

Marty M. Snyder, Supreme Court #11317
Kansas Attorney General's Office
120 SW 10th St, Second Floor
Topeka, KS 66612-1597

2006 SEP 12 4:49:02

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

In the Matter of)
)
Ryan D. Donahue, TLP)
License No. 1323T)
Respondent)
_____)

Case No. 06-LP-34

CONSENT AGREEMENT AND ORDER

NOW on this 11 day of September, 2006, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Ryan D. Donahue, TLP (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Ryan D. Donahue is currently, and at all times relevant has been a Temporary Licensed Psychologist within the meaning of the Kansas Licensure of Psychologists Act, K.S.A. 74-5301 *et seq.*, and amendments thereto.

2. On or about January 20, 2006 the Board received a report of information concerning Licensee's conduct, alleging Licensee had engaged in behavior that was abusive or demeaning to a client and had failed to follow direct instructions from his supervisors to correct the violation.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations.

4. During the investigation, Licensee was informed of the reported information, was given the opportunity to respond to the allegations and did respond to the allegations in his letter received on May 15, 2006.

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

a. Licensee wrote a Behavior Modification Plan for a patient at Larned State Hospital that confined the patient to his room, although there was no qualifying emergency or order that would permit seclusion under the circumstances. Licensee was told that such a restriction was against JCAHO policy.

b. Licensee met with his supervisor and the department head regarding this Plan but failed or refused to modify it in accordance with their instructions.

c. Licensee's current license is a temporary one, and he is restricted to working under the supervision of a licensed psychologist.

6. The Board finds that reasonable grounds exist to believe Licensee has committed unprofessional conduct in violation of K.S.A. 74-5324 as defined as follows:

a. K.A.R. 101-1-10a (f) ignoring client welfare by (3) engaging in behavior that is abusive or demeaning to a client.

However, Licensee and the Board mutually desire to enter a Consent Agreement and Order in lieu of adjudicative proceedings to resolve the report of alleged violations.

WHEREFORE, Licensee waives all rights to an adjudication of facts and law which could be determined pursuant to a hearing conducted in accordance with the Kansas Administrative Procedure Act in relation to Case No. 06-LP-34.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review in relation to this case.

WHEREFORE, Licensee consents to extension of supervision for an additional six (6) months following permanent level licensure on the following terms and conditions:

(a) Once he becomes a fully licensed LP, Licensee shall continue for six (6) additional months under supervised practice under the same supervisory guidelines Licensee is currently under to comply with the terms of his temporary license.

(b) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.

(c) Evidence of Licensee's breach, violation or failure to comply with this condition will result in a hearing, with notice and opportunity to be heard, to determine whether Licensee has in fact breached, violated or failed to comply with any conditions. Upon determination at such hearing that Licensee has breached, violated or failed to comply with any condition, Licensee understands and agrees that his Licensed Psychologist license shall be suspended until such time as Licensee can demonstrate compliance with all terms and conditions of this Consent Agreement and Order to the satisfaction of the Board .

(d) Licensee acknowledges that proof submitted to the Board by affidavit or other form of competent evidence that Licensee has breached, violated or failed to meet the conditions of this Consent Agreement and Order shall be good and sufficient evidence to support an alleged violation of breach, violation or non-compliance.

(e) Licensee understands that a notification of this Consent Agreement and Order shall be provided to any other state licensing board if Licensee is also licensed, registered or certified in another state.

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

(g) If the Board does not approve this Consent Agreement and Order, Licensee waives any right he may have to object to the composition of any subsequent hearing panel due to hearing panel members having knowledge of matters contained within this Consent Agreement and Order.

(h) This Consent Agreement and Order constitutes the entire agreement between the Licensee and the Behavioral Sciences Regulatory Board and may be modified or amended only by written agreement signed by Licensee and the Board or a designee of the Board.

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

WHEREFORE, the Board 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.S.A. 74-5324 as defined by K.A.R. 101-1-10a as a result of this proceeding.

WHEREFORE, the Board further agrees that, at the conclusion of the additional six-month supervision period upon determination of Licensee's compliance with the conditions stated herein and upon Board receipt of an acceptable reference from Licensee's supervisor on a Board-approved form, Licensee shall be unconditionally licensed as a Licensed Psychologist.

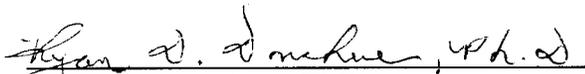
WHEREFORE, the foregoing provisions are consented to, are hereby made the final Order of the Kansas Behavioral Sciences Regulatory Board and become effective on the date indicated in the Certificate of Service below.

IT IS SO ORDERED.



Wesley Jones, Ph.D.
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:



Ryan D. Donahue, TLP
Respondent Licensee

8/28/06

Date

APPROVED BY:

Counsel for Respondent

Date

Certificate of Service

This is to certify that on this 18th day of September, 2006, a true and correct copy of the above and foregoing Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Ryan D. Donahue, Ph.D.

[attorney]



Roger Scurlock
For the Behavioral Sciences Regulatory Board