

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

2010 AUG 12 10:13 AM

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

In the Matter of)
)
BETH KATONA, LPC)
License #1981,)
Respondent)
_____)

Case No. 10-PC-0093

CONSENT AGREEMENT AND ORDER

NOW, on this 12 day of August, 2010, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [Board], by and through Assistant Attorney General Marty M. Snyder, by agreement of Beth Katona [Licensee] and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following facts which the Board finds have been established by clear and convincing evidence:

1. Beth Katona, at all times relevant, has been a Licensed Professional Counselor within the meaning of the Professional Counselors Licensure Act, K.S.A. 65-5801, *et seq.*, and amendments thereto.

2. On or about February 12, 2010, the Board received a report concerning Licensee's conduct, alleging Licensee may have violated certain statutes and

regulations governing the practice of professional counseling related to her job as a Licensed Professional Counselor.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations. During the investigation, Licensee was given the opportunity to respond in writing to the possible violations. Licensee did respond by letter dated March 15, 2010.

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. As part of Licensee's employment as a Therapeutic Case Manager at KVC Behavioral Healthcare, Licensee was expected to see every child assigned to her case load at least one time per month and to document every contact made that was related to the case. She was employed there from April 2009 through January 2010.

b. In the last several weeks of her employment, Licensee stated that she was behind on her documentation. It was made clear to Licensee that all documentation must be complete prior to her last day of employment.

c. Following Licensee's last day of employment, Licensee's supervisor checked for the completed documentation and found there was no documentation for any of Licensee's cases for the months of December 2009 and January 2010.

d. When she was contacted by the Director, Licensee agreed to provide further documentation but has failed to do so.

5. The Complaint Review Committee of the Board finds that Licensee has violated the following statutes and regulations:

A. K.S.A. 65-5809. Refusal to issue, suspension, limitation, refusal to renew or revocation of license or specialty designation; grounds. The board may refuse to issue, suspend, limit, refuse to renew, condition or revoke any license granted under the professional counselors licensure act for any of the following reasons:

(n) unprofessional conduct as defined by rules and regulations adopted by the board.

B. K.A.R. 102-3-12a. Unprofessional Conduct.

(b) Any of the following acts by a licensed professional counselor . . . shall constitute unprofessional conduct:

(35) failing to maintain a record for each client that conforms to ... minimal requirements;

(38) making or filing a report that one knows to be ... incomplete;

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. 10-PC-0093.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act in relation to Case No. 10-PC-0093.

WHEREFORE, the Board and Licensee agree that Licensee's Licensed Professional Counselor license shall be suspended for one year.

(a) 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 conditions. Upon determination at such hearing that Licensee has breached, violated or

failed to comply with any condition, Licensee understands and agrees that her Kansas Licensed Professional Counselor license may 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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.

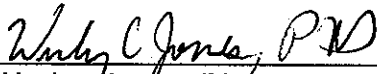
(f) This Consent Agreement and Order constitutes the entire agreement between the Licensee and the Board and may be modified or amended only by written agreement signed by Licensee and the Board or a designee of the Board.

WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval by 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. 65-5809 and K.A.R. 102-3-12a as a result of this proceeding.


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.

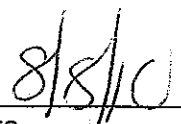


Wesley Jones, Ph.D.
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:



Beth Katona, LMSW
Licensee



Date

CERTIFICATE OF SERVICE

This is to certify that on this 17th day of August, 2010, a true and correct copy of the above Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

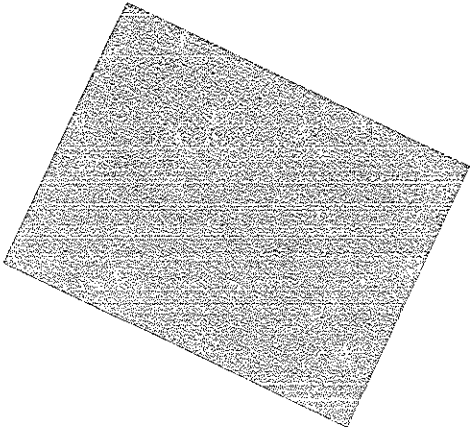
Beth Katona



Marty M. Snyder
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612

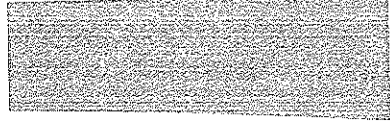
Carol Baldwin

For the Behavioral Sciences Regulatory Board



August 25, 2011

Beth Chippendale-Katona, LPC



Re: Report of Alleged Violation 10-PC-0093

Dear Ms. Chippendale-Katona,

This letter is to confirm that you complied with all of the conditions set forth in the Consent Agreement and Order dated August 12, 2010. You completed those conditions and all above mentioned cases were closed on August 12, 2011.

You are now unconditionally licensed to practice as an LPC.

Thank you for your cooperation in this matter.

Sincerely,

Carol Baldwin
Special Investigator