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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

LISA BRYSON, LPC,)
Lic. # 3050,)
Respondent)

Case No. 18-PC-0063

SUMMARY PROCEEDING ORDER OF SUSPENSION

NOW on this 3 day of July, 2018, the above-captioned complaint comes before the Kansas Behavioral Sciences Regulatory Board [BSRB / Board] Complaint Review Committee [Committee].

Findings of Fact

The Committee finds that the following facts have been established by a preponderance of the evidence:

1. Lisa R. Bryson [Respondent / Licensee] at all relevant times has been a Licensed Professional Counselor within the meaning of the Kansas Professional Counselors Licensure Act, K.S.A. 65-5801, *et seq.*, and amendments thereto.

2. On September 26, 2017, the Board received a Report of Alleged Violation against Licensee, alleging misconduct in violation of Kansas statutes and administrative regulations governing the practice of a professional counselor.

3. The Board investigated the allegations. Based upon the investigation, the Board finds the following:

- a. On or about September 12, 2017, the complainant requested that Licensee provide to her a summary statement of the billed charges for the complainant's child.
- b. Licensee did not respond to request.
- c. On or about October 18, 2017, the mother of the child requested that Licensee provide to complainant a copy of the child's file.
- d. Licensee did not respond to this request.

- e. On or about December 8, 2017, the complaint and request for information was sent to Licensee via U.S. mail to her business address. The letter was not returned to the Board offices as undeliverable. Licensee was to respond to this request no later than January 12, 2018.
- f. Licensee did not respond to this request for information.
- g. On or about February 7, 2018, a copy of the complaint was sent to two (2) different email addresses on file with the Board. Licensee was given a deadline of March 7, 2018, to respond to the complaint.
- h. Licensee did not respond to either email request for information.

Applicable Law

4. K.S.A. 65-5809(a)(5) provides that the Board may ...condition, limit, revoke or suspend a license, may publically or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee has violated a provision of the Professional Counselors Licensure Act or one or more rules and regulations of the Board.

5. K.A.R. 102-3-12a(b) the following act by a licensed professional counselor shall constitute unprofessional conduct:

- a. K.A.R. 102-3-12a(b)(9): Failing or refusing to cooperate in a timely manner with any request from the Board for a response, information, or assistance with respect to the Board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the Board.

6. K.S.A. 65-5809(c) provides administrative proceedings and disciplinary actions regarding licensure under the Professional Counselors Licensure Act shall be conducted in accordance with the Kansas Administrative Procedure Act.

7. Pursuant to 77-537(a) of the Kansas Administrative Procedure Act, a state agency may use summary proceedings, subject to a party's request for a hearing on the order, if:

- (1) The use of those proceedings in the circumstances does not violate any provision of law;
- (2) the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties;
- (3) based upon an investigation of the facts by the state agency, beyond receipt of the allegations, the state agency believes in good faith that the allegations will be supported to the applicable standard of proof, provided however that an alleged failure to meet the standards set forth in this subsection shall not be subject to immediate judicial review and shall not invalidate any later agency action that has been supported to the applicable standard of proof; and
- (4) the order does not take effect until after the time for requesting a hearing has expired.

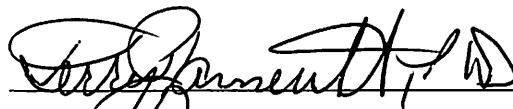
Conclusions of Law

8. The Board finds probable cause that Licensee is in violation of K.S.A. 65-5809(a)(5), as defined in K.A.R. 102-3-12a(b)(9), in that Licensee has committed unprofessional conduct when she failed to cooperate in a timely manner with any request from the Board for a response to the present investigation.

Sanction

9. Based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 65-5809(a) and the Kansas Administrative Procedure Act K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Kansas Professional Counselor License of Respondent Lisa Bryson should be and is hereby suspended for a period of sixty (60) days from the effective date of this Summary Proceeding Order as set forth in the Notice of Relief and the Certificate of Service below, or until such order of the Board.

IT IS SO ORDERED this 25th day of June, 2018.



Terry Pfannenstiel, Ph.D.
Complaint Review Committee, BSRB

NOTICE OF RELIEF

Pursuant to K.S.A. 77-537, this Summary Proceeding Order is subject to your request for a hearing. If you desire a hearing, you must serve a written request for hearing upon:

Max Foster, Executive Director, BSRB
700 SW Harrison St.
Eisenhower State Office Building, Suite #420
Topeka, KS 66603

with a copy to:

Jane E. Weiler, Esq.
Assistant Attorney General
120 SW Tenth Ave., 2nd Floor
Topeka, KS 66612

Any written request for hearing must be served within fifteen (15) days from the date indicated in the below Certificate of Service. 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 3 day of July, 2018, a true and correct copy of the foregoing Summary Proceeding Order of Suspension was deposited in the U.S. mail, first class postage prepaid, addressed to her last registered address:

Lisa Bryson



Susan R. Miller



and placed in building mail to:

Jane E. Weiler, Esq.
Assistant Attorney General

Cindy D'Ercole
For the Board