quarterly reports to Carol Baldwin, Special Investigator for the Board.

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

(d) Licensee understands and agrees that her Kansas Licensed Professional Counselor license could be suspended and the stay lifted, with an opportunity for notice and hearing, until such time as Licensee can demonstrate compliance with all terms and conditions of this Consent Agreement and Order to the satisfaction of the Board.

(e) Licensee acknowledges that proof submitted to the Board by affidavit or other form of competent evidence that Licensee has breached, violated or failed to meet the conditions of this Consent Agreement and Order shall be good and sufficient evidence to support an alleged violation of breach, violation or non-compliance.

(f) Licensee acknowledges an affirmative duty to notify the Board within five days of any changes in personal or professional status which would inhibit compliance with any condition of this Consent Agreement and Order. In such event, a designee of the Board is authorized to modify this Consent Agreement and Order in writing.

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

(h) This Consent Agreement and Order constitutes the entire agreement between Licensee and the Board and may be modified or amended only by written agreement signed by Licensee and the Board or a designee of the Board.

WHEREFORE, Licensee 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 Consent Agreement and Order will become a Final Order of the Board. The Board has authorized the Complaint Review Committee to determine approval of this Consent Agreement and Order.

WHEREFORE, the Board agrees that, so long as Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 65-5809 and K.A.R. 102-3-12a 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.

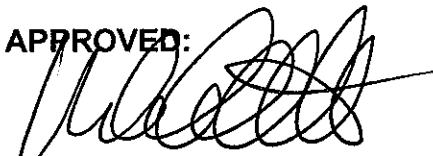

Terry Pfannenstiel
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:


Heidi Fischer, Licensee

11-7-12
Date

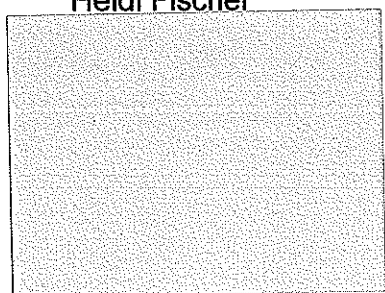
APPROVED:


Mark A. Cowell, Esq.
Counsel for Respondent

11-7-12
Date

CERTIFICATE OF SERVICE

This is to certify that on this 27th day of November, 2012, 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:

Heidi Fischer


Mark A. Cowell, Esq.
PO Box 75
Larned, KS 67550

and a copy placed in building mail to:

Marty M. Snyder, Esq.
Kansas Attorney General's Office

Handwritten signature of Carol Baldwin in cursive script.

For the Board