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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of

TRICIA D. BLATCHFORD, LP
License #1752

Respondent

Case No. 23-LP-0017

Pursuant to K.S.A. 77-536

SUMMARY PROCEEDING ORDER

NOW, on this 31 day of August, 2022, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board ("Board").

FINDINGS OF FACT

The Board finds that the following facts have been established by a preponderance of the evidence:

1. Tricia D. Blatchford ("Respondent") was at all times relevant, a Licensed Psychologist ("LP"), having been issued LP License No. 1752 within the meaning of the Kansas Licensure of Psychologists Act, K.S.A. 74-5301, *et seq.*, and amendments thereto.
2. On or about September 14, 2021, Respondent entered into a Consent Agreement and Final Order ("2021 Consent Agreement") with the Board for violations of the Kansas Licensure of Psychologists Act, in Case No. 21-LP-0070.

3. Under the terms and conditions of the 2021 Consent Agreement, Respondent agreed to, and she was required to practice only under individual supervision by an independent clinical-level supervisor, which was to be approved by the Board.

4. Additionally, Respondent is required to meet with her supervisor weekly, for a period of two (2) years.

5. However, Respondent has repeatedly failed to comply with the aforementioned 2021 Consent Agreement.

6. First, on or about March 17, 2022, the Board issued a Summary Proceeding Order (“2022 SPO”) that alleged Respondent to be in violation of the Kansas Licensure of Psychologists Act. Specifically, failing to comply with her 2021 Consent Agreement. Respondent did not request a hearing, and the 2022 SPO became a Final Order on April 5, 2022.

7. On or about March 18, 2022, Respondent provided to the Board staff her proposed clinical-level supervisor as required by the terms and conditions of the 2021 Consent Agreement.

8. Following issuance of the 2022 Summary Proceeding Order, Respondent then complied with the terms and conditions of the 2021 Consent Agreement. Thus, the suspension ordered by the Summary Proceeding Order dated March 17, 2022, did not take effect.

9. Respondent initiated her supervision in March 2022. On or about June 21, 2022, Respondent’s supervisor provided notice to Respondent and Board staff that the supervisor was terminating supervision. In this notice, the supervisor wrote, “I have not seen you since 5/23/2022. I was responsible for one of those sessions, the others were you canceling at the last minute or no-showing.”

10. On June 21, 2022, Board staff sent to Respondent an email that required her to submit to Board staff the name of her proposed supervisor by July 20, 2022. Respondent once again failed to provide to the Board the name of her proposed supervisor by July 20, 2022.

11. On August 1, 2022, Respondent provided to the Board staff her proposed clinical-level supervisor as required by the terms and conditions of the 2021 Consent Agreement.

12. Since the inception of the 2021 Consent Agreement, Respondent has only attended a little over three (3) months of her required supervision ordered by the Board, and agreed to by Respondent in the 2021 Consent Agreement.

APPLICABLE LAW

13. Pursuant to K.S.A. 77-537(a) of the Kansas Administrative Procedure Act ("KAPA"), a state agency may use summary proceedings, subject to a party's request for a hearing on the order, if:

- (1) The use of those proceedings in the circumstances does not violate any provision of law;
- (2) the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties;
- (3) based upon an investigation of the facts by the state agency, beyond receipt of the allegations, the state agency believes in good faith that the allegations will be supported to the applicable standard of proof, provided however that an alleged failure to meet the standards set forth in this subsection shall not be subject to immediate judicial review and shall not invalidate any later agency action that has been supported to the applicable standard of proof; and
- (4) the order does not take effect until after the time for requesting a hearing has expired.

14. Pursuant to K.S.A. 74-5302(a): "Practice of psychology" means the application of established principles of learning, motivation, perception, thinking and emotional relationships to problems of behavior adjustment, group relations and behavior modification, by persons trained in psychology. The application of such principles includes, but is not restricted to, counseling and the use of psychological remedial measures with persons, in groups or individually, having adjustment

or emotional problems in the areas of work, family, school and personal relationships; measuring and testing personality, intelligence, aptitudes, public opinion, attitudes and skills; the teaching of such subject matter; and the conducting of research on problems relating to human behavior, except that in all cases involving the care of the sick and ill as defined by the laws of this state, the primary responsibility devolves upon those licensed under the Kansas healing arts act. The practice of psychology includes the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. If a licensed psychologist cannot make an independent diagnosis of a mental disorder, such psychologist shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed psychologist may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

15. Pursuant to K.S.A. 74-5324(a)(11): 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 a license has violated any lawful order or directive of the board previously entered by the board.

CONCLUSIONS OF LAW

16. Respondent is in violation of K.S.A. 74-5324(a)(11), in that Respondent has once again violated the Consent Agreement and Final Order, a lawful order of the Board previously entered into with the Board on September 14, 2021.

ORDER

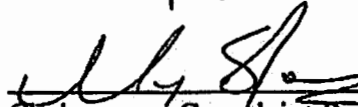
WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 74-5324(a) and K.S.A. 77-537, the Complaint Review Committee of behalf of the Board orders the following terms and conditions:

17. Respondent shall practice only under individual supervision by an independent clinical-level supervisor to be approved by the Board if employed using her LP license. There shall be no dual relationship with the supervisor. Respondent shall have weekly one (1) hour meetings with her supervisor in a face to face manner. The focus shall be related to dual relationships, professional boundaries, and professional responsibility. This requirement shall continue for the remaining two (2) years as ordered by the 2021 Consent Agreement. Specifically, Respondent is to be supervised for the remaining twenty-one (21) months to meet the required two (2) year timeframe ordered by the Board, and agreed to by Respondent in the 2021 Consent Agreement.

18. Respondent shall provide a copy of this Consent Agreement and Final Order to the supervisor and authorize the supervisor to provide written monthly reports to the Board's Investigator for the remaining two (2) year term of supervision. There shall be a minimum of twenty-one (21) monthly reports submitted to the Board's investigator during the remaining two (2) year supervision timeframe.

19. Furthermore, Respondent shall pay a fine of \$500.00 within thirty (30) days of the effective date of this Summary Proceeding Order. Respondent shall remit this payment by check or money order, payable to the "Kansas Behavioral Sciences Regulatory Board", and sent to the Board's investigator at its offices located at 700 SW Harrison St, Suite 420, Topeka, Kansas, 66603.

IT IS SO ORDERED ON THIS 31 DAY OF August 2022.


Chairperson, Complaint Review Committee
On behalf of the Behavioral Sciences
Regulatory Board

NOTICE OF RELIEF FROM SUMMARY PROCEEDING ORDER

Pursuant to K.S.A. 77-537 and K.S.A. 77-542, this Summary Proceeding Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for hearing to:

David B. Fye, Executive Director
Behavioral Sciences Regulatory Board
700 SW Harrison St., Suite 420
Topeka, KS 66603-3929

This written request must be filed within fifteen (15) calendar days from the date indicated in the below Certificate of Service. Pursuant to K.S.A. 77-503(c), the 15-day period begins the day after the date indicated in the Certificate of Service and includes weekends and legal holidays. If the 15th day falls on a Saturday, Sunday, or legal holiday, then the 15-day period runs until 5:00 p.m. on the next day which is not a Saturday, Sunday, or legal holiday. A request is considered "filed" on the date it is received at the Board's office. If a hearing is not requested in the time and manner stated, this Summary Order becomes a final order subject to judicial review. A petition for judicial review should be directed to the above recipient.

CERTIFICATE OF SERVICE

This is to certify that on this 31 day of August, 2022, a true and correct copy of the above and foregoing Summary Proceeding Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Tricia D. Blatchford, LP


and by email to: jane.weiler@ag.ks.gov

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Disciplinary Counsel for the Board



For the Board