

Jane E. Weiler, KS S. Ct. #25276
Assistant Attorney General
120 SW 10th Ave., Second Floor
Topeka, KS 66612
(785) 296-2215

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)	
)	
CHAD E. JONES,)	Case No. 19-LC-0177
LCPC #2435)	Case No. 19-LC-0180
LCAC #629)	
Respondent)	

Pursuant to K.S.A. 77-536		

SUMMARY PROCEEDING ORDER

NOW, on this 20 day of March, 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. Chad E. Jones ("Respondent") was at all times relevant, a Licensed Clinical Professional Counselor ("LCPC") within the meaning of the Kansas Professional Counselors Licensure Act, K.S.A. 65-5801 *et seq.*, and having been issued LCPC license number 2435 on December 4, 2015, which expires on December 31, 2021. Additionally, Respondent was at all times a Licensed Clinical Addictions Counselor ("LCAC") within the meaning of the Kansas Addictions Counselor Licensure Act, K.S.A. 65-6607, *et seq.*, and having been issued LCAC license number 629 on September 12, 2017, which expires on September 30, 2021.

CASE NO. 19-LC-0177

2. On or about May 13, 2019, the Board received a Report of Alleged Violation that alleged Respondent may have been in violation of the Kansas Professional Counselor Licensure Act or the Kansas Addictions Counselor Licensure Act. A subsequent investigation determined the following facts.

3. In March 2019, Respondent completed an anger management assessment on a client.

4. Respondent provided a copy of the evaluation to a third party without obtaining written consent from the client before releasing the information.

5. Additionally, the client and Respondent had a disagreement about the payment of this evaluation.

6. Respondent sent to the client numerous long text messages that included threats of legal action and making collection reports.

CASE NO. 19-LC-0180

7. On or about December 3, 2018, the Board received a Report of Alleged Violation that alleged Respondent may have been in violation of the Kansas Professional Counselor Licensure Act or Kansas Addictions Counselor Licensure Act.

8. On or about May 14, 2019, Respondent met with his client for a session. During this session, the client told Respondent that the client was out of their psychiatric medications.

9. Initially, Respondent attempted to get the medications for the client from the Medi Quick, but was unsuccessful.

10. Respondent then took the client to an urgent care facility to obtain the medications. The urgent care facility was not able to provide to the client any psychiatric medications.

11. During the time the client was in the urgent care facility, Respondent requested to review the clinic's policy book regarding the dispensing of psychiatric medications.

APPLICABLE LAW

12. Pursuant to K.S.A. 65-5809(c) and K.S.A. 65-6615(c), administrative proceedings and disciplinary actions regarding licensure under the Kansas Professional Counselors Licensure Act and the Kansas Addiction Counselor Licensure Act shall be conducted in accordance with the Kansas Administrative Procedure Act.

13. 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.

14. Pursuant to K.S.A. 65-5802(h): “Licensed clinical professional counselor” means a person who engages in the independent practice of professional counseling 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 who is licensed under this act.

15. 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.

16. Pursuant to K.S.A. 65-5809(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 licensure has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the Board. Specifically:

- a. K.A.R. 102-3-12a(b)(10): Offering to perform or performing professional counseling, assessments, consultations, or referrals clearly inconsistent or incommensurate with one's training, education or experience or with accepted professional standards.
- b. K.A.R. 102-3-12a(b)(13): failing to advise and explain to each client the respective rights, responsibilities, and duties involved in the professional counseling relationship.
- c. K.A.R. 102-3-12a(b)(14): failing to provide each client with a description of what the client can expect in the way of services, consultation, reports, fees, billing, and therapeutic regimen or schedule, or failing to reasonably comply with the description.
- d. K.A.R. 102-3-12a(b)(18): failing to inform each client, student, directee, or supervisee of the limits of client confidentiality, the purposes for which the information is obtained, and the manner in which the information may be used.
- e. K.A.R. 102-3-12a(b)(20)(C): failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before releasing information concerning a client to a third person, except as required or permitted by law.
- f. K.A.R. 102-3-12a(b)(46): engaging in a dual relationship with a client, student, or supervisee.

17. 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(i): offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards.

- b. K.A.R. 102-7-11(m): failing to inform each client of that client's rights as those rights relate to the addiction counseling relationship.
- c. K.A.R. 102-7-11(n): failing to provide each client with a description of the services, fees, and payment expectations, or failing to reasonably comply with that description.
- d. K.A.R. 102-7-11(r)(3): failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before releasing information concerning a client to a third person, unless required or permitted by law.
- e. K.A.R. 102-7-11(v): engaging in a harmful dual relationship or exercising undue influence.

CONCLUSIONS OF LAW

18. Respondent is in violation of K.S.A. 65-5809(a)(9), as defined in K.A.R. 102-3-12a(b)(10); and K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(i), in that Respondent actions in Case No. 19-LC-0177 and Case No. 19-LC-0180 were incommensurate with then accepted professional standards when in one complaint he repeatedly engaged with his client with text messages, and the other complaint he was outside his scope of practice when he took his client to different clinics attempting to get medications for his client.

19. In Case No. 19-LC-0177, Respondent is in violation of K.S.A. 65-5809(a)(9), as defined in K.A.R. 102-3-12a(b)(13); and K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(m), in that Respondent failed to explain to his client the rights, responsibilities, and duties when Respondent made threats of legal action and making collection reports to the client text messages.

20. In Case No. 19-LC-0177, Respondent is in violation of K.S.A. 65-5809(a)(9), as defined in K.A.R. 102-3-12a(b)(14); and K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(n), in that Respondent failed provide to the client what to expect regarding the billing procedures when Respondent made threats of legal action and making collection reports to the client text messages.

21. In Case No. 19-LC-0177, Respondent is in violation of K.S.A. 65-5809(a)(9), as defined in K.A.R. 102-3-12a(b)(18), when Respondent did not provide to his client the limits of his

confidentiality in that the information obtained from the anger management evaluation could be used provided to other sources without the client's consent.

22. In Case No. 19-LC-0177, Respondent is in violation of K.S.A. 65-5809(a)(9), as defined in K.A.R. 102-3-12a(b)(20)(C); and K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(r)(3), in that Respondent failed to obtain written, informed consent from the client before Respondent provided the anger management evaluation to a third party.

23. In Case No. 19-LC-0180, Respondent is in violation of K.S.A. 65-5809(a)(9), as defined in K.A.R. 102-3-12a(b)(46); and K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(v), in that Respondent engaged in a dual relationship with his client when he accompanied his client to different clinics in an effort to obtain medications for his patient.

ORDER

WHEREFORE, based on the above Findings of Fact and Conclusions of Law, as a condition for continued licensure, Respondent Chad E. Jones shall:

24. Respondent shall practice only under individual supervision by an independent clinical-level supervisor to be approved by the Board if employed using his LCPC license or his LCAC license. There shall be no dual relationship with his supervisor. 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, boundaries; scope of practice; and professional behavior with other professionals. This requirement shall continue for two (2) years.

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

26. Respondent shall provide a copy of this Final Order to the supervisor and authorize the supervisor to provide written quarterly reports to the Board's Investigator for the two (2) year term of supervision. There shall be a minimum of eight (8) quarterly reports (every three [3] months) submitted to the Board's investigator during this two (2) year supervision timeframe.

27. During the time this Final 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 addiction counseling services.

28. Hours of supervision attained by Respondent pursuant to this Final Order shall not count toward any supervised experience hours required for a higher level of licensure.

29. Additionally, Respondent shall obtain four (4) extra continuing education hours in Ethics beyond the biennial requirement, taken in-person within ninety (90) days of the effective date of this Final Order. These additional continuing education hours shall include, but not limited to, boundaries; scope of practice; and professional behavior with other health care professionals.

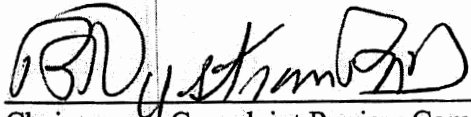
30. These hours shall be in addition to those continuing education hours required for renewal of license.

31. All foreseen and unforeseen expenses to complete the aforementioned course(s) including travel, lodging, program fee, meals, etc., shall be at Respondent's own expense.

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

33. Respondent shall be responsible for any costs and expenses incurred in satisfying the terms of this Final Order.

IT IS SO ORDERED ON THIS 18th DAY OF March, 2020



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

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 20 day of March, 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:

Julie McKenna
McKenna Law Office, P.A.
114 South 7th Street
Post Office Box 1631
Salina, KS 67402-1631

and a copy delivered via interoffice mail to:

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

Cindy D'Ercole
For the Board