

KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

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

In the Matter of)
)
Pamela Whetzell,)
LAC License No. 1422,)
)
Respondent.)

Case No. 25-AC-0138

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

SUMMARY PROCEEDING ORDER

Now on this 18 day of February, 2026, 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 the Kansas Addictions Counselor Licensure Act, K.S.A. 65-6607, *et seq.*, and amendments thereto (the "Act").

2. Respondent Pamela Whetzell ("Respondent") is an individual with a last known mailing address of [REDACTED]

3. At all times relevant hereto, Respondent has been licensed as a Licensed Addiction Counselor (LAC) within the meaning of the Act.

4. On or about December 23, 2024, the Board received a report of alleged violation ("RAV") against Respondent from a former co-worker of Respondent at a mental health center. Such co-worker holds a license issued by the Board. In relevant part, the RAV asserted that Respondent worked in the substance use disorder program at the mental health center and effective December 9, 2024 was placed on suspension after a concern was raised regarding Respondent being under the influence of illegal drugs in the workplace and a subsequent positive drug test which indicated the presence of illegal drugs in Respondent's system.

5. Subsequent to the suspension, Respondent was allowed to resign her employment and retire on January 31, 2025.

6. Respondent admitted to her employer that she relapsed for a period of at least three (3) months and failed to report this to her employer or seek substance use treatment.

Instead, Respondent continued to work in her role as a substance abuse counselor during the period of her relapse.

7. Through further investigation, the former employer acknowledged there were suspicions that Respondent was under the influence of illegal drugs while performing services due to a change in weight and behavior, including attendance issues.

8. In responding to an investigator of the Board, Respondent claims that she has not worked with clients since December 6, 2024, and has no plans to work in the addiction counseling field in the future.

9. Respondent's LAC license is currently active and is set to expire on April 30, 2026.

APPLICABLE LAW

10. The Act authorizes the Board to condition, limit, revoke or suspend a license as an 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);

11. 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;

12. K.A.R. 102-7-11 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;

....

(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;

13. 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

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

15. 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), (g), (i), and (u). Respondent did not timely notify the Board that she had been suspended after a positive drug test and/or that she resigned following the incident. Based on Respondent's relapse and her admission that she practiced for three (3) months after the relapse, Respondent failed to recognize, seek intervention or otherwise appropriately respond to the situation, practiced in a manner inconsistent or incommensurate with her training, education, or experience or with accepted professional standards, including using illegal drugs which could cause impairment while performing the duties of an LAC.

ORDER

WHEREFORE, in consideration of the above findings of fact and conclusions of law, and pursuant to the authority granted by K.S.A. 65-6515(a) and K.S.A. 77-537, the Complaint Review Committee on behalf of the Board hereby finds and orders that:

- A. Respondent's LAC License No. 1422 should be and is hereby SUSPENDED on an indefinite basis effective as of the date this Summary Proceeding Order becomes a final order of the Board;
- B. Respondent may petition the Board for reinstatement of her LAC license pursuant to K.A.R. 102-7-7a(a). In connection with the request for reinstatement, the Board may consider any materials, information, evaluation or assessment 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 knowledge and competence in addiction counseling skills;
- C. In the event the Board approves the reinstatement of Respondent's LAC license, 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, subject to notice and an opportunity for hearing in accordance with the requirements of KAPA;
- D. Respondent shall be responsible for any costs incurred in satisfying the terms of this Summary Proceeding Order.
- E. Respondent shall notify the Board within ten (10) days of any changes in personal or professional status that would inhibit compliance with any condition of this Summary Proceeding Order.
- F. 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 18 day February, 2026.



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 18 day of February, 2026, 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:

Pamela Whetzell


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

Cindy D'Ercole

Staff,
Kansas Behavioral Sciences Regulatory Board