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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)	
)	
STEVEN E. STEINHAUS,)	Case No. 19-CA-0152
LCAC #106)	Case No. 20-CA-0042
)	Case No. 20-CA-0057
Respondent)	Case No. 20-CA-0143

Pursuant to K.S.A. 77-536		

SUMMARY PROCEEDING ORDER

NOW, on this 14 day of July, 2020, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board ("Board").

FINDINGS OF FACT

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

1. On July 22, 2011, the Board issued Steven E. Steinhaus ("Respondent") an original Licensed Clinical Addiction Counselor ("LCAC") license no. 106. Respondent is currently, and was at all times relevant to this Summary Proceeding Order, an LCAC within the meaning of the Kansas Addiction Counselor Licensure Act, K.S.A. 65-6607 *et seq.*

In the Matter of Steven E. Steinhaus, Case Nos. 19-CA-0152, 20-CA-0042,
20-CA-0057, 20-CA-0143

CASE NO. 19-CA-0152

2. On or about, March 22, 2019, the Board received a Report of Alleged Violation (“RAV”) alleging Respondent may have violated certain statues and regulations governing the practice of addiction counselors in the State of Kansas. A subsequent investigation determined the following facts.

3. The complainant reported that Respondent acted in an unprofessional manner.

4. On or about May 21, 2019, Board staff sent to Respondent notice of this complaint. He was asked to provide a response to the Board within 30 days of the receipt of this request. Respondent did not respond to this request.

5. Board staff talked with Respondent on approximately July 17, 2019. Board staff reminded Respondent to submit his written reply.

6. On or about August 18, 2019, Board staff once again sent to Respondent notice of this complaint. He was again asked to provide a response to the Board within 30 days.

7. On or about September 19, 2019, Respondent provided to the Board his response to this complaint.

CASE NO. 20-CA-0042

8. On or about, September 13, 2019, Respondent self-reported to the Board that he had failed to timely renew his LCAC license. A subsequent investigation determined the following facts.

9. On July 31, 2019, Respondent’s LCAC Respondent expired.

10. At the time his license expired, Respondent was subject to the terms and conditions of a Consent Agreement and Order, in Case Nos. 17-CA-0071 and 17-CA-0103, he entered into

*In the Matter of Steven E. Steinhaus, Case Nos. 19-CA-0152, 20-CA-0042,
20-CA-0057, 20-CA-0143*

with the Board on approximately April 11, 2018. Pursuant to the terms of this Consent Agreement and Order, Respondent had obtained clinical level supervision by a supervisor.

11. On or about August 9, 2019, Respondent did inform his disciplinary supervisor that he needed to renew his LCAC license. His supervisor told him not to delay getting that done.

12. On or about August 23, 2019, Respondent submitted to the Board his renewal application.

CASE NO. 20-CA-0057

13. On or about, October 7, 2019, the Board received an RAV alleging Respondent may have violated certain statues and regulations governing the practice of addiction counselors in the State of Kansas. A subsequent investigation determined the following facts.

14. The complainant reported that Respondent continued to see clients after his LCAC license expired.

15. Additionally, that Respondent was very unreliable with following through with meetings and completing paperwork. The complainant further reported that Respondent is difficult to contact.

16. On or about October 16, 2019, Board staff sent to Respondent notice of this complaint. He was asked to provide a response to the Board within 30 days of the receipt of this request. Respondent did not respond to this request.

17. On or about December 5, 2019, Board staff once again sent to Respondent notice of this complaint. He was again asked to provide a response to the Board within 30 days.

18. On or about January 6, 2020, Respondent provided to the Board his response to this complaint. In his response, Respondent provided instances that impacted his practice. Respondent

stated, "I was overwhelmed and did not realize the impact to my emotional wellbeing. The stress going from my mother's house to Ellsworth office and to the Lyons office twice a week to meet my commitments. Due to personal conflicts as noted, I missed the scheduled review in Lyons."

CASE NO. 20-CA-0143

19. On or about February 26, 2020, the Board received an RAV Violation that alleged Respondent may have been in violation of the Kansas Addictions Counselor Licensure Act.

20. In this complaint, it was reported that Respondent had provided services to a client. Eventually, the client was receiving these same services from a different counselor.

21. Specifically, this client was required to receive services related to probation with the 20th Judicial District in Kansas related to legal matters. This client completed an intake related to these legal matters with this new counselor.

22. During this intake, the client voiced concerns to his new counselor about the inability to pay for the services required by his probation. This client told his new counselor that Respondent threatened to discharge him, and the client would go to jail if the client did not make payments.

23. This client reported that he gave to Respondent a coin that belonged to the client's deceased grandmother as payment. This transaction occurred when the client met with Respondent at Respondent's pawn shop.

24. On or about March 16, 2020, Board staff sent to Respondent notice of this complaint. He was asked to provide a response to the Board within 30 days of the receipt of this request. Respondent did not respond to this request.

25. On or about March 25, 2020, Respondent contacted the complainant and offered to the complainant the aforementioned coin, and he asked that that complainant return the coin to the client. The complainant did not take possession of the coin.

26. On or about May 8, 2020, Board staff once again sent to Respondent notice of this complaint. He was again asked to provide a response to the Board within 30 days.

27. Respondent failed to provide any response to the Board related to this investigation.

APPLICABLE LAW

28. Pursuant to K.S.A. 77-537(a) of the Kansas Administrative Procedure Act ("KAPA"), 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.

29. Pursuant to K.S.A. 65-6608(e): "Licensed clinical addiction counselor" means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed under this act.

30. Pursuant to K.S.A. 65-6615(a)(5): 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 license has violated a provision of the addiction counselor licensure act or one or more of the rules and regulations of the board. Specifically:

- a. K.A.R. 102-7-11(g): Failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests.
- b. K.A.R. 102-7-11(h): 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. Each person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner.
- c. K.A.R. 102-7-11(i): offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards.
- d. K.A.R. 102-7-11(v): engaging in a harmful dual relationship or exercising undue influence.

In the Matter of Steven E. Steinhaus, Case Nos. 19-CA-0152, 20-CA-0042,
20-CA-0057, 20-CA-0143

e. K.A.R. 102-7-11(ss): practicing addiction counseling after one's license expires.

f. K.A.R. 102-7-11(tt): using without a license, or continuing to use after a license has expired, any title or abbreviation defined by regulation.

31. Pursuant to K.S.A. 65-6615(a)(6): 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 license has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation.

CONCLUSIONS OF LAW

32. The Board finds that the above facts have been established by clear and convincing evidence; and further the Board finds that Respondent is in violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(g) in Case No. 20-CA-0057 when Respondent admitted to the Board that his personal issues impacted his professional performance.

33. Additionally, Respondent is in violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(h) in Case No. 19-CA-0152 and Case No. 20-CA-0057, when Respondent failed to cooperate in a timely manner with the lawful request from the Board for responses related to these investigation. In Case No. 20-CA-0143, Respondent failed to provide any response to the Board related to the lawful request from the Board related to this investigation.

34. Respondent is also in violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(i) in Case No. 20-CA-0057, when Respondent practiced addiction counseling inconsistent with the with the accepted standards in that unreliable with following through with meetings and completing paperwork.

In the Matter of Steven E. Steinhaus, Case Nos. 19-CA-0152, 20-CA-0042,
20-CA-0057, 20-CA-0143

35. Further, Respondent is also in violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(v) in Case No. 20-CA-0143, when Respondent induced his client with undue influence by threatening him with returning to jail unless he paid Respondent.

36. Lastly, Respondent was in violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(ss) and K.A.R. 102-7-11(tt), in Case No. 20-CA-0042 in that Respondent practiced addiction counseling and used his title after his LCAC license had expired.

ORDER

WHEREFORE, as a condition for continued licensure, Respondent Steven E. Steinhaus shall:

37. Respondent shall practice only under individual supervision by an independent clinical-level supervisor to be approved by the Board if employed using his LCAC license. This may be Respondent's supervisor at his place of employment. Respondent shall have weekly one (1) hour meetings with the supervisor in a face to face manner. The focus shall include, but not limited to, recordkeeping, organizations, professionalism, and responsiveness. This requirement shall continue for two (2) years.

38. Within thirty (30) days of the effective date of this Summary Proceeding Order; or if Respondent is not currently working using his LCAC license, and prior to the beginning of using his LCAC license, Respondent shall submit to the Board's investigator the name of his proposed supervisor.

39. Respondent shall provide a copy of this Summary Proceeding Order to the supervisor and authorize the supervisor to provide written monthly reports to the Board's

In the Matter of Steven E. Steinhaus, Case Nos. 19-CA-0152, 20-CA-0042,
20-CA-0057, 20-CA-0143

Investigator for the two (2) year term of supervision. These reports are due to the Board by the 10th of each month.

40. Respondent shall provide a copy of this Summary Proceeding Order to the supervisor.

41. During the time this Summary Proceeding Order is in effect, Respondent shall not serve as a supervisor to any person licensed by the Board, any person attaining supervised experienced in preparation for licensure by the Board, or any unlicensed person, including students or volunteers, who participate in the delivery of professional counseling services.

42. Respondent shall provide a copy of this Summary Proceeding Order to his employer.

43. Respondent must notify the Board's Investigator within ten (10) days of a change in his employment and/or address change.

44. Respondent shall be responsible for any costs and expenses incurred in satisfying the terms of this Summary Proceeding Order.

IT IS SO ORDERED ON THIS 8th DAY OF July 2020.



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

*In the Matter of Steven E. Steinhaus, Case Nos. 19-CA-0152, 20-CA-0042,
20-CA-0057, 20-CA-0143*

NOTICE OF RELIEF FROM SUMMARY PROCEEDING ORDER

Pursuant to K.S.A. 77-537 and K.S.A. 77-542, this Summary Proceeding Order 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
Behavioral Sciences Regulatory Board
700 SW Harrison St., Suite 420
Topeka, KS 66603-3929

This written request must be filed within fifteen (15) calendar days from the date indicated in the below Certificate of Service. Pursuant to K.S.A. 77-503(c), the 15-day period begins the day after the date indicated in the Certificate of Service and includes weekends and legal holidays. If the 15th day falls on a Saturday, Sunday, or legal holiday, then the 15-day period runs until 5:00 p.m. on the next day which is not a Saturday, Sunday, or legal holiday. A request is considered "filed" on the date it is received at the Board's office. If a hearing is not requested in the time and manner stated, this Summary Order becomes a final order subject to judicial review. A petition for judicial review should be directed to the above recipient.

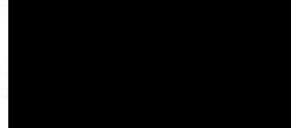
CERTIFICATE OF SERVICE

This is to certify that on this 14 day of July, 2020, a true and correct copy of the above and foregoing Summary Proceeding Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Steven E. Steinhaus, LCAC



Steven E. Steinhaus, LCAC



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

Jane E. Weiler, Esq.
Assistant Attorney General
Disciplinary Counsel for the Board

Cindy D'Enole
For the Board

*In the Matter of Steven E. Steinhaus, Case Nos. 19-CA-0152, 20-CA-0042,
20-CA-0057, 20-CA-0143*