

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

IN THE MATTER OF)
)
)
DARCY D. BUEHLER, PhD.)
)
License #0723)
_____)

CONSENT AGREEMENT AND ORDER

Now on July 9, 2001, the above-captioned matter comes before the Behavioral Sciences Regulatory Board (Board) by agreement of Darcy D. Buehler, PhD. (Licensee) and the Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned matter.

Licensee hereby acknowledges the following:

1. Darcy D. Buehler, PhD. is currently, and at all times relevant, has been, licensed as a Licensed Psychologist pursuant to 74-5301, et seq. with license #0723.
2. On or about February 15, 2001, the Board received information concerning Licensee's conduct alleging Licensee may have violated certain statutes and regulations governing the conduct and activities of Licensed Psychologists in the State of Kansas pursuant to 74-5301, et seq.
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, and was given the opportunity to respond to the allegations, and did respond to the allegations by admitting that she engaged in unprofessional conduct as defined by K.A.R. 102-1-10(b)(2) by smoking marijuana with an adolescent client, the client's mother, and another adult at a time when licensee knew that the client had self-reported use of marijuana.

5. As a result of the investigation, the Board finds reasonable cause to believe the following facts: On February 15, 2001, a parent of an adolescent minor made an online submission of a complaint to the Behavioral Sciences Regulatory Board that alleged that licensee had smoked marijuana at the parent's house, with the parent, in the presence of the minor. This incident was reported to have occurred on an unspecified evening of October of 2000. The parent had been a client of licensee's from approximately October 6, 1998 to March 24, 2000. Subsequent to termination of treatment, the parent and licensee had become friends, and saw each other socially, occasionally. The adolescent, 16 years old at the time of the incident, had been a client of licensee from approximately February 11, 2000 to October 16, 2000. The adolescent client reported to licensee that she had been smoking marijuana about once every two to three weeks.

6. As a result of the investigation, the Board through its investigative committee determines that reasonable grounds exist to believe that Licensee has committed acts that constitute violations of K.S.A. 74-5324(d) and K.A.R. 102-2-10(b)(2) which prohibit

a licensed psychologist from engaging in unprofessional conduct by practicing psychology in an incompetent manner.

7. It is agreed by and between the Board and Respondent that violation of K.S.A. 74-5324(d) constitutes grounds for revocation, suspension or other discipline of Licensee's license to practice psychology in Kansas.

HOWEVER, Licensee and the Board mutually desire to enter into a Consent Agreement and Order in lieu of adjudicative proceedings to resolve the alleged violation.

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 the facts set forth herein.

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 the facts set forth herein.

WHEREFORE Licensee consents and agrees to perform the following during all times that she holds any license issued by the Board:

A. License Suspension. Licensee's license #0723 shall be suspended for a period of not less than 13 months commencing the date of the order, and until Licensee provides proof to the satisfaction of the Board that she has complied fully and completely with each, every and all provisions of the Consent Agreement and Order. Licensee shall serve a period of actual suspension of 30 consecutive days commencing 12:01 a.m. September 15, 2001, and except for the period of actual suspension so

served, the suspension imposed for the 13 month period commencing the date of the order shall be stayed. In the event Licensee does not provide proof to the satisfaction of the Board that she has complied fully and completely with each, every and all provisions of the Consent Agreement and Order within 13 months of the effective date of the order, the stay shall be lifted and the suspension shall once again become actual suspension until such proof of completion is made to the satisfaction of the Board.

B. Practice Supervision. Licensee's practice of psychology in the State of Kansas shall be supervised for the period of suspension of license #0723 by a board approved Supervisor. Respondent, within 10 days of the effective date of this Order, shall submit in writing to the Board the name, current resume and commitment letter of a licensed psychologist licensed to practice in the State of Kansas who is willing to serve as Practice Monitor. In the commitment letter, the proposed practice Supervisor shall state that he or she has read this Consent Agreement and Order and understands and agrees to perform the obligations as set forth herein. Upon receipt of the above documentation, the Board shall promptly review and approve the practice Supervisor on the basis of his or her qualifications. If a proposed practice Supervisor is rejected, Licensee shall have 10 days in which to submit the name, current resume and commitment letter of an alternative proposed Supervisor. If the Board rejects Licensee's second proposed practice Supervisor, Licensee shall have an additional 10 days in which to submit the name, resume and commitment letter of a third nominee for practice Supervisor. If the Board rejects this third nominee, Licensee agrees to, within 10 days of the Board's decision, voluntarily cease and desist from all activities in the

State of Kansas for which a license to practice psychology is required until Licensee is able to obtain an acceptable practice Supervisor. Failure to cease practice under such circumstances shall constitute a violation of this Consent Agreement and Order for which the Board may summarily lift the stay on the suspension of license #0723 until such time as Licensee is able to obtain an acceptable practice Supervisor.

B. 1. The practice Supervisor shall be a licensed psychologist and currently licensed and practicing in the State of Kansas. The practice Supervisor shall not be in a subordinate, familial or other dual relationship with Licensee. All expenses associated with the Practice Supervisor shall be borne by Licensee.

B.2. The Practice Supervisor shall supervise Licensee and Licensee's professional activities in at least one (1) supervisory session per week. The focus of supervision shall be the standard of care regarding the evaluation and treatment of substance abuse/dependence, and observance of appropriate boundaries.

B.3. The Practice Supervisor shall submit directly to the Board quarterly written reports reporting the status and results of the practice supervision. The practice Supervisor shall submit the first written report to the Board on the first day of the third full month following the practice Supervisor's approval by the Board. Subsequent reports shall be submitted every three months on the first day of the month for the remainder of the suspension period.

B.4. If at any time the Practice Supervisor believes Licensee is not in compliance with this Consent Agreement and Order, is unable to practice with skill and with safety to clients, is practicing negligently, or has committed a violation of the

Licensure of Psychologists Act of the State of Kansas, the Practice Supervisor shall notify the Board in writing of such fact within 48 hours.

B.5. Licensee shall ensure that all reports by the Practice Supervisor are complete and submitted to the Board on time. If in the Board's judgment, the Practice Supervisor fails to adequately perform the functions required by this Consent Agreement and Order, the Board may direct the Licensee to obtain a new Practice Supervisor. If the Board so directs, or Licensee otherwise becomes aware that the Practice Supervisor has ceased to adequately perform the functions specified in this Consent Agreement and Order, Licensee shall immediately recommence the process to appoint a new Practice Supervisor as set forth herein, beginning with the submission to the Board within 10 days of the name, current resume and commitment letter of a new Practice Supervisor.

B.6. All expenses associated with the practice Supervisor shall be borne by Licensee.

C. Notification of All Locations of Practice. Within 10 days of the effective date of the Order, Licensee shall notify the Board, in writing, of all locations where she is currently engaged in the practice of psychology, setting forth the name of any employer (if applicable), address, and telephone number for each such location. Further, Licensee shall notify the Board within 10 days of any change of location. Licensee acknowledges an affirmative duty to notify the Board with 10 days of any changes in personal or professional status which would inhibit compliance with any term or condition of the Consent Agreement and Order. In the event of such change in

status, the Board reserves the right to modify or amend the Consent Agreement and Order upon reasonable notice to Licensee.

D. Acknowledgments and Affirmations. Licensee acknowledges that she has read the Consent Agreement and Order in its entirety and affirms that she enters into it voluntarily, after the opportunity to consult with counsel and with full understanding of its legal consequences. Licensee executes and submits the Consent Agreement and Order to the Board with the acknowledgment that once it is accepted, approved and made an order of the Board, it shall be given the same force and effect as a Final Order entered as a result of a formal disciplinary proceeding. Licensee acknowledges that the Consent Agreement is not effective unless and until accepted by the Board as an order of the Board. If the Board does not accept the Consent Agreement and Order, Licensee waives any right she may have to object to the composition of any subsequent hearing panel due to the hearing panel members having knowledge of matters contained within the Consent Agreement and Order.

E. Violations Of The Consent Agreement and Order. It is the responsibility of Licensee to take all appropriate actions to comply fully with the Consent Agreement and Order. Licensee understands and agrees that any violation of the Consent Agreement and Order shall constitute a violation of a Board Order and thus constitute grounds for further disciplinary action. If the Board has reasonable grounds to believe that a violation of the Consent Agreement and Order has occurred, the Board may on its own motion initiate disciplinary action, including the issuance of a summary order lifting the stay of suspension and imposing actual suspension, or other appropriate discipline, as

provided by K.S.A. 77-537. In the event of the issuance of a summary order, and subsequent timely request by Licensee for hearing on the summary order, the issues to be addressed at such hearing shall be limited solely to: (1) whether the Licensee committed the violations believed by the Board to have occurred, and (2) what disciplinary sanctions should be imposed in addition to the summary lifting of the stay of suspension. The pendency of any disciplinary action against Licensee shall not affect Licensee's obligation to comply with the terms of the Consent Agreement and Order.

H. Reporting to Other Jurisdictions. Licensee acknowledges that notification of the Consent Agreement and Order shall be provided to another state licensing board if Licensee is also licensed, registered or certified in another state or states, and the Board shall disclose the Consent Agreement and Order to another licensing board upon request.

I. Costs and Expenses. Licensee shall be responsible for any costs incurred in satisfying the terms of the Consent Agreement and Order.

J. Restoration of License. Upon proof to the satisfaction of the Board of completion of each and every term and condition of the Consent Agreement and Order, the suspension of Licensee's license #0723, will be lifted and said license restored to unconditional status.

K. Consent Agreement and Order Constitutes Entire Agreement. Licensee acknowledges that the Consent Agreement and Order constitutes the entire agreement between 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, except as

otherwise provided in the Consent Agreement and Order.

WHEREFORE Licensee consents to the submission of the Consent Agreement and Order to the Behavioral Sciences Regulatory Board and understands that upon approval of the Board, the Consent Agreement and Order becomes a final order of the Board.

WHEREFORE the provisions above are consented to and are hereby made the final order of the Behavioral Sciences Regulatory Board which becomes effective on

the date indicated in the below Certificate of Service.

IT IS SO ORDERED.

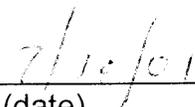


Member, Behavioral Sciences Regulatory Board

APPROVED AND CONSENTED TO:



Darcy D. Buehler, PhD.



(date)

CERTIFICATE OF SERVICE

This to certify that on the 14th day of August, 2001, 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:

Darcy D. Buehler, PhD.
Affiliated Family Counselors



Alan Varner
Assistant Attorney General
120 S.W. 10th Street, Second Floor
Topeka, Kansas 66612-1597



Roger Scurlock, Special Investigator
Behavioral Sciences Regulatory Board