

State of Kansas
Behavioral Sciences Regulatory Board

KATHLEEN SEBELIUS
Governor

PHYLLIS GILMORE
Executive Director



712 S. Kansas Ave.
Topeka, Kansas 66603-3817
(785) 296-3240
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November 5, 2009

James D. Wright, Ph.D.



Re: Consent Agreement and Order 07-LP-0037

Dear Dr. Wright,

You have complied with all of the conditions set forth in the Consent Agreement and Order under which you have practiced since July 31, 2007. The Board has received an acceptable reference from your clinical supervisor.

You are now unconditionally licensed as a Licensed Psychologist.

Thank you for your cooperation in this matter.

Sincerely,

Roger Scurlock
Roger Scurlock
Special Investigator

Marty M. Snyder, Supreme Court #11317
Kansas Attorney General's Office
120 SW 10th St, Second Floor
Topeka, KS 66612-1597
(785) 296-2215

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

In the Matter of

JAMES D. WRIGHT
License No. 1147
Respondent

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Case No. 07-LP-37

CONSENT AGREEMENT AND ORDER

NOW on this 27 day of July, 2007, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of James D. Wright, LP (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. James D. Wright is currently, and at all times relevant has been, a 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 November 27, 2006 the Board received a report of information concerning Licensee's conduct, alleging Licensee had a sexual relationship with a client he was treating.

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 letters received on December 19, 2006 and March 29, 2007, which corrected some of the statements in the prior letter.

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

a. Licensee was treating psychologist for A.M. while employed with Prairie View.

b. He saw A.M. sporadically from the time she was 14 years old, generally in the presence of her mother. For some period of time, there was only telephone contact regarding allegations of different types of abuse by her mother. After A.M. turned 18, she began individual therapy with Licensee.

c. In late 2004 and early 2005, Licensee realized that he was attracted to A.M. and was having inappropriate feelings regarding her. A.M. had begun to dress provocatively for her appointments and admitted that she had hoped he would find her sexually attractive.

d. At a session in April of 2005, Licensee admitted to A.M. that he was attracted to her. At the end of the session, they hugged and kissed.

e. Following this incident, Licensee determined to arrest the inappropriate behavior but did nothing to refer her to a different therapist. Routine therapy continued until the end of June, at which time both agreed they could not continue in therapy any longer. He suggested that she find a different therapist.

f. They spoke by telephone intermittently over the next several months, including calls that were initiated by Licensee and included inappropriate sexual references.

g. On November 2, 2005, A.M. returned to Licensee's office for a therapy session at which time they engaged in oral sex.

h. In December of 2005, Licensee told his wife that he was in an inappropriate relationship with a client and called A.M. in the presence of his wife. He left a message on A.M.'s answering machine that he would no longer see her or have any contact with her. He gave his wife access to his email account so she could monitor his contacts randomly.

i. Despite these efforts, Licensee and A.M. resumed telephone contact in January or February of 2006. He saw her professionally on one or two occasions and opened a different email account so they could communicate without his wife's scrutiny. The last professional visit was in August of 2006.

j. A.M. began seeing Complainant Barry Plumlee, LMFT, in early 2006 and disclosed her relationship with Licensee. In November of 2006, she gave him authorization to report that information to the BSRB.

k. In Licensee's initial written response to the complaint, he denied that he had engaged in any type of sex with his client but admitted the substance of the other allegations of the complaint.

l. Licensee admitted to giving A.M. money on two occasions and that he discussed her getting some marijuana for him.

m. Licensee was temporarily suspended in a Summary Proceeding Order and sought assistance from the Professional Renewal Center (PRC) in Lawrence. During his treatment there, he wrote an additional letter of response, correcting the first letter and

admitting a single instance of oral sex in his office with A.M. concurrent with the psychologist-client relationship.

n. Licensee has continued to cooperate with PRC, his therapist and BSRB's Complaint Review Committee during the period of temporary suspension.

6. The Board finds that reasonable grounds exist to believe Licensee has violated K.S.A. 74-5324 (d) unprofessional conduct and (e) negligence or wrongful actions in the performance of duties, as defined in K.A.R. 102-1-10a as follows:

- a. (a) practicing psychology in an incompetent manner,
- b. (b) practicing with impaired judgment or objective, which shall include the following acts: (2) failing to recognize, seek intervention, and make arrangements for the care of clients if one's own personal problems, emotional 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,
- c. (c) engaging in harmful dual relationships, which shall include the following acts: (1) making sexual advances toward or engaging in physical intimacies or sexual activities with either of the following: (A) any person who is a client,
- d. (d) making sexual advances toward or engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been a client,
- e. (f) ignoring client welfare, which shall include the following acts: (3) engaging in behavior that is abusive or demeaning to a client and (8) failing to terminate a professional relationship if it becomes reasonably clear that the patient or

client no longer needs the service, is not benefitting from continued service, or is being harmed by continued service,

- f. (l) aiding an illegal practice, which shall include the following acts: (5) failing to notify the board, within a reasonable period of time, that any of the following conditions apply to the psychologist (E) a licensee has practiced in violation of the laws or regulations regulating the profession. A psychologist taking longer than 30 days to notify the Board shall have the burden of demonstrating that the psychologist acted within a reasonable period of time.

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. 07-LP-37.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions in relation to Case No. 07-LP-37.

WHEREFORE, Licensee consents to suspension of his license for twenty-four (24) months with the suspension stayed on the following terms and conditions of probation:

- (a) No verbal, written, physical or other contact with the former client, A.M.
- (b) Continued involvement with the Professional Renewal Center and compliance with the recommendations of the PRC as negotiated between Licensee and the PRC and as detailed in PRC's letter of June 8, 2007, to the Board.

(c) Continued employment in an institutional setting, with no independent practice, in the state of Kansas.

(d) No professional contact with female patients or clients for a minimum of six months, then only with the written approval of the clinical supervisor and under conditions stipulated in writing by the clinical supervisor.

(e) Clinical supervision of all work as a psychologist by a board-approved supervisor, with meetings between the supervisor and Licensee at a minimum of one hour per week. Licensee shall provide a copy of this Consent Agreement to the clinical supervisor, who shall file written supervision reports with the Board every month, confirming continued compliance with this requirement and continued benefit of supervision, and must report immediately in the event of noncompliance. After three months, the clinical supervisor may file quarterly written reports with the Board.

(f) The clinical supervisor may not be in a subordinate or familial relationship with the Licensee. The supervisor shall be licensed at the clinical practice level. The focus of the supervision shall be on therapist ethics, dual relationships, boundaries and identification of resources for professional support.

(g) Licensee shall make every effort to ensure that all conditions of this Agreement are met. Licensee shall cooperate with his clinical supervisor to enable the supervisor to discharge his or her duties in a responsible manner.

(h) Individual psychotherapy at a minimum of one hour per week. The therapist shall provide written reports on compliance with the requirements of treatment to the Board every month for the first three months. Following, that, written reports may be made on a quarterly basis but with immediate reporting required in the event of noncompliance.

(i) Within one year of the effective date of this Agreement, Licensee shall complete ten hours of continuing education in the areas of ethics, dual relationships, sexual and other boundaries and identification of resources for professional support and provide proof of attendance to the Board office. Such hours shall not count toward Licensee's biennial requirement.

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

(k) Evidence of Licensee's breach, violation or failure to comply with any of the conditions 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 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 and may be revoked.

(l) 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.

(m) 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.

(n) Licensee acknowledges an affirmative duty to notify the Board within five (5) days of any changes in personal or professional employment 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.

(o) 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.

(p) 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.

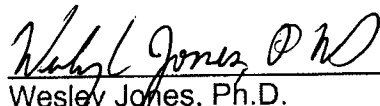
WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval of the Complaint Review Committee, this Consent Agreement and Order will become a Final Order of the Board. The Board has authorized the Complaint 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(d) as a result of this proceeding, including allegations of reporting false social work information and submitting a perjured document to the Board in response to the disciplinary investigation.

WHEREFORE, the Board further agrees that, at the conclusion of the twenty-four month probationary period upon determination of Licensee's compliance with the conditions stated herein and upon Board receipt of an acceptable reference from Licensee's clinical 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:


James D. Wright, LP
Respondent Licensee

7/24/07
Date

APPROVED BY:


M. Kathryn Webb, Esq.
Counsel for Respondent

July 24, 2007
Date

Certificate of Service

This is to certify that on this 31st day of July, 2007, 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:

Dr. James D. Wright



M. Kathryn Webb, Esq.
McDonald, Tinker Law Offices
PO Box 207
Wichita, KS 67201-0207

Phyllis Gilmore
For the Behavioral Sciences Regulatory Board

Marty M. Snyder, S. Ct. #11317
Kansas Attorney General's Office
120 SW Tenth Ave., 2nd Floor
Topeka, KS 66612
(785) 296-2215

BEFORE THE BEHAVIORAL SCIENCES BOARD
STATE OF KANSAS
712 South Kansas Avenue
Topeka, KS 66603

In the Matter of)
)
)
James D. Wright, Ph.D.)
LP #1147)
_____)

Case No. 07-LP-37

Pursuant to K.S.A. 77-537

SUMMARY PROCEEDING ORDER

NOW on this 5th day of February, 2007, the above-captioned complaint comes before the Complaint Review Committee [Committee] of the Kansas Behavioral Sciences Regulatory Board [Board].

Findings of Fact

The Committee finds that the following findings of fact have been established by clear and convincing evidence:

1. At all times relevant to this matter, James D. Wright [Licensee] has been a Licensed Psychologist, Kansas LP license #1147, issued by the Kansas Behavioral Sciences Regulatory Board.

2. At all times relevant to this matter, Licensee has been practicing as a Licensed Psychologist within the meaning of the Licensure of Psychologists Act of the

State of Kansas, K.S.A. 74-5301 *et seq.* and amendments thereto.

3. On or about November 27, 2006, the Board received a written complaint from Barry Plumlee, LMFT. Mr. Plumlee was the therapist of a client [A.M.] who reported she had a sexual relationship with Licensee, a psychologist who was treating her.

4. Licensee was notified of the complaint on or about December 7, 2006, and sent a timely response on or about December 19, 2006. Further investigation was conducted.

5. Based on the evidence and information received by the Board, the Complaint Review Committee finds that the following facts are established by clear and convincing evidence:

a. In 2001, while a minor, A.M. saw Licensee in therapy between eight and ten times before her mother removed her from therapy. A.M. resumed individual therapy with Licensee in November of 2004 when she was 18 years old.

b. During the first year of resumed therapy, Licensee told his client he thought she was "hot," began telling crude jokes, discussed his sex life and hugged and kissed his client at therapy sessions.

c. While in the therapist-client relationship, Licensee further suggested inappropriate meetings for sex outside of the office and made inappropriate telephone calls to his client after office hours. A.M. claims they engaged in oral sex at his office in August and September of 2005 when she was 19 years old. Licensee denies this.

d. Licensee admits he was sexually attracted to A.M. and did not handle the situation properly when the attraction became apparent.

e. After informing his wife of some of this information in the Fall of 2005,

Licensee left a telephone message for his client that he would no longer be in contact with her. He gave his wife the password to his personal email account for monitoring but later opened a new account for surreptitious communications with A.M.

f. In October of 2006, A.M. authorized her new therapist to report these violations. Licensee continued to have inappropriate contacts with his client until November 10, 2006.

g. Following receipt of Licensee's response, the investigator discovered additional evidence establishing that Licensee gave A.M. money on different occasions and discussed having her buy some marijuana for him.

Conclusions of Law

The Committee finds by clear and convincing evidence that

1. The Board has jurisdiction over this matter pursuant to KSA 74-5324;
2. The Board has properly delegated authority over summary disciplinary orders to this Committee;
3. The above facts constitute violations of K.S.A. 74-5324(d) and (e) as defined in K.A.R. 102-1-10a Unprofessional Conduct as follows:
 - a. (a) practicing psychology in an incompetent manner;
 - b. (c) engaging in harmful dual relationships, which shall include the following acts: (1) making sexual advances toward or engaging in physical intimacies or sexual activities with either of the following: (A) any person who is a client;
 - c. (d) making sexual advances toward or engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been a client;

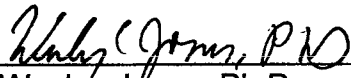
d. (f) ignoring client welfare, which shall include the following acts: (3)
engaging in behavior that is abusive or demeaning to a client;

e. (l) aiding an illegal practice, which shall include the following acts: (5)
failing to notify the Board within a reasonable period of time that any of the following
conditions apply to the psychologist (E) a licensee has practiced in violation of the
laws or regulations regulating the profession. A psychologist taking longer than 30
days to notify the Board shall have the burden of demonstrating that the psychologist
acted within a reasonable period of time.

Sanction

Based on the above Findings of Fact and Conclusions of Law, the Committee finds pursuant to K.S.A. 74-5324 that the LP license of James D. Wright should be, and is hereby, temporarily suspended until further order of this Committee. Upon receipt of proof of evaluation and a clear indication in the evaluation stating that James D. Wright is an appropriate candidate for treatment and rehabilitation from either Dr. Glenn Gabard, Baylor University, Houston, Texas, or a professional at The Professional Renewal Center, 1201 Wakarusa, Lawrence, Kansas 66049, this Summary Proceeding Order shall be reconsidered by the Committee.

IT IS SO ORDERED. Dated this 5th day of February, 2007.



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

Kansas Behavioral Sciences
Regulatory Board

NOTICE OF RELIEF FROM THIS SUMMARY PROCEEDING ORDER

Pursuant to K.S.A. 77-537, 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:

Phyllis Gilmore, Executive Director
Kansas Behavioral Sciences Regulatory Board
712 South Kansas Avenue
Topeka, KS 66603

This written request must be filed at the Board's office within fifteen (15) days from the date indicated in the below Certificate of Service. If a hearing is not requested in the time and manner stated, this Summary Proceeding Order becomes final and effective upon the expiration of the time for requesting a hearing and will be a Final Order of the Board.

CERTIFICATE OF SERVICE

This is to certify that a copy of the above and foregoing Summary Proceeding Order was placed this 5th day of February, 2007, in the U.S. mail, first-class postage prepaid, addressed to:

Dr. James D. Wright
[REDACTED]



Matthew U. Sage
For the Board