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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD
712 South Kansas Avenue
Topeka, KS 66603-3817

In the Matter of)

SCOTT E. SPRADLIN,)
LPC #813)
_____)

Case No. 11-PC-0049

PRELIMINARY CONSENT AGREEMENT AND ORDER

NOW, on this 20th day of June, 2011, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Scott Spradlin (Licensee), by and through counsel Gary M. Austerman of Klenda, Mitchell, Austerman & Zuercher, LLC, and the Board, by and through counsel Marty M. Snyder, Assistant Attorney General, for the purpose of resolving the above-captioned case.

FACTS

Licensee hereby acknowledges the following allegations:

1. Scott E. Spradlin is currently and, at all times relevant, has been a Licensed Professional Counselor within the meaning of the Kansas Professional Counselors Licensure Act, K.S.A. 65-5801, *et seq.*, and amendments thereto.
2. On or about November 5, 2010, the Board received a report of information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing unprofessional conduct.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations. During the investigation, Licensee was informed of the reported information and was given the opportunity to respond to the allegations. Licensee did respond by letter dated November 28, 2010.

4. The Board then received a second report of information on January 5, 2011, concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing unprofessional conduct. During the investigation, Licensee was informed of the reported information and participated in a telephone conference with the Committee on January 10, 2011. He was informed about the pending complaint and given the opportunity to enter a Consent Agreement and Order voluntarily; however, those efforts were unsuccessful, and a Summary Proceeding Order of Suspension was issued on February 11, 2011. Licensee timely requested a hearing on the Summary Proceeding Order.

5. As a result of the investigation and discussions with Licensee, the Board finds probable cause to believe the following facts:

a. Licensee is suffering a temporary mental health condition that interferes with his ability to provide mental health services to his clients. Credible evidence supports a finding that he has made threats to harm himself and specific others.

b. Licensee has voluntarily sought treatment from a therapist at Prairie View and continues to cooperate with that treatment. He has voluntarily ceased his practice as a Kansas Licensed Professional Counselor on a temporary basis.

c. The nature of the allegations and Licensee's current mental health condition create an immediate risk of harm to the public health, safety or welfare.

VIOLATIONS

The Board finds that probable cause exists to believe that Licensee, while a Licensed Professional Counselor, violated the following regulations:

K.A.R. 102-3-12a. Unprofessional Conduct.

(b) Any of the following acts by a licensed professional counselor . . . shall constitute unprofessional conduct:

- (8) 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.

However, Licensee and the Board mutually desire to enter a Preliminary Consent Agreement and Order at this time.

WHEREFORE, Licensee consents to the following interim conditions:

- a. Licensee's Licensed Professional Counselor license shall continue to be suspended during completion of a psychological evaluation and until further order of the Board.
- b. Within 30 days of the effective date of this Agreement, Licensee shall contact Acumen Assessments in Lawrence, Kansas, or Theodore A. Moeller, Ph.D., in Wichita, Kansas, and shall schedule a forensic psychological evaluation. The report should contain recommendations on Licensee's ability to practice professional counseling competently and professionally with or without specific conditions or restrictions.
- c. Licensee shall cooperate with the evaluation and shall authorize the evaluator to send a complete copy of the evaluation to the Board upon completion. The evaluation shall be completed and a copy of the evaluation provided to the Board within 60 days of the effective date of this Agreement.

d. Licensee will not apply for licensure in any other area of mental health, and no application for licensure by Licensee will be approved by the Board, pending compliance with this Preliminary Consent Agreement and Order.

e. Further terms and conditions of practice, if any, shall be negotiated by Licensee and the Complaint Review Committee following review of the evaluation. If no agreement is reached, this matter shall proceed to formal disciplinary hearing.

f. Licensee shall be responsible for any costs incurred in satisfying the terms of this Preliminary Consent Agreement and Order.

g. Evidence of Licensee's breach, violation or failure to comply with any of the conditions will result in a formal hearing on the original complaint

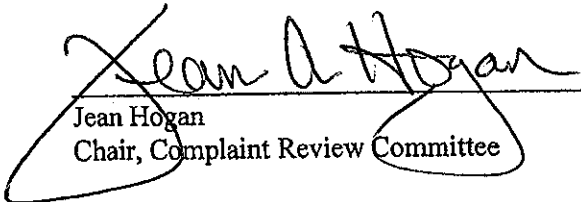
h. Licensee acknowledges an affirmative duty to notify the Board within five (5) days of any changes in personal or professional status that would inhibit compliance with any condition of this Preliminary Consent Agreement and Order. In such event, a designee of the Board is authorized to modify or amend this Preliminary Consent Agreement and Order in writing.

WHEREFORE, Licensee consents to the submission of this Preliminary Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval by the Complaint Review Committee, this Preliminary Consent Agreement and Order will become a Preliminary Order of the Board. The Board has authorized the Complaint Review Committee to determine approval of this Preliminary Consent Agreement and Order.

WHEREFORE, the Board further agrees that, so long as Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.A.R. 102-3-12a as a result of this proceeding until full review of the evaluation.

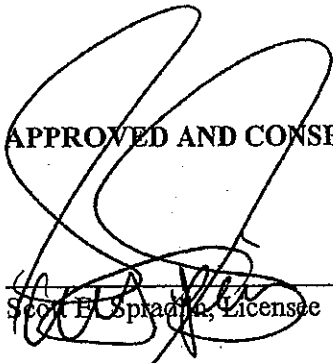
WHEREFORE, the foregoing provisions are consented to, are hereby made the Preliminary Order of the Kansas Behavioral Sciences Regulatory Board, and become effective on the date indicated in the Certificate of Service below.

IT IS SO ORDERED.



Jean Hogan
Chair, Complaint Review Committee

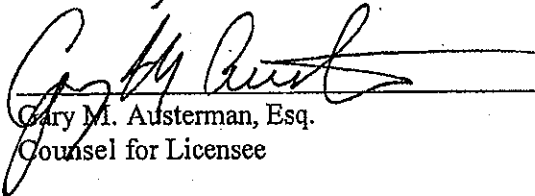
APPROVED AND CONSENTED TO:



Scott H. Spradlin, Licensee

5/2/2011

Date



Gary M. Austerman, Esq.
Counsel for Licensee

6/17/11

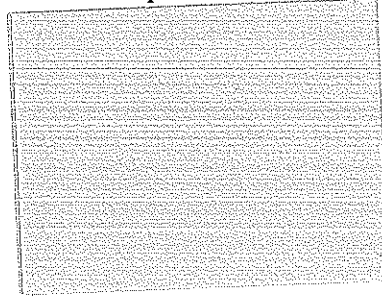
Date

CERTIFICATE OF SERVICE

This is to certify that on this 23rd day of June, 2011, a true and correct copy of the above and foregoing Preliminary Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Gary M. Austerman
Klenda, Mitchell, Austerman &
Zuercher, L.L.C.
1600 Epic Center, 301 North Main
Wichita, KS 67202-4816
Counsel for Respondent

Scott E. Spradlin



Marty M. Snyder
Assistant Attorney General
120 SW 10th Avenue, 2nd Floor
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Disciplinary Counsel for the Board

Carol Baldwin

For the Behavioral Sciences Regulatory Board