

a. Licensee was employed as a Program Director with Solid Ground Counseling Center in Iowa for five months in 2016. She counseled clients who were on criminal probation individually and in groups. They were assigned to attend intensive or regular outpatient addiction counseling treatment at the Center.

b. Her supervisor believed that Licensee was failing to report situations of occasional client relapse to the probation office and was improperly interjecting her own religious beliefs into counseling sessions despite warnings not to do this as part of her work at the clinic.

c. Licensee's employment was terminated, but she appeared for a court hearing on a former client she had not seen for two months despite having no current information on the client. The complaint stated that Licensee continued to be in contact with former clients.

d. After Licensee left Solid Ground Counseling Center, her supervisor found a notebook containing confidential client information from Licensee's previous employment. The supervisor forwarded the notebook to KDADS. Licensee admitted she kept the information as a training notebook and still referred to the information and format based on notes she had saved from counseling sessions with a previous employer. She admitted she had made a copy of the notebook for another employee at Solid Ground. Licensee provided no evidence that any client had authorized copying or sharing of this information outside the prior counseling relationship.

e. Some of the concerns stated in the complaint are limited to employer-employee issues, however, any breach of confidentiality is a serious

violation of statutes and regulations governing the practice of addiction counseling.

5. The Complaint Review Committee of the Board found that probable cause existed to believe Respondent violated the following statutes and regulations:

A. K.S.A. 65-6615. Grounds for discipline (a)(9).

B. K.A.R. 102-7-11 -- Unprofessional Conduct.

Each of the following acts shall be considered unprofessional conduct for a licensed addiction counselor:

(r) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of the following actions: (3) releasing information concerning a client to a third person, unless required or permitted by law;

(s) failing to exercise due diligence in protecting the information regarding the client from disclosure by other persons in one's work or practice setting.

C. K.S.A. 65-6617. Confidential information.

6. The parties entered a Consent Agreement and Order, effective July 12, 2017. [Exhibit A] Subsequently, the Board's Special Investigator presented satisfactory evidence to the Complaint Review Committee of the Board that Respondent failed to comply with the terms of the Consent Agreement and Order despite multiple efforts to communicate with her regarding her failure to cooperate.

Conclusions of Law

7. The Committee unanimously finds in addition to the original violations that Respondent has violated the terms of the Consent Agreement and Order which required her to serve one year of supervised practice with quarterly reports to the investigator and provide proof that she obtained three additional hours of Ethics CEUs no later than January 12, 2018. In addition, she has failed or refused to cooperate in a timely manner with requests from the Board in violation of K.A.R. 102-7-11(h).

Sanction

Pursuant to paragraph (e) at p. 4 of the Consent Agreement and Order [Exhibit A], the Committee voted unanimously to suspend Respondent's Kansas Licensed Addictions Counselor license until February 1, 2019, and further order of the Board until such time as she can demonstrate compliance with all terms and conditions of the Consent Agreement and Order to the satisfaction of the Board.

This Summary Order of Suspension is effective on the date as determined pursuant to the Notice of Relief and Certificate of Service below.

IT IS SO ORDERED this 10 day of August, 2018.



Terry Pfannerstiel, Ph.D., LCMFT
Chair, Complaint Review Committee

NOTICE OF RELIEF FROM THIS ORDER

Pursuant to K.S.A. 77-537 and K.S.A. 77-542, this Summary Proceeding Order of Suspension is subject to your request for a hearing. If you desire a hearing, you must direct a written request for hearing to:

Max Foster, Executive Director
Kansas Behavioral Sciences Regulatory Board
Eisenhower State Office Building, #430
Topeka, KS 66603

Any such request must be filed within fifteen (15) days of service of this Notice. If a hearing is not requested in the time and manner stated, this Summary Proceeding Order becomes final and effective upon the expiration of the time for requesting a hearing and will be a Final Order of the Board.

CERTIFICATE OF SERVICE

This is to certify that on this 10 day of August, 2018, a true and correct copy of the above Summary Proceeding Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Edith Johnson
[REDACTED]

and emailed to: [REDACTED]

and a copy sent by building mail to:

Marty M. Snyder
Assistant Attorney General

Cindy D'Ercole
For the Board

Marty M. Snyder, KS S. Ct. #11317
Assistant Attorney General
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597
(785) 296-2215

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
EDITH JOHNSON,)
LAC #1002,)
Respondent)

Case No. 17-AC-021

CONSENT AGREEMENT AND ORDER

NOW, on this 12 day of July, 2017, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [Board], by and through Assistant Attorney General Marty M. Snyder, by agreement with Edith Johnson [Respondent / Licensee], for the purpose of resolving the above-captioned case.

Respondent hereby acknowledges the following:

1. Edith Johnson, at all times relevant, has been a Licensed Addictions Counselor within the meaning of the Addictions Counselor Licensure Act, K.S.A. 65-6601, *et seq.*, and amendments thereto.
2. On August 22, 2016, the Board received a report of information concerning Respondent's conduct, alleging Respondent may have violated certain statutes and regulations governing the practice of addictions counseling in Kansas.
3. The Board conducted an investigation concerning Respondent's alleged violation of statutes and regulations. During the investigation, Respondent was informed of the reported information and was given the opportunity to respond to the allegations. She supplied information in a timely manner in writing and by telephone.



4. As a result of the investigation, the Board finds that the following facts have been established by a preponderance of persuasive evidence:

a. Licensee was employed as a Program Director with Solid Ground Counseling Center in Iola for five months in 2016. She counseled clients who were on criminal probation individually and in groups. They were assigned to attend intensive or regular outpatient addiction counseling treatment at the Center.

b. Her supervisor believed that Licensee was failing to report situations of occasional client relapse to the probation office and was improperly interjecting her own religious beliefs into counseling sessions despite warnings not to do this as part of her work at the clinic.

c. Licensee's employment was terminated, but she appeared for a court hearing on a former client she had not seen for two months despite having no current information on the client. The complaint stated that Licensee continued to be in contact with former clients.

d. After Licensee left Solid Ground Counseling Center, her supervisor found a notebook containing confidential client information from Licensee's previous employment. The supervisor forwarded the notebook to KDADS. Licensee admitted she kept the information as a training notebook and still referred to the information and format based on notes she had saved from counseling sessions with a previous employer. She admitted she had made a copy of the notebook for another employee at Solid Ground. Licensee provided no evidence that any client had authorized copying or sharing of this information outside the prior counseling relationship.

e. Some of the concerns stated in the complaint are limited to employer-employee issues, however, any breach of confidentiality is a serious violation of statutes and regulations governing the practice of addiction counseling.

Conclusions of Law

The Complaint Review Committee of the Board finds that probable cause exists to believe Respondent has violated the following statutes and regulations:

A. K.S.A. 65-6615. Grounds for discipline (a)(9).

B. K.A.R. 102-7-11 -- Unprofessional Conduct.

Each of the following acts shall be considered unprofessional conduct for a licensed addiction counselor:

(r) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of the following actions: (3) releasing information concerning a client to a third person, unless required or permitted by law;

(s) failing to exercise due diligence in protecting the information regarding the client from disclosure by other persons in one's work or practice setting.

C. K.S.A. 65-6617. Confidential information.

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

WHEREFORE, Respondent 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 [KAPA] in relation to Case No. 17-AC-021.

WHEREFORE, Respondent waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act [KJRA] in relation to Case No. 17-AC-021.

WHEREFORE, the Board and Respondent agree to the following terms and conditions of probation until she has completed one year of supervised practice:

(a) Licensee shall obtain three additional Ethics CEUs within six months of the effective date of this Consent Agreement and Order [CAO]. The focus of these Ethics CEUs shall be on confidentiality of client records. She shall furnish notice of completion to the Board's Investigator.

(b) Once Respondent becomes employed in a position using her LAC license, she shall immediately notify the Board's Investigator of the details of her employment.

(c) Licensee may practice only under supervision by a Board-approved clinical or administrative supervisor in her employment setting and shall meet for one hour per week in person for supervision. Licensee shall provide copies of this CAO to her employer and to her supervisor. The focus of the supervision shall be on the clinical requirements of professional practice including boundaries, confidentiality and record-keeping. The supervisor shall provide quarterly written reports to the Board's Investigator but initiate immediate contact if there are any problems.

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

(e) Evidence of Respondent's failure to comply with any of these conditions may result in suspension of Respondent's Kansas Addictions Counselor license until such time as she can demonstrate compliance with all terms and conditions of this Consent Agreement and Order to the satisfaction of the Board.

(f) Respondent acknowledges an affirmative duty to notify the Board's Investigator within five (5) 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 or amend this Consent Agreement and Order in writing.

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

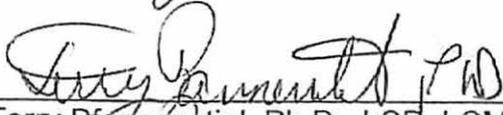
(h) This Consent Agreement and Order constitutes the entire agreement between Respondent and the Board and may be modified or amended only by written agreement signed by Respondent and the Board or a designee of the Board.

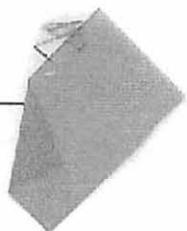
WHEREFORE, Respondent consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval by the Complaint Review Committee, this Consent Agreement and Order will become a Final Order of the Board. The Board has authorized the Complaint Review Committee to determine approval of this Consent Agreement and Order.

WHEREFORE, the Board agrees that, so long as Respondent complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 65-6615 and K.A.R. 102-7-11 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 this 10th day of July, 2017.


Terry Pfannenstiel, Ph.D., LCP, LCMFT
Chair, Complaint Review Committee



APPROVED AND CONSENTED TO:

Edith Johnson
Edith Johnson, LAC
Licensee / Respondent

6-28-17
Date

CERTIFICATE OF SERVICE,

This is to certify that on this July ~~28~~ day of July ~~28~~, 2017, 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:

Edith Johnson, LAC



and emailed to: 

and a copy sent by building mail to:

Marty M. Snyder
Assistant Attorney General

Cindy D'Arcole
For the Board