

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

IN THE MATTER OF
Christopher Bayne,
Respondent.

OAH No. 25BS0002 BSRB
BSRB Case No. 24-LC-0006

**ORDER GRANTING WITHDRAWAL OF
REQUEST FOR ADMINISTRATIVE HEARING**

The above captioned matter comes before the Presiding Officer/Administrative Law Judge to issue this order granting the request of the Respondent, Christopher Bayne (Bayne), to withdraw his request for an administrative hearing.

The parties appeared for a conference hearing/summary proceeding for the disposition of this matter on February 21, 2025. Bayne appeared *pro se*. Timothy Resner, attorney at law, appeared on behalf of the Behavioral Sciences Regulatory Board (BSRB).

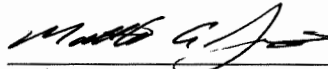
1. On September 23, 2024, the BSRB issued a *Summary Proceeding Order*, BSRB Case No. 24-LC-0006, against Bayne. In that order, BSRB alleged facts which violated the Kansas Professional Counselor Licensure Act (LPC Act)¹ and the Kansas Addictions Counselor Licensure Act (LAC Act).² The *Summary Proceeding Order* proposed a one-year suspension of both Bayne's LCPC License No. 2788, and LCAC License No. 282, with provisions setting forth requirements for Bayne if he wanted to seek reinstatement of either license after the one year period of suspension. The order informed Bayne of his right to request an administrative hearing to address the allegations in the *Summary Proceeding Order* and that the *Summary Proceeding Order* would become effective as the order of the BSRB if a hearing was not requested.
2. Bayne requested an administrative hearing. A prehearing conference was held on November 20, 2024. A procedural schedule was established which included provisions for the parties to engage in discovery leading to an administrative hearing which was to be held on March 26, 2025.
3. BSRB requested an additional prehearing conference to address discovery disputes. On February 7, 2025, notice was issued to the parties of a prehearing conference to be held on February 21, 2025. The notice further advised the parties that at any time the proceeding could be converted to a conference hearing or summary proceeding for disposition of the matter.

¹ K.S.A. 65-5801 *et seq.*

² K.S.A. 65-6607 *et seq.*

4. During the February 21, 2025 prehearing conference, Bayne reported no longer wanting to proceed with the administrative hearing. The proceeding was converted to a conference hearing/summary proceeding.
5. On the record, Bayne stated his desire to withdraw the request for a hearing. Bayne acknowledged that he understood withdrawing his request for the administrative hearing would result in the September 23, 2024 *Summary Proceeding Order*, BSRB Case No. 24-LC-0006, becoming effective as the final order of BSRB, resulting in the suspension of Bayne's LCPC License No. 2788 and LCAC License No. 282 for a period of one year with provisions if he wished to seek reinstatement of his licenses after the period of suspension.
6. BSRB did not object to Bayne's withdrawal of the hearing request on the record.
7. Bayne's request to withdraw his request for an administrative hearing on the record is granted.
8. As the request for an administrative hearing in the above captioned matter is withdrawn, the above captioned matter is hereby dismissed, and the Summary Proceeding Order, BSRB Case No. 24-LC-0006 is therefore effective as the action of BSRB.
9. The administrative hearing scheduled for March 26, 2025 is cancelled.


IT IS SO ORDERED.



Matthew A. Spurgin
Presiding Officer/Administrative Law Judge
Office of Administrative Hearings

CERTIFICATE OF SERVICE

On February 26th, 2025, I certify that a copy of the foregoing was placed in the United States first class mail, postage prepaid, addressed to:

Christopher Bayne


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

Tim Resner
Frieden & Forbes LLC
1414 SW Ashworth Place, Ste. 201
Topeka, KS 66604
785-354-1100
Legal Counsel for the Kansas Behavioral Sciences Regulatory Board

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



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

KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

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

In the Matter of)
)
Christopher F. Bayne,)
LCPC License No.2788)
LCAC License No. 282,)
)
Licensee/Respondent)
Pursuant to (K.S.A. 77-537)

Case No. 24-LC-0006

Summary Proceeding Order

Now on this 23 day of September, 2024, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board (the "Board"). After reviewing its administrative records and otherwise being duly advised in the premises, the Board makes the following findings of fact, conclusions of law, and orders.

FINDINGS OF FACT

1. The Board is the duly constituted and acting agency of the State of Kansas authorized to administer and enforce the provisions of both the Kansas Professional Counselors Licensure Act, K.S.A. 65-5801, *et seq.*, and amendments thereto (the "LPC Act"), and the Kansas Addictions Counselor Licensure Act, K.S.A. 65-6607, *et seq.*, and amendments thereto (the "LAC Act").
2. Respondent Christopher F. Bayne ("Respondent") is an individual with a last known mailing address of [REDACTED]
3. Respondent was previously the clinical director at a residential treatment facility in Kansas from the spring of 2021 until June of 2023.
4. On June 12, 2023, Respondent was asked to resign by his employer, because of certain ethical issues relating to current and former clients of the residential treatment facility, and because of his failure to appropriately manage a sexual harassment complaint relating to alleged inappropriate sexual comments made by a client to an employee of the residential treatment facility.
5. The Board received complaints from two (2) licensees who were employed by the residential treatment facility and worked with Respondent at all times relevant to the subject matter of this Summary Proceeding Order.

6. The Respondent provided a response to the complaints and responded to follow-up questions from the Board investigator pursuant to the investigation of this matter.

7. In regard to ethical issues relating to current and former clients, the complaint alleged in relevant part, and the resulting investigation confirmed that:

- a. Respondent admittedly texted "every client possible" after their discharge from the residential treatment facility from his personal cell phone, claiming that the text messages were intended to increase the clients' likelihood for success.
- b. Respondent admittedly purchased clients certain items, including without limitation vapes, cigarettes, bibles, hygiene supplies, nicotine gum and clothing, claiming that he used money donated from friends and family for this purpose.
- c. Respondent admittedly offered to meet and did meet with former clients for lunch; although Respondent claims that lunch was only offered to former clients who were returning to speak at group sessions. Respondent paid for every lunch provided to a former client, except for one.
- d. Respondent admittedly paid for a client's two (2) dogs to be sheltered until the client was discharged out of a concern the dogs would be euthanized if the client could not pay the boarding fee.
- e. Respondent admittedly offered and provided outpatient and post-discharge counseling free of charge through the residential treatment facility to every client requesting counseling, even though this was not a service offered by the facility. Respondent provided such a service to at least ten (10) former clients. None of the former clients signed informed consents relating to the post-discharge counseling, and their presence in the common areas of the residential treatment facility exposed and compromised the confidentiality of current clients. Respondent claimed that the receptionist for the facility should have had the former clients sign the visitor's agreement at the front desk for confidentiality purposes; however, the residential treatment facility confirmed that no records exist showing the former clients signed the visitor's agreement which ultimately was the responsibility of Respondent.
- f. Respondent admittedly provided a letter to the parents of a client advocating that the parents give the client control of her money and access to her car within eight (8) days of Respondent completing the initial diagnostic assessment of the client. Respondent rationalized that his initial impression was later confirmed to be accurate in subsequent family sessions with the client and her parents; however, Respondent did not have this confirmation

at the time he provided the letter. Respondent based his judgment solely on the initial diagnostic assessment and a phone call with the client's mother during the initial diagnostic assessment.

- g. Respondent admittedly paid for an outpatient session for a current client before they were discharged, claiming that he used money donated from friends and family for this purpose.
- h. Respondent admittedly had communication with numerous clients following his termination from the residential treatment facility, claiming that the clients initiated the communications.

8. Respondent admitted in response to the Board that a number of his actions contravened ethical standards and/or could negatively affect a client in the future, characterizing certain actions as “[breaking] ethical standards”, “risky behavior in the eyes of certain guidelines” and “could have negative consequences and I carefully considered the costs and benefits of the actions.”

9. Respondent also admittedly failed to notify the therapist of a client who made sexually derogatory and harassing remarks to another employee of the residential treatment facility. While Respondent rationalized that he handled the matter appropriately with the client in defense of the employee, Respondent admitted that he should have but did not notify the client's therapist of the sexually derogatory and harassing remarks directed at the employee.

APPLICABLE LAW

10. The LPC Act authorizes the Board to condition, limit, revoke or suspend a license as a clinical professional counselor, and/or publicly or privately censure a licensee or impose a fine not to exceed \$1,000 per violation upon a finding that a licensee violates any provision of K.S.A. 65-5809(a)(1) – (11).

11. K.S.A. 65-5809(a)(9) provides in relevant part that the board may condition, limit, revoke or suspend a license, 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 of the Board;

12. K.A.R. 102-3-12a(b) provides in relevant part, that the following acts constitute unprofessional conduct:

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

....
(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;

(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;

....
(20) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of these actions:

....
(B) permitting a third-party observation of their activities;

....
(22) failing to exercise due diligence in protecting the information regarding and the confidences and secrets of the client from disclosure by other persons in one's work or practice setting;

....
(35) failing to maintain a record for each client that conforms to the following minimal requirements:

- (A) Contains adequate identification of the client;
- (B) indicates the client's initial reason for seeking the services of the professional counselor or clinical professional counselor;
- (C) contains pertinent and significant information concerning the client's condition;
- (D) summarizes the interventions, treatments, tests, procedures, and services that were obtained, performed, ordered, or recommended and the findings and results of each;
- (E) documents the client's progress during the course of intervention or treatment provided by the professional counselor;
- (F) is legible;
- (G) contains only those terms and abbreviations that are comprehensible to similar professional practitioners;
- (H) indicates the date and nature of any professional service that was provided; and
- (I) describes the manner and process by which the professional counseling or clinical professional counseling relationship terminated;

....
(46) engaging in a dual relationship with a client, student, or supervisee;

13. K.A.R. 102-3-1a(h) defines a "dual relationship" as:

[A] professional relationship in which the objectivity or competency of the licensee is impaired or compromised because of any of the following present or previous relationships with the client or supervisee:

- (1) Familial;
- (2) sexual;
- (3) emotional; or
- (4) financial.

14. The LAC Act authorizes the Board to condition, limit, revoke or suspend a license as a clinical addictions counselor, and/or publicly or privately censure a licensee or impose a fine not to exceed \$1,000 per violation upon a finding that a licensee violates any provision of K.S.A. 65-6615(a)(1) – (11);

15. K.S.A. 65-6615(a)(9) provides in relevant part that the board may condition, limit, revoke or suspend a license, 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 of the Board;

16. K.A.R. 102-7-11(b) provides in relevant part, that the following acts constitute 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;

....

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

....

(r) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of the following actions:

....

(2) permitting a third-party observation of their activities; or

....

(s) failing to exercise due diligence in protecting the information regarding the client from disclosure by other persons in one's work or practice setting;

....

(v) engaging in a harmful dual relationship or exercising undue influence;

17. K.A.R. 102-7-1(j) defines a "harmful dual relationship" as follows:

(j) "Harmful dual relationship" means a professional relationship between a licensee and a client, student, supervisee, or any person who has had a significant relationship with either a current client or a person who has been a client within the past 24 months if that relationship is known to the licensee, in which the objectivity or competency of the licensee is impaired or compromised because of any of the following types of present or previous relationships:

- (1) Familial;
- (2) social;
- (3) emotional;
- (4) financial;
- (5) supervisory; or
- (6) administrative.

18. 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.

CONCLUSIONS OF LAW

19. The use of summary proceedings pursuant to KAPA is appropriate in this case.

20. Respondent is in violation of K.S.A. 65-5809(a)(9) for engaging in unprofessional conduct as defined in K.A.R. 102-3-12a(b)(2)(C) for failing to timely notify the Board of being asked to resign from employment with the residential treatment facility due to some form of misfeasance, malfeasance or nonfeasance; K.A.R. 102-3-12a(b)(10) for offering to perform or performing professional counseling services clearly inconsistent or incommensurate with one's

training, education or experience or with accepted professional standards, including without limitation instances wherein Respondent admitted his actions did not comply with professional standards and engaged in behavior which could negatively impact clients; K.A.R. 102-3-12a(b)(20) for failing to obtain written, informed consent from each client before permitting third-party observation of their activities relating to Respondent bringing clients in for outpatient services after being discharged from the residential treatment facility; K.A.R. 102-3-12a(b)(22) for failing to exercise due diligence in protecting the information regarding and the confidences and secrets of clients from disclosure by other persons within the residential treatment facility relating to Respondent bringing clients in for outpatient services after being discharged from the residential treatment facility without ensuring that the individuals receiving outpatient treatment signed a confidentiality agreement; K.A.R. 102-3-12a(b)(35) failing to maintain a record for each client that conforms to the minimal requirements of the regulation, relating to outpatient services provided to individuals through the residential treatment facility; and K.A.R. 102-3-12a(b)(46) for engaging in a dual relationship with a client, including numerous instances of engaging in an emotional and financial relationship with clients and former clients.

21. Respondent is in violation of K.S.A. 65-6615(a)(9) for engaging in unprofessional conduct as defined in K.A.R. 102-7-11(a)(3) for failing to timely notify the Board of being asked to resign from employment with the residential treatment facility due to some form of misfeasance, malfeasance or nonfeasance; K.A.R. 102-7-11(i) for offering to perform or performing services clearly inconsistent or incommensurate with one's training, education or experience or with accepted professional standards, including without limitation instances wherein Respondent admitted his actions did not comply with professional standards and engaged in behavior which could negatively impact clients; K.A.R. 102-7-11(r) for failing to obtain written, informed consent from each client before permitting third-party observation of their activities relating to Respondent bringing clients in for outpatient services after being discharged from the residential treatment facility; K.A.R. 102-7-11(s) for failing to exercise due diligence in protecting the information regarding and the confidences and secrets of clients from disclosure by other persons within the residential treatment facility relating to Respondent bringing clients in for outpatient services after being discharged from the residential treatment facility without ensuring that the individuals receiving outpatient treatment signed a confidentiality agreement; and K.A.R. 102-7-11(v) for engaging in a harmful dual relationship with a client, including numerous instances of engaging in an emotional and financial relationship with clients and former clients.

ORDER

WHEREFORE, in consideration of the above findings of fact and conclusions of law, and pursuant to the authority granted by K.S.A. 65-5809(a), K.S.A. 65-6615(a) and K.S.A. 77-537, the Complaint Review Committee on behalf of the Board hereby finds and orders that:

- A. Respondent's LCPC License No. 2788 should be and is hereby **SUSPENDED** for a period of one (1) year effective as of the date this Summary Proceeding Order becomes a final order of the Board, and until further order of the Board;

- B. Respondent's LCAC License No. 282 should be and is hereby SUSPENDED for a period of one (1) year effective as of the date this Summary Proceeding Order becomes a final order of the Board, and until further order of the Board;**
- C. After completion of the one (1) year period(s) of suspension, Respondent may petition the Board for reinstatement of his LCPC license pursuant to K.A.R. 102-3-9a(e)(5) and/or reinstatement of his LCAC license pursuant to K.A.R. 102-7-7a. In connection with the request for reinstatement, the Board may consider any materials, information, evaluation or examination reports, or other documentation that the Board may request that will enable the Board to satisfactorily evaluate and determine whether or not the license should be reinstated, including without limitation the following factors:**
- (A) the extent to which the individual presently merits the public trust;**
 - (B) the individual's demonstrated consciousness of the wrongful conduct that resulted in the license suspension;**
 - (C) the extent of the individual's remediation and rehabilitation in regard to the wrongful conduct that resulted in the license suspension;**
 - (D) the nature and seriousness of the original misconduct;**
 - (E) the individual's conduct subsequent to the license suspension;**
 - (F) the time elapsed since the license suspension; and**
 - (G) the individual's present competence in professional counseling or addiction counseling knowledge and skills**
- D. In conjunction with any request for reinstatement of his LCPC and/or LCAC licenses, pursuant to K.A.R. 102-3-9a(e)(5) and/or K.A.R. 102-7-7a(5) Respondent shall cause and consents to the Board to receive a fitness for duty evaluation by a licensed psychologist approved in advance in writing by the Board. Respondent shall cause and consents to the Board providing the evaluator in advance a copy of this Summary Proceeding Order and non-privileged portions of the Board's investigative file relating to the subject matter of this Summary Proceeding Order. The evaluator must provide a copy of the report issued in conjunction with the evaluation directly to the Board. Respondent shall timely complete all recommendations made by the evaluator in conjunction with the fitness for duty evaluation within the timeframe established by the evaluator. Respondent is responsible for all costs associated with the evaluation and completing any recommendations made by the evaluator.**
- E. In the event the Board approves the reinstatement of Respondent's LCPC and/or LCAC license(s), in addition to any other conditions or limitations imposed by the Board, Respondent shall practice only under individual supervision by and independent clinical-level supervisor to be approved in advance in writing by the Board for a period of two (2) years. There shall be no dual relationship with the supervisor(s). Respondent must have weekly one (1)**

hour meetings with his supervisor(s), during which Respondent and the supervisor are present in the same physical place. The supervisor shall provide monthly written reports to the Board regarding the supervision, to include whether or not Respondent is in compliance with the requirements of supervision. The Board shall provide, and Respondent consents, to the Board providing the supervisor a copy of this Summary Proceeding Order and any order of reinstatement. The focus of supervision shall include, but not be limited to, client confidentiality, boundaries, dual relationships and professionalism. Respondent is responsible for all costs associated with supervision.

- F. In the event the Board approves the reinstatement of Respondent's LCPC and/or LCAC license(s), the Board reserves the right to impose such other conditions or limitations as the Board in its discretion may deem necessary to protect the public interest.
- G. Except as otherwise provided herein, Respondent shall submit to the Board's investigator at its offices at 700 SW Harrison, Suite 420, Topeka, Kansas, 66603, any and all documents evidencing compliance with the terms and conditions required by this Summary Proceeding Order.

IT IS SO ORDERED.

Entered this 23 day September, 2024.



Mary Jones, Chairperson
Kansas Behavioral Sciences Regulatory Board
Complaint Review Committee

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 eighteen (18) calendar days of the date listed in the Certificate of Service below (15 calendar days plus 3 calendar days for mail service). Pursuant to K.S.A. 77-503(c), the 18-day period begins the day after the date shown in Certificate of Service below and includes weekends and legal holidays. If the 18th day falls on a Saturday, Sunday, or legal holiday, then the 18-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

NOTICE OF ADMINISTRATIVE RELIEF

In the event that you do not timely request a hearing, the above Order will become a final order the day following the 18th day referenced above (i.e., 19 calendar days following the date listed in the Certificate of Service below). Pursuant to K.S.A 77-529, a party may file with the Board a petition for reconsideration within 15 days from the date the Summary Proceeding Order becomes a final order. Such petition must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking judicial review.

Pursuant to K.S.A. 77-528, a party may file, if applicable, a petition for stay of effectiveness of the order prior to the expiration of the time in which to file a petition for judicial review. The filing of a petition for a stay of effectiveness is not a prerequisite for seeking judicial review.

NOTICE OF JUDICIAL RELIEF

If a petition for reconsideration is not filed pursuant to K.S.A. 77-613, a party may file within 30 days from the date the Summary Proceeding Order becomes a final order a petition for judicial review with the appropriate district court as provided in the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*

The designee who may receive service of a petition for reconsideration, a petition for stay, or a petition for judicial review on behalf of the Board is:

David Fye, Executive Director
Behavioral Sciences Regulatory Board
Eisenhower State Office Building
700 SW Harrison, Suite 420
Topeka, Kansas 66603-3240

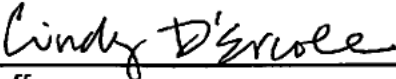
CERTIFICATE OF SERVICE

This is to certify that on this 23 day of September, 2024, 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:

Christopher F. Bayne


And by e-mail to:

Timothy D. Resner
Frieden & Forbes, LLP
1414 SW Ashworth Place, Suite 201
Topeka, KS 66604
tresner@fflawllp.com
Counsel for the Board of the Behavioral Sciences Regulatory Board



Staff,
Kansas Behavioral Sciences Regulatory Board