

2021 Kansas Statutes

65-5809. Refusal to issue, suspension, limitation, refusal to renew, condition or revocation of license; grounds; procedure; licensure of applicant with felony conviction, requirements. (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:

- (1) Is incompetent to practice professional counseling. "Incompetent to practice professional counseling" means:
 - (A) One or more instances involving failure to adhere to the applicable standard of care to a degree that constitutes gross negligence, as determined by the board;
 - (B) repeated instances involving failure to adhere to the applicable standard of care to a degree that constitutes ordinary negligence, as determined by the board; or
 - (C) a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice professional counseling;
- (2) has been convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;
- (3) has been convicted of a misdemeanor against persons and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;
- (4) is currently listed on a child abuse registry or an adult protective services registry as the result of a substantiated finding of abuse or neglect by any state agency, agency of another state, the District of Columbia or the United States, territory of the United States or another country and the applicant or licensee has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust;
- (5) has violated a provision of the professional counselors licensure act or one or more rules and regulations of the board;
- (6) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;
- (7) has knowingly made a false statement on a form required by the board for a license or license renewal;
- (8) has failed to obtain continuing education credits as required by rules and regulations adopted by the board;
- (9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board;
- (10) has had a professional registration, license or certificate revoked, suspended or limited, or has had other disciplinary action taken, or an application for a registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia, or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof; or
- (11) has violated any lawful order or directive of the board previously entered by the board.

(b) For issuance of a new license or reinstatement of a revoked or suspended license for a licensee or applicant for licensure with a felony conviction, the board may only issue or reinstate such license by a 2/3 majority vote.

(c) Administrative proceedings and disciplinary actions regarding licensure under the professional counselors licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the professional counselors licensure act shall be in accordance with the Kansas judicial

review act.

History: L. 1987, ch. 315, § 9; L. 1988, ch. 263, § 2; L. 1996, ch. 153, § 9; L. 1999, ch. 117, § 8; L. 2004, ch. 16, § 1; L. 2016, ch. 92, § 38; L. 2021, ch. 88, § 17; May 6.