

2. On or about October 29, 2007, the Board received reports of information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing unprofessional conduct.
3. The Board conducted investigations concerning Licensee's alleged violations of statutes and regulations. During the investigations, Licensee was informed of the reported information and was given the opportunity to respond to the allegations. Two response letters, one dated February 29, 2008, and a second dated September 19, 2008 (the second letter responding to additional questions), were received from Licensee's former attorney.
4. As a result of the investigation, the Board found probable cause to believe the following facts:
 - a. Licensee was a marriage and family therapist for P.S. and her husband in 1997. That marriage ended in annulment, and P.S. remarried. She and her second husband also saw Licensee in therapy together and separately. P.S.'s last office appointment with Licensee was in June of 2005, but they continued to consult by telephone and email as late as January of 2007.
 - b. Beginning in February of 2005, the phone conversations began to turn suggestive, vaguely sexual in nature, and personal. In the summer of 2005, Licensee encouraged P.S. to apply for a psychology internship at Larned State Hospital (LSH), where he worked in the Sexual Predator Treatment Program part-time while he pursued his Ph.D. degree. On the day P.S. was interviewed

for the position, the two kissed in the LSH parking lot. P.S. was accepted as an intern but was never placed in supervision under Licensee, as he disclosed [only] the therapist-client relationship to the program director, Dr. Mayda Nel Strong.

c. Outside the workplace, Licensee and P.S. met at various locations for encounters of a sexual nature. During this time, Licensee continued to see P.S.'s estranged husband in counseling, over P.S.'s expressed objections.

d. The personal relationship between Licensee and P.S. lasted until January of 2007, at which time Licensee informed P.S. that his interest in her was merely physical, and P.S. terminated the relationship.

5. Based on the above information, the Committee and Licensee executed a Preliminary Consent Agreement and Order in which Licensee agreed to obtain a psychological evaluation from Dr. Bruce Nystrom in Wichita. That evaluation has been completed and reviewed by the Complaint Review Committee.
6. The Board reaffirms the above findings of fact and notes that Licensee is now employed full-time in academics and is not in an employment position requiring licensure by this Board.

VIOLATIONS

The Board finds by a preponderance of clear and convincing evidence that Licensee, while a Licensed Clinical Marriage and Family Counselor, violated the following regulations:

1. **K.S.A. 65-6408(1)** – found to engage in the practice of marriage and family therapy in a manner harmful or dangerous to a client or to the public;
2. **K.S.A. 65-6408(3)** – violated a provision of the marriage and family therapists licensure act or one or more of the rules and regulations of the Board;
3. **K.S.A. 65-6408(7)** – found guilty of unprofessional conduct as defined by rules and regulations established by the Board;
4. **K.A.R. 102-5-12 – Unprofessional Conduct.**
 - (b) Any of the following acts by . . . a marriage and family therapy licensee . . . shall constitute unprofessional conduct:
 - (8) failing to recognize, seek intervention, or 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;
 - (26) making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been one's client;
 - (44) engaging in a dual relationship with a client, student or supervisee;
 - (50) practicing marriage and family therapy in an incompetent manner.

However, Licensee and the Board mutually desire to enter a Consent Agreement and Order in lieu of adjudicative proceedings at this time.

WHEREFORE, Licensee consents to the following conditions:

a. The Licensed Clinical Marriage and Family Therapist license of Royce E. Frazier, Ph.D., shall be suspended until further Order of the Board.

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

c. Evidence of Licensee's breach, violation or failure to comply with any of the above 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 condition. Upon determination at such hearing that Licensee has breached, violated or failed to comply with any condition, Licensee understands and agrees that his Clinical Marriage and Family Therapist license could be revoked following a hearing pursuant to the Kansas Administrative Procedure Act.

d. 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 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.

e. This Consent Agreement and Order constitutes the entire agreement between the Licensee and the Behavioral Sciences Regulatory Board and may be

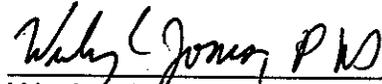
modified or amended only by written agreement signed by Licensee and the Board or a designee of the Board.

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 an Order of the Board. The Board has authorized the Complaint Review Committee to determine approval of this 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 the above-cited statutes and regulations as a result of this proceeding.

WHEREFORE, the foregoing provisions are consented to, are hereby made the 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, PhD.
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:



Royce E. Frazier, Ph.D., Licensee

02-24-10

Date



Carol Ruth Bonebrake, Esq., or
Jennifer Bazin, Esq.
Law Office of Carol Ruth Bonebrake, P.A.
Counsel for Licensee

03-08-10

Date

CERTIFICATE OF SERVICE

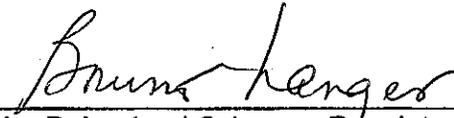
This is to certify that on this 30th day of March, 2010, a true and correct copy of the above and foregoing Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Carol Ruth Bonebrake, Esq.
Jennifer Bazin, Esq.
Law Office of Carol Ruth Bonebrake, PA
107 SW 6th Avenue, Suite 210
Topeka, Kansas 66603

Royce E. Frazier, Ph.D.



Marty M. Snyder, Attorney General's Office
By Building Mail



For the Behavioral Sciences Regulatory Board