

Marty M. Snyder, KS S.Ct. #11317  
Assistant Attorney General  
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**BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD  
712 South Kansas Avenue  
Topeka, KS 66603-3817**

In the Matter of )  
)

KRISTY PAULS,  
LCP #143 )  
\_\_\_\_\_ )

Case No. 11-CP-0072

**CONSENT AGREEMENT AND ORDER**

NOW, on this 8<sup>th</sup> day of August, 2011, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Kristy Pauls (Respondent/Licensee), by and through counsel Kyle Ramsey, Holbrook and Osborn, PA, and the Board, by and through Assistant Attorney General Marty M. Snyder, for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Kristy Pauls, Licensee, at all times relevant, was a Licensed Clinical Psychotherapist within the meaning of the Licensure of Psychologists Act, K.S.A. 74-5301 *et seq.*, and amendments thereto and as defined in K.S.A. 74-5361.
2. On May 6, 2011, the Board received information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing her license as a clinical psychotherapist.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations. During the investigation, Licensee was informed of the reported information, was given the opportunity to respond to the allegations, and did respond in her letter dated May 17, 2011.

4. As a result of the investigation, the Board finds that the following facts have been established by a preponderance of clear and convincing evidence:

a. Licensee was counseling a child following his placement in foster care.

b. On December 30, 2010, during a tape-recorded telephone conversation with the child's father regarding the child's appointment on December 28, 2010, Licensee stated that the child was, "... 5 years old and ... one of the best little liars I've ever met. He can tell some really big whoppers."

c. On April 1, 2011, Licensee testified under oath in a Child in Need of Care hearing regarding the child. When asked by the attorney representing the father whether the Licensee indicated to the father that the child was a good liar, Licensee responded, "I did not say he was a good liar...he accused me of saying that, but I did not say he was a good liar." This testimony was false.

d. In Licensee's written response to the disciplinary complaint, she stated: "First, I strongly deny ever calling my patient a liar." This false statement was provided to the Board. Further, she claimed that the father had made a false allegation against her, questioned his motives and stated: "Again, I did not call this child a liar or otherwise violate standards of professional conduct."

e. In connection with the above, Licensee provided false information to the father and stepmother of her client, to the court and to the Board.

5. The Complaint Review Committee of the Board finds that probable cause exists to believe Licensee has violated the following regulation:

**A. K.A.R. 102-4-12. Unprofessional Conduct.** (b) Any of the following acts by a . . . licensed clinical psychotherapist . . . shall constitute unprofessional conduct:

(53) practicing master's level psychology or clinical psychotherapy in an incompetent manner;

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. 11-CP-0072.

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. 11-CP-0072.

WHEREFORE, the Board and Licensee agree that Licensee's LCP license shall be suspended for twelve (12) months but the suspension shall be stayed under the following terms and conditions:

(a) Licensee shall attend six (6) hours of continuing education on ethics within six months of the effective date of this Agreement and shall provide a copy of her certificate(s) of attendance to the Board upon completion. Such continuing education shall be attended in person and not on-line, shall be in addition to licensure requirements, and shall be at Licensee's expense.

(b) Licensee shall prepare a ten-page professional quality paper on the importance of truthfulness in clinical and forensic practice. The paper shall be in APA format, contain at least ten professional references, and be submitted to the Board within 90 days of the effective date of this Consent Agreement.

(c) Licensee's practice shall be supervised for a period of twelve months by a Board-approved supervisor licensed. The focus of the supervision will be on ethical practice. Licensee and her supervisor shall meet in-person for one hour every week for three months. After three months, meetings will be at the discretion of the supervisor. The supervisor shall provide quarterly written reports to Board investigator Carol Baldwin.

(d) Licensee is prohibited from providing court testimony without a subpoena. However, she may testify under oath at administrative hearings in connection with her employment at El Dorado Correctional Facility.

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

(f) 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 Clinical Psychotherapist 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.

(g) 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.

(h) 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.

(i) 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.

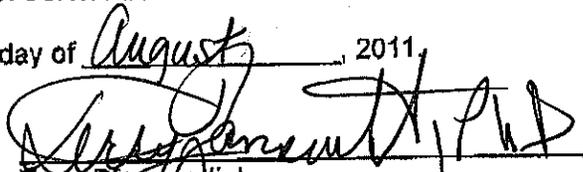
(j) This Consent Agreement and Order constitutes the entire agreement between Licensee and the Board and may be modified or amended only by written agreement signed by Licensee and the Board or a designee of the Board.

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.

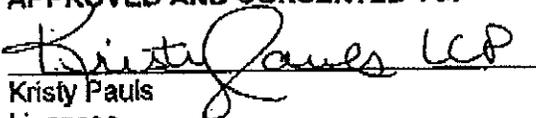
WHEREFORE, the Board agrees that, so long as Licensee complies with the above conditions, her LCP license shall remain active and unrestricted and the Board will not initiate further disciplinary action against Licensee in relation to violations of K.A.R. 102-4-12 as a result of this proceeding.

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 this 8<sup>th</sup> day of August, 2011.

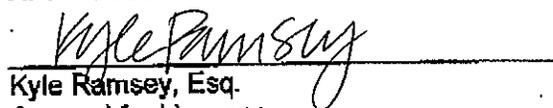
  
Terry Pfannenstiel  
Chair, Complaint Review Committee

**APPROVED AND CONSENTED TO:**

  
Kristy Pauls  
Licensee

9-6-11  
Date

**APPROVED:**

  
Kyle Ramsey, Esq.  
Counsel for Licensee

9-9-11  
Date

**CERTIFICATE OF SERVICE**

This is to certify that on this 5<sup>th</sup> day of October, 2011, 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:

Kristy Pauls



Kyle Ramsey, Esq.  
Holbrook and Osborn, PA  
7400 West 110<sup>th</sup> Street, Suite 600  
Overland Park, KS 66210-2362

and a copy delivered via interoffice mail to:

Marty M. Snyder, Esq.  
Assistant Attorney General  
120 SW 10th Avenue, Second Floor  
Topeka, KS 66612-1597

  
For the Board

April 2, 2012

Kristy Pauls

Re: Report of Alleged Violation 11-CP-0072

Dear Ms. Pauls,

This letter is to confirm that you complied with all of the conditions set forth in the Consent Agreement and Order dated August 8, 2011. You completed those conditions and all above mentioned cases were closed on April 2, 2012.

You are now unconditionally licensed to practice as an LCP.

Thank you for your cooperation in this matter.

Sincerely,

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

Carol Baldwin  
Special Investigator