

Marty M. Snyder, Supreme Court #11317
Kansas Attorney General's Office
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BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
David R. Bowman, #LP 630)
)
_____)

Case No. 05-LP-53

CONSENT AGREEMENT AND ORDER

NOW on this 26th day of May, 2006, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of David R. Bowman (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. David R. Bowman 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 March 7, 2005, 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 given the opportunity to respond to the

allegations and did respond to the allegations more than six months after the initial letter was sent.

5. As a result of the investigation, the Board finds clear and convincing evidence of the following facts:

a) Licensee was appointed by the Sedgwick County District Court to conduct a child custody evaluation in a contested divorce proceeding. He completed the evaluations of the individuals in October and November of 2004. He was paid in full for his services prior to conducting the evaluations.

b) However, despite numerous requests, Licensee failed to provide a written report of the evaluation until after the complaint was filed in this matter.

c) Licensee states that he does not dispute these facts. He cites difficulties with concentration due to a sleep apnea disorder for which he is now receiving treatment.

6. The Board finds by clear and convincing evidence that reasonable grounds exist to believe Licensee has violated KSA 74-5324 (d), KAR 102-1-10a(a)(3) and KAR 102-1-10a(k)(3).

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. 05-LP-53.

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. 05-LP-53.

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

(a) Licensee removes his name from court-appointed child custody evaluations and furnishes confirmation of this from the court within two weeks of the effective date of this Consent Agreement and Order.

(b) Licensee conducts no further court-appointed child custody evaluations until further review and authorization by 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 his 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 case number 05-LP-53.

WHEREFORE, the Board further agrees that, upon the completion of the above conditions, 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.
Wesley Jones, Ph.D.
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:

David R. Bowman, PhD
David R. Bowman, Licensee

5/26/06
Date

Certificate of Service

This is to certify that on this 26th day of June, 2006, 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:

David R. Bowman



Roger A. Scullocke
For the Behavioral Sciences Regulatory Board