

KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

Eisenhower State Office Building

700 SW Harrison, Suite 420

Topeka, Kansas 66603-3240

In the Matter of)

Abby L. Eldringhoff)
LAC #1649)

Case No. 23-AC-0038

CONSENT AGREEMENT AND ORDER

Now, on this 2 day of May, 2023, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board ("Board") by agreement of Abby L. Eldringhoff ("Licensee") and the Kansas Behavioral Sciences Regulatory Board for the purposes of resolving the above-captioned case.

FINDINGS OF FACT

Licensee hereby acknowledges the following facts:

1. Abby L. Eldringhoff is currently, and was at all times relevant herein, a Licensed Addiction Counselor within the meaning of the Addiction Counselor Licensure Act, K.S.A. 65-6607 *et seq.*, and amendments thereto.

2. On or about September 1, 2022, the Board received a report of alleged violation concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing unprofessional conduct.

3. The Board conducted an investigation concerning Licensee's alleged violations of statutes and regulations. During the investigation, Licensee was informed of the initial complaint and was given the opportunity to respond to the allegations. Licensee's response was received October 17, 2022.

4. On August 16, 2022, Licensee's employer was informed that Licensee may have been using an illegal substance. Licensee was working on August 17, 2022 and was directed to take a urine test on that date, which Licensee completed. Licensee was placed on administrative leave from August 17, 2022, until August 25, 2022, pending the results of the test. On August 25, 2022, Licensee's test results tested positive for Alprazolam (Xanax) without a verifiable prescription. Licensee's employment was terminated on that date.

5. In Licensee's October 17, 2022 response to the Board, Licensee states she reviewed the statements concerning her conduct, from her previously employer, and states that

the facts in the report of alleged violation are true. License states, prior to August 17, 2022, she was waiting approximately one and a half weeks to get into a dentist office due to tooth pain. She stated the pain was so bad that it caused her insomnia. Licensee stated a friend offered her Percocet, but she declined. Licensee stated she was offered Xanax and she accepted. She stated that she does not know how many Xanax she took, but states that she took Xanax for multiple days.

6. In Licensee's October 17, 2022, response to the Board, Licensee states she is aware that her conduct was wrong and unethical, she hopes to comply with the Board's recommendations, and hopes to keep her Licensed Addiction Counselor License.

VIOLATIONS

The Board finds that Licensee, while a Licensed Addiction Counselor, violated the following statute and regulation:

A. K.S.A. 65-6615. Grounds for suspension, limitation, revocation or refusal to issue or renew a license; procedure.

(a) 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:

(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the Board.

B. K.A.R. 102-7-11. Unprofessional Conduct

Each of the following acts ... shall be considered unprofessional conduct...:

(a) Except when the information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that the licensee or applicant or any other person regulated by the board or applying for licensure or registration has met any of these conditions:

(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.

(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;

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

(u) using alcohol or any illegal drug or misusing any substance that could cause impairment while performing the duties or services of an addiction counselor.

However, Licensee and Board mutually desire to enter a Consent Agreement and Order ("Agreement") in lieu of adjudicative proceedings at this time.

WHEREFORE, Licensee consents to the following interim conditions:

a. Licensee shall contact the Board within 30 days of the effective date of this Agreement to provide the name of a drug and alcohol evaluator for consideration and approval by the Complaint Review Committee ("Committee") of the Board.

b. Once the evaluator is approved by the Committee, within 90 days of the effective date of this Agreement, Licensee shall complete a drug and alcohol evaluation by the approved provider.

c. Licensee shall fully and truthfully cooperate with the evaluation and shall authorize and direct the evaluator to send a complete copy of the evaluation to the Investigator for the Board, upon completion. The evaluation must be received by the Board within 120 days of the effective date of this Agreement in order for Licensee to be in compliance with the terms of this Agreement.

d. Upon receipt, the Committee will review the evaluation. Further limits or conditions of practice, if any, shall be negotiated by Licensee and Committee at that time. If no agreement is reached at that time, this matter shall proceed to formal disciplinary hearing.

e. Licensee shall be responsible for any costs incurred in satisfying the terms of the Agreement.

f. Licensee shall not practice using her license until further Order of the Board, pending the results of the evaluation.

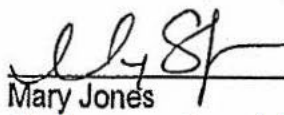
g. Evidence of Licensee's breach, violation, or failure to comply with any of the above conditions will result in a hearing, with notice and opportunity to be heard, to determine whether Licensee has in fact breached, violated, or failed to comply with any condition, Licensee understands and agrees that her Licensed Addiction Counselor license could be suspended until such time as Licensee can demonstrate compliance with all terms and conditions of this Consent Agreement and Order to the satisfaction of the Board.

h. Licensee acknowledges and affirmative duty to notify the Board within ten (10) days of any changes in personal or professional status that would in inhibit compliance with any condition of this Consent Agreement and Order.

WHEREFORE, the Board further agrees that, so long as Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 65-6615 or K.A.R. 102-7-11 as a result of this proceeding until the Board has reviewed the evaluation.

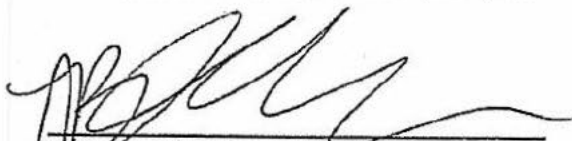
WHEREFORE, the foregoing provisions are consented to, are hereby made the Order of the Kansas Behavioral Sciences Regulatory Board, and become effective on the date indicated in the Certificate of Service below.

IT IS SO ORDERED.



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

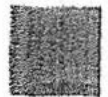
APPROVED AND CONSENTED TO:



Abby L. Eldringhoff, Licensee

4/20/23

Date



CERTIFICATE OF SERVICE

This is to certify that on this 2 day of ^{May} ~~March~~ 2023, a true and correct copy of the above and foregoing Summary Proceeding Order of Suspension was placed in the U.S. mail, first-class postage prepaid, addressed to:

Abby L. Eldringhoff



And by e-mail to: Jeremy.Dorsey@ks.gov

Jeremy Dorsey
Disciplinary Counsel for the Board of the Behavioral Sciences Regulatory Board
503 S. Kansas Ave.
Topeka, KS 66603
758-296-5543



Staff,
Kansas Behavioral Sciences Regulatory Board

August 30, 2023

Abby Eldringhoff


Re: Report of Alleged Violation 23-AC-0038

Dear Ms. Eldringhoff:

The above Consent Agreement and Order was presented to the Behavioral Sciences Regulatory Board's Complaint Review Committee at its meeting on August 28, 2023. This letter is to confirm that you satisfied all of the conditions set forth in Consent Agreement and Order 23-AC-0038.

You are now unconditionally licensed as a Licensed Addictions Counselor. The case is now closed. Please keep a copy of this letter for your records.

Sincerely,



Cindy D'Ercole
Special Investigator