

**BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD**

712 Kansas Avenue  
Topeka, Kansas 66603-3817  
(913) 296-3240

In the Matter of )  
)  
)  
KERIN SCHELL, Ph.D., )  
Licensed Psychologist. )  
\_\_\_\_\_ )

Case No. 369 & 470

**CONSENT AGREEMENT AND ORDER**

NOW, on this 14 day of April, 1997, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board by agreement of Kerin Schell, licensed psychologist (licensee), and the Kansas Behavioral Sciences Regulatory Board (board), for the purpose of settling the above-captioned case. The licensee hereby acknowledges the following:

1. Kerin Schell is a licensed psychologist within the meaning of the Kansas Regulation of Psychologists Act, K.S.A. 74-5301, *et seq.*, and amendments thereto.
2. The board received a report of information concerning licensees' conduct alleging licensee may have violated the following: K.S.A. 74-5324(b), fraud or deceit in connection with services rendered as a psychologist or in establishing qualifications under this act; K.S.A. 74-

5324(e), negligence or wrongful actions in the performance of duties and K.S.A. 74-5324(d), unprofessional conduct, as defined by K.A.R. 102-1-10(b)(2),(6), (7) and (24); and K.S.A. 74-5324(f) knowingly submitted a misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement.

3. The board conducted an investigation concerning licensees' alleged violation of the above-referenced statutes and regulations.

4. During investigation, licensee, informed of the reported information, was given the opportunity to respond to the allegations, and did respond to the allegations.

5. As a result of the investigation, the board determined as follows:

(a) The licensee's method of keeping records was inadequate for the purpose of conducting the profession of a licensed psychologist within the State of Kansas.

(b) The board desires to maintain a minimum of ethical requirements relating to the method of keeping records.

(c) The licensee has made an outstanding effort to correct deficiencies in the licensee's method of keeping records by establishing a procedure which, if followed, will allow the licensee to accurately maintain records of clients for both evaluation and billing purposes in a manner which exceeds the ethical expectations of the board.

(d) The licensee's method of keeping records as outlined to the board exceeds the minimum ethical requirements of the board. A small breach in the maintenance of records as outlined by the licensee would not, in and of itself, be an ethical lapse so long as the licensee subscribes to the minimum ethical standards prescribed by the board.

6. As a result of the investigation, the board determined that reasonable grounds exist to believe that licensee engaged in unprofessional conduct, in violation of K.S.A. 74-5324(d), as further defined in K.A.R. 102-1-10(b)(24).

7. Licensee disputes the board's determinations and denies any intentional violation of statutes or regulations, and contends he was acting in good faith in his professional relationship with his clients.

**HOWEVER**, the licensee and the board mutually desire to enter into this consent agreement and order in lieu of adjudicative proceedings to resolve the report of alleged violations.

**HOWEVER**, by entering into this consent agreement and order, the licensee does not admit any liability nor wrongdoing in any way.

**HOWEVER**, the 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. 369 and 470.

**HOWEVER**, the licensee waives the right to file a motion for reconsideration and all rights of appeal, pursuant to the Kansas Act for Judicial Review, in relation to Case No. 369 and 470.

**WHEREFORE**, licensee consents to the following conditions on his continued licensed practice as a psychologist in the State of Kansas for a period of twelve months from the date this consent agreement and order is approved by the board:


(a) Licensee shall submit his practice to random quarterly audits for the period of one year by an auditor selected by the board.

(b) The licensee shall pay the costs for the auditor and audit of the licensee's practice.

(c) After each audit, the auditor shall report the findings of the audit to the board.

(d) The auditor shall have complete discretion to determine the files and number of files the auditor desires to audit.

(e) In the event the board believes licensee may have failed during one quarterly audit period to maintain adequate records, the board will notify licensee of the nature of such failure and give licensee the opportunity to respond. The board will then determine if licensee did, in fact, fail to maintain adequate records.

(f) If the board believes licensee may have failed during a second quarterly audit period to maintain adequate records, the board will notify <sup>AND GIVE</sup> licensee the opportunity to respond. If  the board then finds that licensee did, in fact, fail to maintain adequate records during that quarterly audit period the board will take such action as it deems appropriate. Such action includes the revocation of licensees' license to practice psychology.

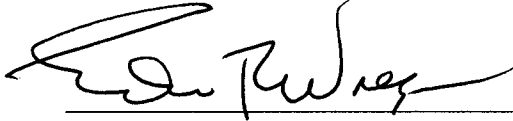
(g) Upon successful completion of the random quarterly audits during the one year period all conditions shall be removed from the licensee's license to practice psychology.

**WHEREFORE**, licensee consents to the submission of this consent agreement and order to the Kansas Behavioral Sciences Regulatory Board, and understands that upon approval of the board, this consent agreement and order becomes a final order of the board.


**WHEREFORE**, the board agrees that as long as licensee complies with the above conditions and upon the expiration of the twelve-month period contemplated by this agreement, the board will not initiate further disciplinary action against the licensee in Case No. 369 and 470.

**WHEREFORE**, the provisions above are consented to and are hereby made the final order of the Kansas Behavioral Sciences Regulatory Board, which becomes effective on the date indicated in the below certificate of service.

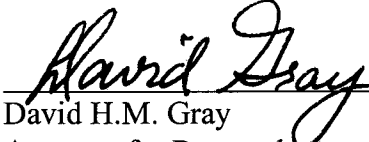
**IT IS SO ORDERED.**

  
\_\_\_\_\_  
Ed Weigers, Chairman  
Behavioral Sciences Regulatory Board

APPROVED AND CONSENTED TO:

  
\_\_\_\_\_  
Kerin Schell, Ph.D.  
Licensed Psychologist

3-28-97  
\_\_\_\_\_  
(Date)

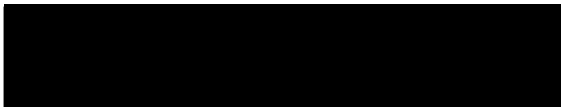
  
\_\_\_\_\_  
David H.M. Gray  
Attorney for Respondent

3/28/97  
\_\_\_\_\_  
(Date)

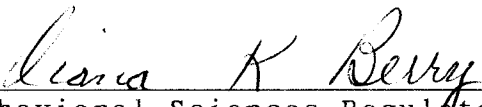
CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing CONSENT AGREEMENT AND ORDER was deposited in the United States mail, first class postage prepaid, on the 21st day of April, 1997, addressed to:

Kerin Schell



David H.M. Gray  
Attorney at Law  
200 Farm Credit Building  
245 N. Waco  
Wichita, Kansas 67202-1112

  
\_\_\_\_\_  
Behavioral Sciences Regulatory Board

# COPY

## Memorandum

Behavioral Sciences Regulatory Board  
712 S Kansas Ave – Topeka, KS 66603-3817  
785/296-3240; FAX 785/296-3112; E-mail bsrb02@ink.org

To: David H.M. Gray, Attorney at Law  
200 Farm Credit Bldg  
245 N Waco  
Wichita, KS 67202-1112

CC: Dr. Kerin Schell,  
Dr. John G. Randolph, Primary Consulting Board Member  
Richard L. Baldwin, Special Investigator  
Camille Nohe, Assistant Attorney General

From: Mary Ann Gabel, Executive Director

Date: June 15, 1998

Re: Case #470 – Kerin Schell, Ph.D.

The Behavioral Sciences Regulatory Board has concluded its investigation on the report of alleged violations of the psychology statutes and rules and regulations that was filed against your client, Dr. Kerin Schell.

I am pleased to advise you that Dr. John Randolph, primary consulting board member assigned to this case, has advised me that he is closing the file without further action because Dr. Schell has now satisfied the terms of the Consent Agreement and Order.

The case file is now closed and the board will take no further action on this matter.

The board thanks you and Dr. Schell for your cooperation and patience in working through the process.

MAG/slf

1998-0612\C\My Documents\RAV Documents\Case #470 - K Schell, Ph.D. - Close.doc  
FILE CY TO: Case # 470 – Kerin Schell, Ph.D.  
CASE FILE STATUS: Closed