ORDER OF THE COMMITTEE FOR PROFESSIONAL COUNSELORS REGARDING ISSUANCE OF A PROBATED LICENSE TO SCOTT BRANDHORST

Comes now the Committee for Professional Counselors ("Committee") and hereby issues its ORDER granting a PROBATED license, License No. 2001031117, to Scott Brandhorst ("Licensee"), pursuant to the provisions of §620.149, RSMo 2000. As set forth in §620.149.2, RSMo 2000, Licensee may submit a written request for a hearing to the Administrative Hearing Commission seeking review of the Committee's decision to issue a probated license to Licensee. Such written request must be submitted to the Administrative Hearing Commission within thirty (30) days of delivery or mailing of this Order by certified mail. The written request should be addressed to the Administrative Hearing Commission, P.O. Box 1557, Truman Building, Room 604, Jefferson City, MO 65102-1557. If no written request for review is received by the Administrative Hearing Commission within the thirty (30) day period, the right to seek review of the Committee's decision shall be considered as waived.

I.

Based upon the foregoing, the Committee hereby states:

1. The Committee for Professional Counselors ("Committee") is an agency of the State of Missouri created and established pursuant to §337.535, RSMo 2000, for the purpose of executing and enforcing the provisions of Sections 337.500 to 337.540, RSMo.

2. Pursuant to the provisions of §620.149, RSMo 2000, the Committee hereby issues License No. 2001031117 to Licensee. License No. 2001031117 is subject to the terms and conditions set forth herein below.

3. On or about November 21, 2000, the Arizona Board of Behavioral Health Examiners revoked Licensee's Certified Professional Counselor license, Certificate No. CC-2178A.

4. Licensee's license in Arizona was revoked because on or about January 1999, while employed at Mohave Mental Health ("Mohave"), Licensee obtained the telephone number of a client who was receiving treatment from another employee at Mohave.

5. Licensee obtained this client's telephone number by looking in the client's treatment file without the client's consent.

6. Licensee contacted the client and then entered into a sexual relationship with the client.

7. Cause exists for the Committee to deny Licensee's request for a license to practice as a Professional Counselor pursuant to provisions §337.525.1 and §337.525.2(8)(13)(15), RSMo 2000, which states in pertinent part:

> 1. The committee may refuse to issue or renew any license required by the provisions of sections 337.500 to 337.540 for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 337.500 to 337.540 or any person who has failed to renew or has surrendered his license for any one or any combination of the following causes:

. . . .

(8) Revocation or suspension of a license or other right to practice counseling granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

. . . .

(13) Violation of any professional trust or confidence;

. . . .

(15) Being guilty of unethical conduct as defined in the ethical standards for counselors adopted by the division and filed with the secretary of state.

. . . .

8. The Committee hereby issues this ORDER in lieu of denial of Licensee's request for a license to practice as a professional counselor in Missouri.

II.

TERMS AND CONDITIONS

Based on the foregoing, the license issued to Licensee, License No. 2001031117 is subject to the following restrictions:

1. Licensee's license is place on PROBATION for one year ("disciplinary

period"). During the disciplinary period, Licensee shall be entitled to engage in the practice of professional counseling provided the Licensee adheres to all of the terms and conditions of this Order as set forth below:

I. SUPERVISED PRACTICE

A. Licensee's practice as a professional counselor shall be supervised by a licensed professional counselor, licensed psychologist, or psychiatrist approved by the Committee.

B. Licensee may alternatively remain under the supervision of Douglas W. Carpenter, or may submit a list of three proposed supervisors. Licensee shall not practice until a supervisor has been approved.

C. The supervisor must be appraised of Licensee's conduct that formed the basis of this order.

D. Supervision shall include full order and control or Licensee's practice of professional counseling by the supervisor. Full order and control includes, but is not limited to, on sight face-to-face meetings twice a month. The supervisor must also co-sign all reports and case notes and provide documentation that a review has occurred. Licensee shall be responsible for any payment associated with the supervision.

E. The supervisor shall submit quarterly progress reports to the Committee addressing Licensee's work as a professional counselor and any concerns regarding Licensee's conduct with patients. Reports must be sent directly

from the supervisor to the Committee. The supervisor shall answer questions submitted by the Committee.

F. The supervisor's final report shall address Licensee's prognosis as a professional counselor and his ability to abide by the ethical requirements of the profession.

G. In the event the supervisor becomes unable or unwilling to continue serving in his/her capacity as a supervisor or otherwise ceases to serve, Licensee shall:

a) within three business days of being notified of the supervisor's inability or decision not to continue serving, advise the Committee in writing; and

b) within twenty days, submit names of three proposed replacement supervisors or discontinue practicing as a professional counselor until three names are submitted.

II. GENERAL REQUIREMENTS

A. Licensee shall meet with the Committee or its representative at such times and places as required by the Committee after notification of a required meeting.

B. Licensee shall immediately submit documents showing compliance with the requirements of this agreement to the Committee when requested.

C. Licensee shall inform the Committee within ten days of any change of

home address or home telephone number.

D. Licensee shall not violate the provisions of Section 337.500 to 337.540, RSMo, and shall not allow his license to lapse.

E. If Licensee fails to comply with the terms of this agreement, in any respect, the Committee may impose such additional or other discipline which it deems appropriate.

2. The Committee will maintain this Order as an open and public record of the Committee as provided in Chapters 337, 610, and 620, RSMo.

3. Upon the expiration of said disciplinary period, Licensee's license as a professional counselor in Missouri shall be fully restored if all other requirements of law have been satisfied; provided, however, that in the event the Committee determines that the Licensee has violated any term or condition of this Order, the Committee may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke, or otherwise lawfully discipline the Licensee.

4. No order shall be entered by the Committee pursuant to the preceding paragraph of this Order without notice and an opportunity for hearing before the Committee in accordance with the provisions of Chapter 536, RSMo.

5. If the Committee determines that Licensee has violated a term or condition of this Order, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court, the Committee may elect to pursue any lawful remedies or procedures afforded it and is not bound by this agreement

in its determination of appropriate legal actions concerning that violation.

SO ORDERED EFFECTIVE THIS 29 day of November, 2001.

Committee for Professional Counselors

Loree Kessler
Executive Director
Committee for Professional Counselors