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BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
MARGARET WALTERS, LCP #281)
_____)

Case No. 08-CP-0094

CONSENT AGREEMENT AND ORDER

NOW, on this 30 day of September, 2008, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Margaret Walters (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Margaret Walters is currently and, at all times relevant, has been a Licensed Clinical Psychotherapist within the meaning of the Registration of Masters Level Psychologists Act, K.S.A. 74-5361 *et seq.*, and amendments thereto.
2. On or about April 14, 2008, the Board received a report of information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing the practice of clinical psychotherapy related to her job as a Family Services Coordinator at KVC Behavioral Health Care.
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, was given the opportunity to respond to the allegations, and did respond in her letter dated May 5, 2008.

4. As a result of the investigation, the Board finds probable cause that the following facts have been established by clear and convincing evidence:
 - a. Licensee falsified records, specifically three Resource Parent Questionnaires on one family, while performing her duties of Family Services Coordinator at KVC Behavioral Health Care.
 - b. Licensee reported feeling tremendous guilt, although she could not understand why she acted as she did in falsifying the reports.
 - c. Licensee acknowledged that she had been overwhelmed with personal issues and her work responsibilities.

5. The Board finds that reasonable grounds exist to believe Licensee has committed unprofessional conduct in violation of K.A.R. 102-4-12(b), "Unprofessional conduct," as defined as follows:
 1. Section (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 interest; and/or
 2. Section (38) - making or filing a report that the master's level psychologist or clinical psychotherapist knows to be false, distorted, erroneous, incomplete, or misleading.

HOWEVER, Licensee and the Board mutually desire to enter into 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. 08-CP-0094.

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. 08-CP-0094.

WHEREFORE, Licensee consents to continuation of her license without restriction under the following conditions:

- A. Licensee will attend six (6) hours of face-to-face ethics training by 4/17/2009 and shall provide a copy of her certificate of attendance to the Board. Such training shall be in addition to licensure requirements.
- B. Licensee shall consult with a licensed mental health professional within 30 days of the effective date of this order.
- C. Licensee shall follow all other requirements contained in the Corrective Action Plan and the Plan for Improvement agreed to between Licensee and her employer. (Exhibit A.)
- D. Licensee shall be responsible for any costs incurred in satisfying the terms of this Order.
- E. Evidence of Licensee's breach, violation or failure to comply with any of the conditions will result in an order to appear and show cause why Licensee's license should not be suspended temporarily pending full compliance with this Consent Agreement and Order. At such show cause hearing, the issues will be limited to

whether this Consent Agreement and Order has been violated and the appropriate sanction for such violation.

- F. 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.
- G. 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.
- H. 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.
- I. If the Board does not approve this Consent Agreement and Order, Licensee waives any right she 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.
- J. This Consent Agreement and Order constitutes the entire agreement between the Licensee and the 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 becomes a final order of the Board. The Board has authorized the Complaint Review Committee to approve this Consent Agreement and Order.

WHEREFORE, the Board agrees that so long as Licensee complies with the above conditions that the Board will not initiate further disciplinary action against Licensee in relation to violation of K.S.A.. 74-5369, as defined in the Kansas Administrative Regulations (K.A.R.s) listed above.

WHEREFORE, the Board further agrees that, upon determination of Licensee's compliance with the conditions stated herein, Licensee shall be unconditionally licensed as a Licensed Clinical Psychotherapist.

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

IT IS SO ORDERED.



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

APPROVED AND CONSENTED TO:



Margaret Walters, Licensee

9/19/08
Date

Certificate of Service

This is to certify that on this 8th day of October, 2008, 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:

Margaret Walters



Roger Scumlock
For the Behavioral Sciences Regulatory Board