

KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD
Eisenhower State Office Building
700 SW Harrison Street, Suite 420
Topeka, Kansas 66603-3240

In the Matter of)

Charla Cox)
LPC #2631)

Case No. 23-PC-0072

CONSENT AGREEMENT AND FINAL ORDER

Now, on this ²⁵~~28~~ day of ^{March}~~February~~, 2025, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board ("Board") by agreement of Charla Cox ("Respondent") and the Kansas Behavioral Sciences Regulatory Board for the purposes of resolving the above-captioned case.

1. The Board is represented herein by its counsel, Timothy D. Resner of Frieden & Forbes, LLP, 1414 S.W. Ashworth Place, Suite 201, Topeka, Kansas 66604. Respondent appears pro se.

2. The Board is the duly constituted and acting agency of the State of Kansas authorized to administer and enforce the provisions of the Kansas Professional Counselors Licensure Act, K.S.A. 65-5801 *et seq.*, and amendments thereto (the "Act") Pursuant to applicable provisions of the Act and the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.* ("KAPA"), whenever it is established that the applicant and/or Respondent has committed any of the acts described in K.S.A. 65-5809(a), the Board may refuse to issue, renew or reinstate a license, and/or revoke, suspend, censure, condition, and/or limit a Respondent and/or assess a fine against the applicant and/or Respondent in an amount not in excess of \$1,000.00 per violation

3. The Board's Complaint Review Committee has received certain information, has investigated and has determined that there are reasonable grounds to believe that Respondent has committed one or more acts in violation of the Act and/or the Board's Regulations that would justify, pursuant to the provisions of K.S.A. 65-5809(a), the imposition of disciplinary action against her license and the assessment of a civil fine against Respondent in an amount not to exceed \$1,000.00 per violation.

4. Respondent hereby admits and waives any further proof in this or any other proceeding before or initiated by the Board, and upon motion duly made, seconded and passed, the Board's Complaint Review Committee makes the following findings of fact, conclusions of law and approves of the disposition set forth herein.

I. FINDINGS OF FACT

5. Respondent is currently, and was at all times relevant herein, a Licensed Professional Counselor within the meaning of the Professional Counselor Licensure Act, K.S.A. 65-5801 *et seq.*, and amendments thereto.

6. Respondent was previously employed by a counseling agency in Kansas until May of 2022.

7. Following Respondent's separation of employment from the counseling agency, the Board received a report of alleged violation from an employee of the counseling agency who served as a "peer coach" to other therapists including Respondent.

8. In relevant part, the complaint alleged and the Board's investigation established that after Respondent's employment ended, she maintained confidential patient information on her personal laptop resulting from the transition of one electronic medical records system to another. Respondent contacted her former peer coach to determine how to get rid of the files. The peer coach revealed that the counseling agency had instructed all providers to delete all records maintained on their personal computers when the agency switched over to the new electronic medical records system.

9. Respondent also revealed to her peer coach that she contacted her former clients after her employment ended. In response to the Board's inquiry, Respondent reasoned that she was concerned about the abrupt ending of her employment, wanted to ensure that the clients did not feel abandoned and to professionally terminate the relationship.

10. In conjunction with this Consent Agreement and Final Order, the Board notes and has taken into consideration the Consent Agreement and Final Order entered by the Board in Case No. 22-PC-0169 wherein Respondent was sanctioned due to confidentiality concerns pursuant to a finding of unprofessional conduct as defined in K.A.R. 102-3-12a(b)(10).

II. APPLICABLE LAW

11. 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 Respondent or may impose a fine not to exceed \$1,000 per violation upon a finding that a Respondent has engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the Board.

12. K.A.R. 102-3-12a(a) provides in relevant part, that any of the following acts by a licensee shall constitute unprofessional conduct.

(19) revealing information, a confidence, or a secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records, except when at least one of these conditions is met;

- (A) Disclosure is required or permitted by law;
- (B) Failure to disclose the information presents a clear and present danger to the health or safety of an individual or the public; or
- (C) The professional counselor or clinical professional counselor is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of professional counseling or clinical professional counseling, in which case disclosure is limited to that action;

....
 (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;

....
 (30) soliciting or assuming professional responsibility for clients of another agency or colleague without attempting to coordinate continuity of client services with that agency or colleague;

III. CONCLUSIONS OF LAW

13. Based on the facts stipulated to herein, Respondent is subject to sanction pursuant to K.S.A. 65-5809(a)(9) for engaging in unprofessional conduct as defined by applicable rules and regulations adopted by the Board, namely K.A.R. 102-3-12a(b)(19), (22) and (30).

IV. AGREEMENT

14. Respondent and the Board mutually desire to enter into a Consent Agreement and Final Order in lieu of further adjudicative proceedings at this time.

WHEREFORE, Respondent agrees and consents to, and the Board further orders, the following terms and conditions:

a. Respondent shall practice only under individual supervision by a clinical-level supervisor when employed using her LPC license, for a period of eighteen (18) months beginning on the date a supervisor is approved in writing by the Board. The supervisor may be her employment supervisor, if qualified. The supervisor must be approved in advance in writing by the Board. There shall be no dual relationship with the supervisor. Respondent shall have weekly one (1) hour meetings with her supervisor which may be conducted virtually; provided, however, that at least six (6) supervision sessions must be conducted in-person (in the same

b. Within thirty (30) days of the effective date of this Consent Agreement and Final Order; Respondent shall submit to the Board's investigator the name of her proposed supervisor.

c. Respondent shall provide a copy of this Consent Agreement and Final Order to the supervisor and authorize the supervisor to provide written quarterly reports to the Board's Investigator for the eighteen (18) month term of supervision. There shall be a minimum of six (6) quarterly reports submitted to the Board's Investigator during this eighteen (18) month supervision timeframe. The quarterly reports shall identify the supervision session(s) occurring during the quarter which were conducted in-person.

d. Respondent shall provide a copy of this Consent Agreement and Final Order to any employer during the term of supervision.

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

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

g. Respondent shall submit to the Board's investigator at its offices located at 700 SW Harrison St, Suite 420, Topeka, Kansas, 66603, any and all documents evidencing compliance with the terms and conditions required by this Consent Agreement and Final Order.

V. ADDITIONAL STIPULATIONS

15. Respondent agrees that all information in the possession of the Board's Complaint Review Committee, its staff, its investigators and its attorney regarding the matters which led to this disciplinary action, the investigation and all information discovered during the pendency of the disciplinary action may be disclosed to and considered by the Board's Complaint Review Committee as part of the presentation and consideration of the proposal of settlement in the form of this Consent Agreement and Final Order, with or without the presence of the Respondent or her attorney. In the event that this Consent Agreement and Final Order is not accepted and approved by the Board's Complaint Review Committee, Respondent waives any objection to such Board members' consideration of this Consent Agreement and Final Order or the information mentioned in the preceding sentence and further waives the disqualification of any Board member, including any right to seek the disqualification of any Board member, based on such Board member's consideration of said document and information.

16. The stipulations and orders contained herein shall not become binding until this Consent Agreement and Final Order is approved and entered by the Complaint Review Committee. Respondent acknowledges that the approval of the Board's Counsel shall not

constitute the approval of the Board or bind the Board to approve this Consent Agreement and Final Order.

17. Respondent agrees that this Consent Agreement and Final Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter into it. Respondent further agrees that the Act referenced in paragraph 2 above is constitutional on its face and as applied in this case.

18. This stipulation constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by them. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

19. Respondent acknowledges that she has the following rights:

- (a) To have formal notice of charges served upon her;
- (b) To file a response to the charges;
- (c) To have notice of and participate in a formal adjudicative hearing with the Board or its designee making specific findings of facts and conclusions of law based only upon evidence admitted at such hearing; and
- (d) To take advantage of all applicable provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 et seq. and the Kansas Judicial Review Act, K.S.A. 77-601 et seq.

Respondent freely waives these rights and acknowledges that such waiver is made voluntarily and in consideration of avoiding an administrative hearing and the Board's agreement to limit the disciplinary action taken against her in accordance with the terms and conditions provided for herein. Respondent also waives all of her rights to seek reconsideration, administrative review and/or judicial review of this Consent Agreement and Final Order or to otherwise challenge or contest this Consent Agreement and Final Order in any direct or collateral administrative or judicial proceedings.

20. Respondent acknowledges that she enters into this Consent Agreement and Final Order freely and voluntarily after consultation or a reasonable opportunity for consultation with counsel of her choosing. Respondent further acknowledges that her representatives have read this Consent Agreement and Final Order in its entirety, that they understand its legal consequences and that they agree that none of its terms or conditions is unconscionable, arbitrary, capricious or unreasonable.

21. Time is of the essence to this Consent Agreement and Final Order. Respondent acknowledges and agrees that any violation of this Consent Agreement and Final Order shall constitute a violation of a lawful Board order pursuant to K.S.A. 65-5809(a)(11) and grounds for further disciplinary action against her. The pendency of any disciplinary action arising out of any alleged violation of this Consent Agreement and Final Order shall not affect the obligation of Respondent to comply with all terms and conditions of this Consent Agreement and Final Order.

22. This Consent Agreement and Final Order constitutes the entire and final agreement of the parties. In the event any provision of this Consent Agreement and Final Order is determined to be invalid or unenforceable by a court of competent jurisdiction, it shall be severed and the remaining provisions of this Consent Agreement and Final Order shall be given full force and effect.

23. Upon execution by all parties and entry as an order by the Board, this Consent Agreement and Final Order shall be a public record in the custody of the Board

24. This Consent Agreement and Final Order shall become effective on the day it is approved by the signature of the Complaint Review Committee's Chairperson or designee below.

25. Respondent acknowledges that she has been advised by the Board that after the Consent Agreement and Final Order becomes effective Respondent has the right within 15 days after service of this Consent Agreement and Final Order to file a petition for reconsideration with the Board and the right within 30 days after service of the Consent Agreement and Final Order to file a petition for judicial review in the District Court of Shawnee County, Kansas in accordance with the Kansas Judicial Review Act, K.S.A. 77-601 et seq., which must be served on the Kansas Behavioral Sciences Regulatory Board by serving David Fye, its Executive Director, at 700 SW Harrison, Suite 420, Topeka, KS 66603-3240. However, Respondent expressly waives these rights.

26. In accordance with K.S.A. 77-531(a)(3), Respondent consents to service of this Consent Agreement and Final Order via electronic mail, addressed to Respondent at:



WHEREFORE, the parties consent to these provisions, which are hereby made the Final Order of the Kansas Behavioral Sciences Regulatory Board in the above-captioned case.

IT IS SO ORDERED.

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

APPROVED AND CONSENTED TO:

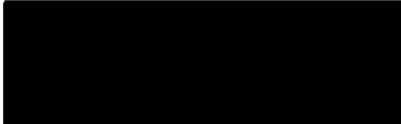
Charla Cox
Charla Cox, Respondent

2/28/2025
Date

CERTIFICATE OF SERVICE


This is to certify that on this 25 day of March, 2025, a true and correct copy of the above and foregoing Consent Agreement and Order was placed in the U.S. mail, first-class postage prepaid, addressed to:

Charla Cox



And by e-mail to:

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



Staff,
Kansas Behavioral Sciences Regulatory Board