

Jane E. Weiler, #25276  
Assistant Attorney General  
Office of the Kansas Attorney General  
120 SW 10<sup>th</sup> Avenue, Second Floor  
Topeka, KS 66612-1597

**BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**  
**700 SW Harrison Street, Suite 420**  
**Topeka, Kansas 66603-3929**

In the Matter of )  
SCARLETT R. BUNYARD, LMFT )  
License No. 1254 ) Case No. 22-MF-0009  
)  
Respondent/Licensee. )

**CONSENT AGREEMENT AND FINAL ORDER**

NOW on this 27 day of December, 2021, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (“Board”) by and through Assistant Attorney General Jane E. Weiler on behalf of the Board, and by agreement of Scarlett R. Bunyard, (“Licensee”), for the purposes of resolving the above-captioned matter.

The parties knowingly and voluntarily agree as follows:

1. On March 1, 2019, the Board issued Licensee a Licensed Marriage and Family Therapist (“LMFT”) license, No. 1254. This license expires on March 31, 2023. Licensee is currently, and was at all times relevant to this Consent Agreement and Final Order, an LMFT within the meaning of the laws relating the Kansas Marriage and Family Therapists Licensure Act, K.S.A 65-6401, *et seq.*, and amendments thereto.
2. On or about July 12, 2021, the Board received a Report of Alleged Violation alleging Licensee may have violated certain statues and regulations governing the practice of licensed marriage and family therapists in the State of Kansas.
3. Licensee was employed at the El Dorado Correctional Facility, in El Dorado, Kansas. Initially, Licensee worked in the restricted housing for approximately two years; and then in June 2021, Licensee transferred the Mental Health Unit.

4. On July 9, 2021, Licensee sent a text message to her director that she was not coming back to work.

5. In her response to the Board, Licensee stated, "It is true I ended my ended my employment abruptly at the El Dorado Correctional Facility."

### **APPLICABLE LAW**

6. K.S.A. 65-6402(c): "Licensed marriage and family therapist" means a person who engages in the practice of marriage and family therapy and who is licensed under this act except that on and after January 1, 2002, such person shall engage in the practice of marriage and family therapy only under the direction of a licensed clinical marriage and family therapist, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders.

7. K.S.A. 65-6408(a)(9): The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the Board. Specifically:

a. K.A.R. 102-5-12(b)(38) states, "Failing to notify the client promptly when one anticipates terminating or interrupting service to the client."

b. K.A.R. 102-5-12(b)(39) states, "failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care."

c. K.A.R. 102-5-12(b)(40) state, "abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer."

8. Licensee and the Board mutually desire to enter into this Consent Agreement and Final Order in lieu of further summary and adjudicative proceedings.

9. Licensee understands that by entering into this Consent Agreement and Final Order Licensee waives all rights to further adjudication of facts and law that could be determined pursuant to summary proceedings or a hearing conducted in accordance with the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.* in relation to Case No. 22-MF-0009.

10. Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review, K.S.A. 77-601 *et seq.* in relation to Case No. 22-MF-0009.

11. The Board accepts Licensee's waiver of rights and stipulations.

### **ORDER**

**WHEREFORE**, the Board finds that the above facts have been established by clear and convincing evidence; and further finds that Licensee was in violation of K.S.A. 65-6408(a)(9), as defined in K.A.R. 102-5-12(b)(38), in that Licensee failed to notify her clients promptly that there would be an interruption of services when she ended her employment abruptly at the El Dorado Correctional Facility.

The Board also finds Licensee was in violation of K.S.A. 65-6408(a)(9), as defined in K.A.R. 102-5-12(b)(39), in that Licensee failed to seek continuation of services for her clients when she ended her employment abruptly at the El Dorado Correctional Facility.

Additionally, the Board finds Licensee was in violation of K.S.A. 65-6408(a)(9), as defined in K.A.R. 102-5-12(b)(40), in that Licensee abandoned her employment when she resigned from the El Dorado Correctional Facility without providing reasonable notice to her employer, which seriously impaired the delivery of professional care to her clients

**AND WHEREAS** Licensee and the Board mutually desire to enter into a Consent Agreement and Final Order in lieu of further adjudicative proceedings to resolve the reported violations.

**NOW THEREFORE**, Licensee consents to the following terms and conditions, and the Board orders that:

12. Licensee shall practice only under individual supervision by an independent clinical-level supervisor, which can be an employment based supervisor, to be approved by the Board. There shall be no dual relationship with the supervisor. Licensee shall have one (1) hour meetings every other week with her supervisor in a face to face manner. The focus shall include, but not limited to, professional and ethical responsibilities. This requirement shall continue for one (1) year.

13. Within thirty (30) days of the effective date of this Consent Agreement and Final Order; or if Licensee is not currently working using her LMFT license and prior to the beginning of using her LMFT license, Licensee shall submit to the Board's investigator the name of her proposed supervisor.

14. Licensee shall provide a copy of this Consent Agreement and Final Order to the supervisor and authorize the supervisor to provide written quarterly reports to the Board's Investigator for the one (1) year term of supervision. There shall be a minimum of four (4) quarterly reports (one report every three [3] months) submitted to the Board's investigator during this one (1) year supervision timeframe.

15. During the time this Consent Agreement and Final Order is in effect, Licensee shall not serve as a supervisor to any person actively using a license regulated by the Board in a position in which such license is required. In addition, Licensee shall not engage in the provision of clinical supervision to any person attaining supervised experience in preparation by the Board. Finally, Licensee shall not supervise any unlicensed person, including students or volunteers, when such persons are engaged in the delivery of professional counseling services.

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

17. Additionally, Licensee shall obtain six (6) extra continuing education hours in Ethics beyond the biennial requirement, taken in-person or on-line within six (6) months of the effective date of this Consent Agreement and Final Order. These additional continuing education hours shall include, but not limited to, appropriate therapeutic relationships.

18. These hours shall be in addition to those continuing education hours required for renewal of license.

19. All foreseen and unforeseen expenses to complete the aforementioned course(s) including travel, lodging, program fee, meals, etc., shall be at Licensee's own expense.

20. Licensee must notify the Board's Investigator within ten (10) days of a change in her employment and/or address change.

21. Licensee shall all submit to the Board's investigator at its offices located at 700 SW Harrison St, Suite 420, Topeka, Kansas, 66603, any and all documents evidencing compliance with the terms and conditions required by this Consent Agreement and Final Order.

22. After completion of the actions set out in the Consent Agreement and Final Order, Licensee will have no remaining obligations to the Board in relation to this case. However, Licensee may be subject to further enforcement action if Licensee fails to comply with the terms, conditions, and requirements imposed by this Consent Agreement and Final Order.

23. The matters referred to in this Consent Agreement and Final Order shall not be grounds for future action against Licensee, except the extent that that such matters may be relevant for future disciplinary or licensure proceedings in the Board's consideration of the factors identified in K.S.A. 65-6407 [Licensure; expiration and renewal; continuing education; reinstatement of suspended or revoked license], and K.S.A. 65-6408 [Refusal to grant, suspension, condition, limitation, qualification, restriction or revocation of license, grounds], for establishing rehabilitation or a pattern of conduct.

24. Except as provided in paragraph 23, this Consent Agreement and Final Order shall operate as a complete release of all claims the parties may have against each other pending before the Board and arising out of the Board's investigation of these matters. Licensee agrees not to file, or cause to be filed, any litigation or claims in any federal or state court of law or federal or state administrative agency against the Board, its agents, Board members, or employees, individually or in their official capacity. Such litigation or claims include, but are not limited to, any K.S.A. Chapter 60 or Chapter 61 civil action regarding negligence and/or a 42 United States Code action and/or any administrative petition for redress. Licensee agrees that all actions in this matter were a bona fide use of administrative discretion on the part of the Board, its members, and employees, which is a statutory exception to liability within the Kansas Tort Claims Act, K.S.A. 75-6104(b), (c) or (e).

25. Licensee agrees that this Consent Agreement and Final Order conforms to Kansas and federal law and that the Board has jurisdiction to enter into it and enter the Final Order provided for herein.

26. Licensee understands that a notification of this Consent Agreement and Final Order shall be provided to any other state licensing board or entity if Licensee is also licensed, registered or certified in another state.

27. This Consent Agreement and Final Order shall be a public record in the custody of the Board.

28. This Consent Agreement and Final Order constitutes the entire agreement of the parties and may only be modified by order of the Board or by a subsequent writing signed by the parties. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

29. This Consent Agreement and Final Order shall become effective on the date indicated in the Certificate of Service.

**WHEREFORE**, the parties consent to these provisions, which are hereby made the Final Order of the Kansas Behavioral Sciences Regulatory Board in the above-captioned case.

IT IS SO ORDERED.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

*Caroleyn Szapora* 12/16/21  
Co-Chairperson, Complaint Review Committee  
On behalf of Kansas Behavioral Sciences  
Regulatory Board


AGREED AND CONSENTED TO BY:

*Scarlett R. Bunyard, LMFT*  
Scarlett R. Bunyard, LMFT  
Respondent/Licensee

12-1-2021  
Date

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was served on this 27 day of December 2021, by depositing the same in the United States mail, postage prepaid, addressed to:

Scarlett R. Bunyard, LMFT  


And a copy delivered via email to:

Jane E. Weiler, Assistant Attorney General  
[Jane.weiler@ag.ks.gov](mailto:Jane.weiler@ag.ks.gov)  
Office of the Attorney General  
120 SW 10<sup>th</sup> Ave., 2<sup>nd</sup> Floor  
Topeka, KS 66612  
Disciplinary Counsel for the Board

*Cindy D'Onofrio*  
For the Board