

**KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**

Eisenhower State Office Building  
700 SW Harrison, Suite 420  
Topeka, Kansas 66603-3240

In the Matter of )

Maura L. McCool, T-LMLP #2910 )

Case No. 23-MP-0077

Respondent )

Pursuant to (K.S.A. 77-537)

**Summary Proceeding Order**

Now, on this 25 day of May, 2023, 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. Maura L. McCool ("Respondent") was licensed as a Temporary Licensed Master's Psychologist (T-LMLP) within the meaning of the Kansas Master's Level Psychologists Act, K.S.A. 74-5376, *et. seq.*, and amendments thereto. The Board issued Respondent's T-LMLP No. #2910 on approximately April 1, 2019. The T-LMLP license expired on October 31, 2021.

2. On or about November 3, 2022, the Board received a complaint against Respondent from a previous employer. Respondent previously provided professional services to clients for this employer while using her T-LMLP. The complaint stated that on January 7, 2022, a bottle of alcohol was found in Respondent's employment office. On January 8, 2022, another employee observed Respondent to have smelled of alcohol after leaving Respondent's office to lead group. Upon inspection of Respondent's office, an empty alcohol bottle was discovered and a partially empty second bottle was found that still contained alcohol. Respondent was escorted off the premises.

3. Respondent's previous employer terminated Respondent's employment on January 8, 2022, after the bottles of alcohol were found in Respondent's office. Upon her termination, it was noted that Respondent's T-LMLP had expired on October 31, 2021, and that Respondent had continued to provide professional services and held herself out as using her T-LMLP through her employment after her license had expired and until her termination on January 8, 2022. After her employment was terminated, Respondent did not notify the Board that her employment had been terminated for the reasons previously described.

4. On November 9, 2022, investigators for the Board sent a letter to Respondent, providing a copy of the complaint and requesting a response from her no later than December 13, 2022.

5. On December 13, 2022, Respondent had failed to provide a response to investigators for the Board.

6. On December 20, 2022, Board investigators sent a second message to Respondent, requesting she provide a response to the complaint in writing by January 20, 2023.

7. On December 30, 2022, Respondent sent a short message to Board investigators, stating that she received a copy of the complaint, but did not send any additional information in response to the complaint.

### **APPLICABLE LAW**

8. 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 the 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 standard 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.

9. K.S.A. 74-5361 Definitions: As used in the Master's Level Psychologists Act:

(e) "Master's level psychology" means the practice of psychology pursuant to the restrictions set out in K.S.A. 74-5362, and amendments thereto, and includes the diagnosis and treatment of mental disorders as authorized under K.S.A. 74-5361 et seq., and amendments thereto.

10. K.S.A. 74-5369(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 or an applicant for licensure:

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

11. K.A.R. 102-4-12(b): Any of the following acts by a licensed master's level psychologist, a licensed clinical psychotherapist, or an applicant for licensure at the master's level of psychology shall constitute unprofessional conduct:

(2) except when such information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that any person regulated by the board or applying for a license or registration, including oneself, has met any of the following conditions:

(C) 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;

(9) 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. Any 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;

(54) practicing as a master's level psychologist or clinical psychotherapist after one's license expires; and

(55) using without a license, or continuing to use after the expiration of a license, any title or abbreviation prescribed by law for use solely by persons currently holding that type or class of license.

### **CONCLUSIONS OF LAW**

12. Respondent is in violation of K.S.A. 74-5369(a)(9), as defined in K.A.R. 102-4-12(b)(2)(C) and (9), (54), & (55), in that Respondent failed to report her termination to the Board within an appropriate timeframe and failed or refused to cooperate in a timely manner with the investigation by the Board. Additionally, Respondent continued her employment and provided professional services while holding out that she was still under authorization of the Board to provide such services, after her license expired, from the time period of November 1, 2021, until her employment was terminated on January 8, 2022.

### **ORDER**

WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 74-5359(a)(9) and K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that Respondent Maura L. McCool should be PUBLICALLY CENSORED for her violations of the Kansas Master's Level Psychologist's Act.

FURTHERMORE, if Respondent makes future application to the Board for any other license, permit, or other method to practice under the authority of the Board, the Board will consider whether to grant such authority to practice and consider possible other conditions or other measures as the Board may deem appropriate.

IT IS SO ORDERED ON THIS 25 DAY OF May, 2023.



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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 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:

David Fye, Executive Director  
Behavioral Sciences Regulatory Board  
700 SW Harrison St., Suite 420  
Topeka, KS 66603

This written request must be filed within fifteen (15) calendar days of the date listed in the Certificate of Service below. Pursuant to K.S.A. 77-503(c), the 15-day period begins the day after the date shown in Certificate of Service below and includes weekends and legal holidays. If the 15<sup>th</sup> day falls on a Saturday, Sunday, or legal holiday, then the 15-day period runs until 5:00 p.m. on the next day that 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.

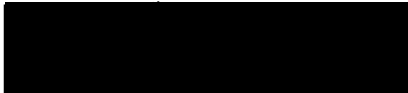
The Board's designee who may receive service of a request for a hearing on behalf of the Board is:

David Fye, Executive Director  
Behavioral Sciences Regulatory Board  
700 SW Harrison, Suite 420  
Topeka, Kansas 66603

## CERTIFICATE OF SERVICE


This is to certify that on this 25 day of May 2023, a true and correct copy of the above and foregoing Summary Proceeding Order was placed in the U.S. mail, first-class postage prepaid, addressed to:

Maura L. McCool



And by e-mail to: [Jeremy.Dorsey@ks.gov](mailto:Jeremy.Dorsey@ks.gov)

Jeremy Dorsey  
*Disciplinary Counsel for the Board of the Behavioral Sciences Regulatory Board*  
503 S. Kansas Ave.  
Topeka, KS 66603  
785-296-5543

  
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Staff,  
Kansas Behavioral Sciences Regulatory Board

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF KANSAS**

IN THE MATTER OF:

Case No. 23-MP-00777

Maura L. McCool

OAH No. 23BS0005 BSRB

**NOTICE OF PROPOSED DEFAULT ORDER**  
**AND**  
**PROPOSED DEFAULT ORDER**

This matter comes on for consideration by the Presiding Officer/Administrative Law Judge (ALJ) to enter a Proposed Default Order.

1. On or about June 15, 2023, Maura L. McCool (McCool) requested an administrative hearing in response to a "Summary Proceeding Order" (SPO) issued by the Behavioral Sciences Regulatory Board (BSRB), dated May 25, 2023. The SPO sought to publicly censor McCool for violations of the Kansas Master's Level Psychologist's Act.<sup>1</sup>
2. On June 30, 2023, a *Notice of Prehearing Conference and Prehearing Questionnaire* was sent to both McCool and BSRB. The notice informed the parties of a prehearing conference scheduled to be held on August 16, 2023 and directed the parties to complete and return a prehearing questionnaire at least one week prior to the scheduled prehearing conference.
3. The notice informed the parties that failure to complete and return a prehearing questionnaire as directed may result in the offending party being held in default, which could result in dismissal of the matter.
4. The notice informed the parties that they should plan to appear for the scheduled prehearing conference unless they had been notified by the Office of Administrative Hearings (OAH) that the matter had been cancelled or rescheduled.
5. On August 8, 2023, BSRB completed and returned a completed prehearing questionnaire as required.
6. The August 16, 2023 prehearing conference was continued and rescheduled for September 6, 2023.
7. McCool failed to return a completed prehearing questionnaire as required.
8. Timothy Resner, legal counsel, appeared on behalf of BSRB at the August 16, 2023

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<sup>1</sup> K.S.A. 74-5376 *et seq.*

prehearing conference. McCool failed to appear.

9. McCool did not contact the Office of Administrative Hearings (OAH) prior to the prehearing conference to request a continuance or to otherwise advise that she was unable to appear for the scheduled proceeding.
10. McCool failed to appear for the prehearing conference and is in default pursuant to the Kansas Administrative Procedures Act (KAPA).<sup>2</sup> Accordingly, this *Proposed Default Order* is issued against McCool.
11. This *Proposed Default Order* shall become effective seven (7) days after date service listed on the Certificate of Service unless McCool files a written motion with OAH (with a copy sent to BSRB) stating why the Proposed Default Order should be vacated and the order is then vacated.
12. If the effective date falls on a weekend or state holiday, the effective date shall roll to the next business day.
13. If this Proposed Default Order becomes effective, McCool's request for an administrative hearing is dismissed.<sup>3</sup>

The ALJ, being well and duly advised in the premises, now enters this Proposed Default Order against McCool. It shall take effect as specified in the above findings.

**IT IS SO ORDERED.**



Matthew A. Spurgin  
Administrative Law Judge  
Office of Administrative Hearings

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<sup>2</sup> K.S.A. 77-520.

<sup>3</sup> K.S.A. 77-520(d).

### Appeal Rights and Other Administrative Relief

If this Proposed Default Order is not vacated, the request for an administrative hearing to challenge the Summary Proceeding Order shall be dismissed.<sup>4</sup> If the request for an administrative hearing is dismissed the Summary Proceeding Order shall become effective as a Final Order.

Further review of a final order is governed by the Kansas Judicial Review Act.<sup>5</sup> A party may ask for review of this order by a district court in the county in which the order or agency action was entered or is effective.<sup>6</sup> A petition for judicial review must be filed with the district court within 30 days from the date this order was served.<sup>7</sup> If a petition for judicial review is filed, a copy must be served on the opposing party as required by law. The agency officer to receive service of a petition for judicial review on behalf of the agency is:

David Fye  
Executive Director  
Behavioral Sciences Regulatory Board  
700 SW Harrison, Suite 420  
Topeka, KS 66603

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<sup>4</sup> K.S.A. 77-520.

<sup>5</sup> K.S.A. 77-601 *et seq.*

<sup>6</sup> K.S.A. 77-609(b).

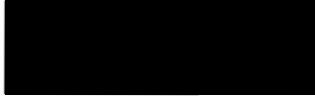
<sup>7</sup> K.S.A. 77-613.



CERTIFICATE OF SERVICE

On September 6<sup>th</sup>, 2023, I certify that a copy of the foregoing was placed in the United States first class mail, postage prepaid, addressed to:

Maura L. McCool



and I further certify that I caused a copy of the foregoing to be served electronically through OAH's e-filing system to:

Timothy D. Resner  
Frieden & Forbes LLP  
1414 SW Ashworth Place, Suite 201  
Topeka, KS 66604  
785-354-1100

*Legal counsel for BSRB*

David Fye  
Executive Director  
Behavioral Sciences Regulatory Board  
700 SW Harrison, Suite 420  
Topeka, KS 66603

Staff Person  
Office of Administrative Hearings  
1020 S. Kansas Avenue  
Topeka, Kansas 66612  
785-296-2433  
785-296-4848 (fax)