

Marty M. Snyder, KS S Ct #11317
Assistant Attorney General
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597

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

In the Matter of)

ELIZABETH DANLEY)
Respondent)
_____)

Case No. 11-MF-0013

CONSENT AGREEMENT AND ORDER

NOW, on this 24th day of November, 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 Elizabeth Danley (Respondent) and the Board for the purpose of resolving the above-captioned case.

Respondent hereby acknowledges the following:

1. From December 8, 2005 through December 31, 2007, Respondent was issued a temporary license as a Licensed Marriage and Family Therapist within the meaning of the Marriage and Family Therapists Licensure Act, K.S.A. 65-6401, *et seq.*, and amendments thereto. Respondent became an applicant for a Licensed Marriage and Family Therapist when she applied for a license on August 6, 2010.

2. On April 24, 2008, the Board received a report of information concerning Respondent's conduct, alleging Respondent may have violated certain statutes and regulations governing the practice of Marriage and Family Therapy related to her job at Youthville. At the time of the report, Respondent's Temporary Marriage and Family Therapist license had expired, and the Board had no jurisdiction over Respondent.

3. On August 6, 2010, Respondent applied for a LMFT license. The Board then conducted an investigation concerning Respondent's alleged violation of statutes and regulations. During the investigation, Respondent was informed of the reported information and was given the opportunity to respond to the allegations. Respondent did respond by letter received August 17, 2010.

4. As a result of the investigation, the Board finds that Respondent altered her Temporary Marriage & Family Therapist License by changing the expiration date from December 31, 2007, to April 30, 2008. The above facts are established by clear and convincing evidence.

5. The Complaint Review Committee of the Board finds that probable cause exists to believe Respondent has violated the following statutes and regulations:

A. K.S.A. 65-6403. Prohibited acts and representations; misdemeanor.

(a) No person shall engage in the practice of marriage and family therapy or represent that such person is a licensed marriage and family therapist or a marriage and family therapist without having first obtained a license as a marriage and family therapist under the marriage and family therapist licensure act.

B. K.A.R. 102-5-12. Unprofessional Conduct.

(b) Any of the following acts by either a marriage and family therapy licensee or a marriage and family therapy licensure applicant shall constitute unprofessional conduct:

(1) Obtaining or attempting to obtain a license or registration for oneself or another by engaging in fraud, bribery, deceit, misrepresentation, or by concealing a material fact;

(2) except when the information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that the licensee or applicant or any other person regulated by the board or applying for licensure or registration has met any of these conditions:

(E) has practiced the licensee's or registrant's profession in violation of the laws or regulations that regulate the profession;

(23) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;

(52) using without a license or continuing to use after a license has expired any title or abbreviation prescribed by law to be used solely by persons who currently hold that type or class of license.

However, Respondent 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, Respondent 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-MF-0013.

WHEREFORE, Respondent 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-MF-0013.

WHEREFORE, the Board and Respondent agree to the following terms and conditions:

(a) Respondent shall prepare a ten-page professional quality paper on the ethics of licensure. 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.

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

(c) Evidence of Respondent'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 Respondent has in fact breached, violated or failed to comply with any conditions. Upon determination at such hearing that Respondent has breached, violated or failed to comply with any condition, Respondent understands and agrees that her Licensed Marriage and Family Therapist license could be suspended until such time as Respondent can demonstrate compliance with all terms and conditions of this Consent Agreement and Order to the satisfaction of the Board.

(d) Respondent acknowledges that proof submitted to the Board by affidavit or other form of competent evidence that Respondent 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.

(e) Respondent 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.

(f) Respondent understands that a notification of this Consent Agreement and Order shall be provided to any other state licensing board if Respondent is also licensed, registered or certified in another state.

(g) This Consent Agreement and Order constitutes the entire agreement between Respondent and the Behavioral Sciences Regulatory Board and may be modified or amended only by written agreement signed by Respondent and the Board or a designee of the Board.

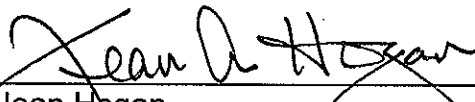
WHEREFORE, Respondent consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands

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 Respondent complies with the above conditions, the Board will not initiate further disciplinary action against Respondent in relation to violations of K.S.A. 65-6403(a) and K.A.R. 102-5-12 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.



Jean Hogan
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:



Elizabeth Danley
Respondent

11-17-10

Date

CERTIFICATE OF SERVICE

This is to certify that on this 29th day of November, 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:

Elizabeth Danley



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

Carol Baldwin

For the Behavioral Sciences Regulatory Board

March 23, 2011

Elizabeth Danley

XXXXXXXXXX

XXXXXXXXXX

Re: Report of Alleged Violation 11-MF-0013

Dear Ms. Danley,

This letter is to confirm that you complied with all of the conditions set forth in the Consent Agreement and Order dated November 24, 2010. You completed those conditions and the above mentioned case has now been closed.

You are now unconditionally licensed to practice as a LMFT.

Thank you for your cooperation in this matter.

Sincerely,

Carol Baldwin

Special Investigator