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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)
)
JALYN TODD, LMAC)
LMAC #415)
)
Respondent/Licensee)
_____)

Case No. 19-MA-0008

Pursuant to K.S.A. 77-536

SUMMARY PROCEEDING ORDER OF STATUTORY REVOCATION

NOW, on this 5 day of November, 2018, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board ("Board").

FINDINGS OF FACT

1. Jalyn Todd ("Respondent") was at all times relevant, a Licensed Master's Addiction Counselor ("LMAC") within the meaning of the Kansas Addictions Counselor Licensure Act, K.S.A. 65-6607, *et seq.*, and amendments thereto.
2. On or about July 16, 2018, the Board received a complaint concerning Respondent's unprofessional conduct, alleging Respondent may have violated certain statutes and/or regulations governing the practice of an LMAC in Kansas.
3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and/or regulations.
4. As a result of the investigation, the Board found that the following facts had been established by a preponderance of evidence:

- a. From January 2018 to June 11, 2018, Respondent was employed as a residential addiction counselor at CKF Addiction Treatment Center in Salina, Kansas.
- b. In March 2018, a patient was admitted to CKF Addiction Treatment, and Respondent had a prior relationship with this patient before he was admitted to CKF Addiction Treatment.
- c. During the time this patient was at CKF Addiction Treatment, CKF Addiction Treatment limited Respondent's access to his electronic client record to ensure professional boundaries were kept.
- d. At some point in May 2018, Respondent developed a new relationship with this patient, and she allowed this patient to move into her home with her.
- e. On June 4, 2018, Respondent found this patient deceased at her house.
- f. On June 6, 2018, an anonymous caller alerted CKF Addiction Treatment that the patient died at Respondent's house.
- g. Following his death, CKF Addiction Treatment determined that Respondent attempted to access his electronic client record. The Vice President asked Respondent why she was trying to access this patient's electronic client record. Initially, Respondent was not forthright and honest with the Vice President, and told her that she was aware he died and she was looking for family contacts to inform them of his death. Eventually, Respondent did tell the Vice President that the patient had lived with her for more than two (2) weeks and they were in a relationship.
- h. On or about June 11, 2018, Respondent resigned from her position at CKF Addiction Treatment just before she was terminated from this agency for unprofessional conduct related to this incident.

- i. On or about August 15, 2018, Board staff sent to Respondent a letter informing her of the compliant investigation initiated against her license for the alleged unprofessional conduct.
- j. On or about August 17, 2018, Respondent called to the Board after she received a letter from Board staff about the present investigation. During this telephone call, Respondent told Board staff she was wrong, and she took responsibility for her actions.
- k. On or about August 23, 2018, Respondent sent to the Board a letter in response to this investigation. In this letter, Respondent admitted to allowing the patient to move in with her and she admitted to attempting to access the patient's electronic client record. Additionally, in her letter to the Board, Respondent wrote, "I would like to surrender my license."

APPLICABLE LAW

5. Pursuant to K.S.A. 2017 Supp. 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.

6. Pursuant to K.S.A. 65-6608(d): "Licensed master's addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and

who is licensed under this act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of substance abuse disorders or mental disorders.

7. 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 rules and regulation of the board.

8. Pursuant to K.A.R. 102-7-11(a): Each of the following acts shall be considered unprofessional conduct for a licensed addiction counselor:

- a. K.A.R. 102-7-11(a)(3): Has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance.
- b. 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.
- c. K.A.R. 102-7-11(v): Engaging in a harmful dual relationship or exercising undue influence.

9. Pursuant to K.S.A. 74-7508(e): In all matters pending before the Behavioral Sciences Regulatory Board, the Board shall have the power to revoke the license or registration of any licensee or registrant who voluntarily surrenders such person's license or registration pending

investigation of misconduct or while charges of misconduct against the licensee are pending or anticipated.

CONCLUSIONS OF LAW

10. In this case, Respondent's employer was concerned regarding Respondent's dual relationship with a client of CKF Addiction Treatment. Respondent resigned from her position at CKF Addiction Treatment just before she was terminated from this agency for unprofessional conduct related to this incident. This is a violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(a)(3).

11. Respondent performed services clearly inconsistent with her training, education, and experience and with the accepted professional standards for social work when she entered into a dual relationship with a client of CKF Addiction Treatment. Respondent had a previous relationship with this client, and CKF Addiction Treatment limited Respondent's access to his electronic client record to ensure professional boundaries were kept. However, Respondent allowed this client to move into her home, and they were in a relationship. Further, after he died in Respondent's home, she attempted to access his electronic client record. This is a violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(i).

12. Respondent had a prior relationship with a patient before he was admitted to CKF Addiction Treatment. Respondent developed a new relationship with this patient, and she allowed this patient to move into her home with her. This is a violation of K.S.A. 65-6615(a)(5), as defined in K.A.R. 102-7-11(v).


13. Respondent surrendered her license to practice as a master's addiction counselor in the State of Kansas after she received notice of the investigation involving the patient found deceased in her home. The Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board has reviewed all information related to this investigation, and on behalf of the

Board and finds Respondent's license shall be revoked pursuant to K.S.A. 74-7508(e) for her voluntary surrender of her license during an investigation for unprofessional conduct.

SANCTION

WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 74-7508(e) and the Kansas Administrative Procedure Act K.S.A. 77-537, the Complaint Review Committee on behalf of the Board finds that the Kansas master's addiction counselor license of Licensee Jalyn Todd is hereby **REVOKED** for her violations of the Kansas Addictions Counselor Licensure Act.

IT IS SO ORDERED ON THIS 3rd DAY OF November, 2018.


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

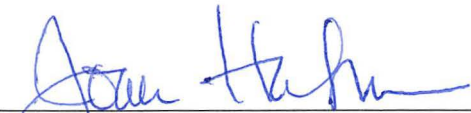
This is to certify that on this 5 day of November, 2018, a true and correct copy of the above and foregoing Summary Proceeding Order of Statutory Revocation was deposited in the U.S. mail, first class postage prepaid, addressed to:

Jalyn Todd



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



For the Board