

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

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

In the Matter of)
)
J. Scott Brown, LP # 973)
_____)

Case No. 04-LP-38

CONSENT AGREEMENT AND ORDER

NOW on this 10 day of October, 2005, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of J. Scott Brown (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. J. Scott Brown 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 February 24, 2004, the Board received a report of information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing his practice as a Licensed Psychologist.
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.

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

a) Licensee has a Ph.D. in counseling psychology and is a licensed psychologist with additional training in forensic and clinical psychology. He has been appointed to perform child custody evaluations in quite a number of cases in the Johnson County District Court.

b) In an Order rendered in a child custody matter, the Honorable Steve Leben, Johnson County District Court judge, expressed “significant disappointment with the work performed in this case by Dr. Brown.... We were particularly concerned that Dr. Brown’s written report said that he had given the MMPI-II exam to [two parties], which was untrue. Dr. Brown had relied on test results for an MMPI-I [sic] test previously given to [one party]. Dr. Brown did not know whether the person who gave [one party] the test was a licensed psychologist; Dr. Brown didn’t review the actual scoring sheets for that test. Dr. Brown did not review SRS records related to the [last name] family. Dr. Brown didn’t see any of the children in either of the parties’ homes. Dr. Brown didn’t talk to any school personnel. Dr. Brown’s report didn’t mention [one party’s] criminal conviction. Dr. Brown didn’t initially provide all of his file to Dr. Spiridigliozzi, despite court directives to do so. Had [second party] not hired Dr. Spiridigliozzi and pursued review of Dr. Brown’s underlying files, the Court would have been led to believe that Dr. Brown *had* given MMPI-II exams to both parties and that his report was fairly comprehensive. That is not our conclusion.”

Licensee states that he does not dispute these facts.

6. The Board finds that reasonable grounds exist to believe Licensee has committed

unprofessional conduct in violation of K.S.A. 74-5324 (d) or (e) as defined in K.A.R. 102-1-10a¹ as follows:

(a) (a)(3) – practicing psychology in an incompetent manner, including ... without just cause, failing to provide psychological services that the licensee is required to provide under the terms of a contract.

(b) (g)(5) – misrepresenting the services offered or provided, including ...taking credit for work not personally performed.

(c) (n)(2) – engaging in improprieties with respect to forensic practice, including ... in the course of giving expert testimony in a legal proceeding, performing a psychological assessment in a biased, nonobjective or unfair manner or without adequate substantiation of the findings.

(d) (n)(3) – engaging in improprieties with respect to forensic practice, including ... failing to conduct forensic examinations in conformance with established scientific and professional standards.

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. 04-LP-38.

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 Case No. 04-LP-38.

¹ All references herein to Kansas Administrative Regulations are to the January 4, 2002 version of K.A.R.

WHEREFORE, Licensee consents to the continuation of his license under the following conditions:

(a) For twelve (12) months from the date indicated in the below Certificate of Service, Licensee shall submit a copy of all court-ordered evaluation reports for review by a Kansas Licensed Psychologist, approved by the Board, who is not in a subordinate, familial or other dual relationship with Licensee [not reportable].

(b) Licensee shall furnish a copy of the Consent Agreement and Order to the reviewing Psychologist and shall cooperate to enable the reviewing Psychologist to discharge his or her duties in a responsible manner. Any apparent departure from the professional standard of such reports shall be reported by the reviewing Psychologist to the Board.

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

(d) 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 condition. Upon determination at such hearing that Licensee has breached, violated or failed to comply with any condition, Licensee understands and agrees that his Psychologist license could 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 .

(e) 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.

(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.

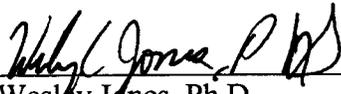
WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval of the Complaint Review Committee, this Consent Agreement and Order will become a Final Order of the Board. The Board has authorized the Complaint 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. 102-1-10a as a result of this proceeding.

WHEREFORE, the Board further agrees that, at the conclusion of the conditional licensure period, upon determination of Licensee's compliance with the conditions stated herein, 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:



J. Scott Brown, LP

9/26/05
Date

BROWN & DUNN, P.C.
911 Main, Suite 2300
Kansas City, MO 64105
T: (816) 292-7000
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By: 
Stephen S. Brown, Mo. Bar #21908
Matthew M. Merrill, Ks. Bar #19021
ATTORNEYS FOR J. SCOTT BROWN

Certificate of Service

This is to certify that on this 11th day of October, 2005, 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:

J. Scott Brown, Ph.D.



Stephen S. Brown
Matthew M. Merrill
Brown & Dunn, P.C.
911 Main St., Ste. 2300
Kansas City, MO 64105



For the Behavioral Sciences Regulatory

Board

State of Kansas
Behavioral Sciences Regulatory Board



KATHLEEN SEBELIUS
Governor

PHYLLIS GILMORE
Executive Director

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November 18, 2009

J. Scott Brown, Ph.D.



Re: Consent Agreement and Order 04-LP-0038

Dear Dr. Brown,

You have complied with all of the conditions set forth in the Consent Agreement and Order under which you practiced between October 11, 2005 and October 11, 2006. You were unconditionally licensed as a Licensed Psychologist effective October 11, 2006.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Carol Baldwin".

Carol Baldwin
Special Investigator