

KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

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

In the Matter of)
)
Carlton S. Quattlebaum,)
LPC License No. 2714,)
)
Respondent.)

Case No. 24-PC-0050

Respondent.
Pursuant to (K.S.A. 77-505)

CONSENT AGREEMENT AND FINAL ORDER

Now, on this 30 day of September, 2025, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board ("Board") by agreement of Carlton S. Quattlebaum ("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 his 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 (“LPC”) within the meaning of the Professional Counselor Licensure Act, K.S.A. 65-5801 *et seq.*, and amendments thereto.

6. Respondent was previously employed as the clinical director of a treatment facility in Kansas until his termination of employment in October of 2023.

7. On or about October 2, 2023, the Board received a report of alleged violation (“RAV”) from Respondent former supervisor regarding Respondent’s termination from employment, which in relevant part, asserted that Respondent had instructed his staff to bill multiple clients at the same time relating to a CPT code relating to face-to-face, individual support services. After learning of the same, the supervisor and then CEO of the treatment facility provided Respondent with guidance and to cease billing multiple clients at the same time. The RAV asserted that Respondent had appropriate guidance regarding proper billing, that Respondent believed he was billing correctly and was not attempting to misrepresent the services provided.

8. In conjunction with the RAV, the former supervisor provided intra-facility guidance and email communications demonstrating that Respondent and other providers within the agency had been advised not to overlap billing for any two or more clients, including a June 7, 2023 email from the quality improvement specialist for the facility.

9. Respondent was terminated from employment on or about October 2, 2023. The former supervisor noted the rationale for termination as “unknowingly fraudulently billing Medicaid for services and approving fraudulent billing completed by staff since approximately March 6th 2023. [Respondent] did not thoroughly investigate billing procedures nor review the guidelines given by the state in regard to BCI H2011 (1636 / 1638 code).” The facility’s management team additionally did not believe Respondent was qualified to supervise and oversee the billing functions of the facility given the substantial billing issues which occurred under Respondent’s supervision.

10. Respondent addressed the subject of his termination in a response provided to the Board on or about November 28, 2023, and denied that he engaged in any fraudulent activity, denied receiving any counseling or guidance on the issue prior to his termination, and further, denied that the billing codes at issue were incorrect.

11. Follow-up investigation established that Respondent was not aware that he was using the billing codes at issue incorrectly and that Respondent did not know the code at issue was a “one to one” code. Moreover, the former supervisor confirmed that Respondent had been previously instructed by a former supervisor that it was okay to use the code at issue in the manner that Respondent was using the code, which added to Respondent’s misunderstanding.

12. Subsequent to Respondent’s termination, Medicaid and the Kansas Department of Aging and Disability were notified regarding the overlapping billing, and following an audit of

the facility's billing practices which determined that the billing codes at issue were incorrectly used, the facility has been directed to pay back over \$103,000.00.

II. APPLICABLE LAW

13. 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.

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

III. CONCLUSIONS OF LAW

15. 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)(2)(C) and (10). Respondent did not timely notify the Board of his termination of employment for his billing practices. Furthermore, Respondent's billing practices and/or supervision of billing practices of other practitioners, as confirmed by the Medicaid / KDADs audit, resulted in the use of an incorrect billing code which was inconsistent with the accepted professional standards of the profession and ultimately involved a misrepresentation of the services performed.

IV. AGREEMENT

16. 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 obtain six (6) additional continuing education hours in the substantive content area of billing practices. These hours may not be used toward the total number of continuing education hours required for license renewal.

b. Within ninety (90) days of the effective date of this Consent Agreement and Final Order, Respondent shall submit to the Board's investigator documentation of completion of the six (6) additional continuing education hours.

c. Respondent shall be required to complete six (6) hours of professional practice consultation with a provider licensed by the Board at the clinical level, approved in advance and in writing by the Board, regarding: professional conduct and billing practices.

d. Within one hundred eighty (180) days of the effective date of this Consent Agreement and Final Order, Respondent shall cause, and authorizes the consultant, to provide a report to the Board's investigator regarding the consultation completed, including the nature of Respondent's cooperation and completion of the consultation. The report must be provided to the Board's investigator within the one hundred eighty (180) day period and is subject to review by the Board.

e. Respondent shall provide a copy of this Consent Agreement and Final Order to the approved consultant and authorizes the Board to provide to the consultant such other information as the Board deems relevant to include without limitation the evaluation at issue.

f. Respondent shall be responsible for any and all costs and expenses incurred in satisfying the terms 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

17. 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 his 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.

18. 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.

19. 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.

20. 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.

21. Respondent acknowledges that he has the following rights:

- (a) To have formal notice of charges served upon him;
- (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 him in accordance with the terms and conditions provided for herein. Respondent also waives all of his 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.

22. Respondent acknowledges that he enters into this Consent Agreement and Final Order freely and voluntarily after consultation or a reasonable opportunity for consultation with counsel of his choosing. Respondent further acknowledges that his 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.

23. 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 him. 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.

24. 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.

25. 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

26. 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.

27. Respondent acknowledges that he 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.

28. 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:

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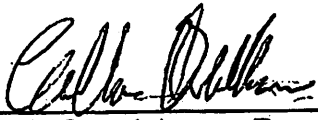
WHEREFORE, the parties consent to these provisions, which are hereby made the Final Order of the Kansas Behavioral Sciences Regulatory Board in the above-captioned case.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Mary Jones', with a stylized flourish at the end.

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

APPROVED AND CONSENTED TO:



Carlton S. Quattlebaum, Respondent

8/21/25

Date

CERTIFICATE OF SERVICE

This is to certify that on this 20 day of September, 2025, a true and correct copy of the above and foregoing Consent Agreement and Order was served upon the following via electronic mail only, addressed to:

Carlton S. Quattlebaum



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*

A handwritten signature in black ink, appearing to read "Chris Gule", written over a horizontal line.

Staff,
Kansas Behavioral Sciences Regulatory Board