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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD
700 SW Harrison Street, Suite 420
Topeka, Kansas 66603-3929

In the Matter of)
MARIA ORTIZ-TOWNER, LCMFT)
License No. 270)
Respondent/Licensee.)

Case No. 19-CT-0057

CONSENT AGREEMENT AND FINAL ORDER

NOW on this 9 day of April, 2019, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board ("Board") by and through Assistant Attorney General Jane E. Weiler on behalf of the Board, and by agreement of Maria Ortiz-Towner, ("Licensee"), for the purposes of resolving the above-captioned matter.

The parties knowingly and voluntarily agree as follows:

1. On August 4, 2008, the Board issued Licensee a Licensed Clinical Marriage and Family Therapist ("LCMFT") license, No. 270. This license expires on August 31, 2020. Licensee is currently, and was at all times relevant to this Consent Agreement and Final Order, an LCMFT within the meaning of the laws relating the Kansas Marriage and Family Therapists Licensure Act, K.S.A 65-6401, *et seq.*, and amendments thereto.

CASE NO. 19-BS-0020

2. Licensee's LCMFT license was due to expire on August 31, 2018. On or about August 30, 2018, Licensee filed her renewal application with the Board. At the time she submitted the renewal application, Licensee certified that the information, including continuing education credit fulfillment, was true and correct.

3. However, between September 16, 2018, through September 27, 2018, after receiving notice of an audit, Licensee completed all forty (40) continuing education hours of her continuing education required for renewal of her LCMFT license contrary to her attestation that she had completed the required continuing educational hours at the time she submitted her renewal application.

APPLICABLE LAW

4. K.S.A. 65-6402(d): "Licensed clinical marriage and family therapist" means a person who engages in the independent practice of marriage and family therapy including the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations and is licensed under this act.

5. K.S.A. 65-6408(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 marriage and family therapists licensure act or one or more of the rules and regulations of the board.

6. K.S.A. 65-6408(a)(8): 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 licensure has failed to obtain continuing education credits as required by rules and regulations adopted by the board.

7. K.S.A. 65-6408(a)(9): 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 been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the Board. Specifically, K.A.R. 102-5-10(a) states, "Each licensee shall complete 40 hours of documented and approved continuing education during each two-year renewal period. Continuing education hours accumulated in excess of the required number of hours shall not be carried over to the next renewal period."

8. Licensee and the Board mutually desire to enter into this Consent Agreement and Final Order in lieu of further summary and adjudicative proceedings.

9. Licensee understands that by entering into this Consent Agreement and Final Order Licensee waives all rights to further adjudication of facts and law that could be determined pursuant to summary proceedings or a hearing conducted in

accordance with the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.* in relation to Case No. 19-CT-0057.

10. Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review, K.S.A. 77-601 *et seq.* in relation to Case No. 19- CT-0057.

11. The Board accepts Licensee's waiver of rights and stipulations.

ORDER

WHEREFORE, the Board finds that the above facts have been established by clear and convincing evidence; and further finds that Licensee was in violation of K.S.A. 65-6408(a)(5), in that Licensee violated a provision of the marriage and family therapists licensure act or one or more of the rules and regulations of the board when she failed to complete forty (40) hours of continuing education as required for renewal of her LCMFT license. Additionally, the Board finds that Licensee was in violation of K.S.A. 65-6408(a)(8), in that Licensee failed to obtain continuing education credits as required by rules and regulations adopted by the board. Lastly, the Board finds that Licensee was in violation of K.S.A. 65-6408(a)(9), as defined in K.A.R. 102-5-10(a), in that Licensee failed to complete forty (40) hours of continuing education as required for renewal of her LCMFT license.

AND WHEREAS Licensee and the Board mutually desire to enter into a Consent Agreement and Final Order in lieu of further adjudicative proceedings to resolve the reported violations.

NOW THEREFORE, Licensee consents to the following terms and conditions, and the Board orders that:

12. Licensee shall pay a fine of \$500.00 within thirty (30) days of the effective date of this Consent Agreement and Final Order to the Board's investigator at its offices located at 700 SW Harrison St, Suite 420, Topeka, Kansas, 66603.

13. Licensee shall draft and send to the Board a plan on how she will ensure that she has completed all of her required continuing education hours prior to her next renewal, and how she will not have a reoccurrence of having to complete all of her continuing education hours after she has renewed her license.

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

15. Licensee's renewal applications shall be audited for the next two (2) renewal cycles.

16. Licensee must notify the Board's Investigator within ten (10) days of a change in her employment and/or address change.

17. Licensee shall all submit to the Board's investigator at its offices located at 700 SW Harrison St, Suite 420, Topeka, Kansas, 66603, any and all documents evidencing compliance with the terms and conditions required by this Consent Agreement and Final Order.

18. After completion of the actions set out in the Consent Agreement and Final Order, Licensee will have no remaining obligations to the Board in relation to this case. However, Licensee may be subject to further enforcement action if Licensee fails to comply with the terms, conditions, and requirements imposed by this Consent Agreement and Final Order.

19. The matters referred to in this Consent Agreement and Final Order shall not be grounds for future action against Licensee, except the extent that that such matters may be relevant for future disciplinary or licensure proceedings in the Board's consideration of the factors identified in K.S.A. 65-6407 [Licensure; expiration and renewal; continuing education; reinstatement of suspended or revoked license], and K.S.A. 65-6408 [Refusal to grant, suspension, condition, limitation, qualification, restriction or revocation of license, grounds], for establishing rehabilitation or a pattern of conduct.

20. Except as provided in paragraph 19, this Consent Agreement and Final Order shall operate as a complete release of all claims the parties may have against each other pending before the Board and arising out of the Board's investigation of these matters. Licensee agrees not to file, or cause to be filed, any litigation or claims in any federal or state court of law or federal or state administrative agency against the Board, its agents, Board members, or employees, individually or in their official capacity. Such litigation or claims include, but are not limited to, any K.S.A. Chapter 60 or Chapter 61 civil action regarding negligence and/or a 42 United States Code action and/or any administrative petition for redress. Licensee agrees that all actions in this matter were a bona fide use of administrative discretion on the part of the Board, its members, and employees, which is a statutory exception to liability within the Kansas Tort Claims Act, K.S.A. 75-6104(b), (c) or (e).

21. Licensee agrees that this Consent Agreement and Final Order conforms to Kansas and federal law and that the Board has jurisdiction to enter into it and enter the Final Order provided for herein.

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

23. This Consent Agreement and Final Order shall be a public record in the custody of the Board.

24. This Consent Agreement and Final Order constitutes the entire agreement of the parties and may only be modified by order of the Board or by a subsequent writing signed by the parties. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

25. This Consent Agreement and Final Order shall become effective on the date indicated in the Certificate of Service.

WHEREFORE, the parties consent to these provisions, which are hereby made the Final Order of the Kansas Behavioral Sciences Regulatory Board in the above-captioned case.

IT IS SO ORDERED.

Dated this 5th day of April 2019.



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

AGREED AND CONSENTED TO BY:



Maria Ortiz-Towner, LCMFT
Respondent/Licensee

3/25/19

Date

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was served on this 9 day of April 2019, by depositing the same in the United States mail, postage prepaid, addressed to:

Maria Ortiz-Towner, LCMFT

[REDACTED]
[REDACTED]

And a copy delivered via interoffice mail to:

Jane E. Weiler, Assistant Attorney General
Office of the Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612
Disciplinary Counsel for the Board

Cindy D'Srude
For the Board