

State of Kansas
Behavioral Sciences Regulatory Board

KATHLEEN SEBELIUS
Governor

PHYLLIS GILMORE
Executive Director

712 S. Kansas Ave.
Topeka, Kansas 66603-3817
(785) 296-3240
FAX (785) 296-3112
www.ksbsrb.org

January 31, 2003

Re: Dr. Bruce M. Cappo

To Whom It May Concern:

Dr. Cappo entered into a Consent Agreement and Order with the Behavioral Sciences Regulatory Board on June 26, 1995 in case number 427. Board records state that the conditions of the CAO were satisfied and the case closed on June 30, 1996.

Please feel free to contact me if you should have any questions concerning this matter.

Sincerely,



Roger Scurlock
Special Investigator

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B.S.R.B.

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD
Landon State Office Building - Suite 651-S
Topeka, Kansas 66612-1220
(913) 296-3240

In the Matter)
)
 of) Case No. 427
)
 BRUCE M. CAPPO, Ph.D)
 _____)

CONSENT AGREEMENT AND ORDER

Now on this 26 day of ^{June} April, 1995, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board, by agreement of Bruce M. Cappo and the Kansas Behavioral Sciences Regulatory Board (Board) for the purpose of settling the above-captioned case. The Board appears by and through James L. Daniels, Assistant Attorney General. Dr. Cappo appears by and through James T. Wiglesworth, Attorney at Law.

The parties hereby acknowledge the following:

1. Bruce M. Cappo is licensed to engage in the practice of psychology under the licensure of psychologists act of the State of Kansas, K.S.A. 74-5301, et seq.
2. On or about July 9, 1992, the board received a report, alleging Dr. Cappo may have violated Kansas Statutes and Regulations pertaining to licensure and registration of psychologists.
3. The board conducted an investigation concerning the above-referenced allegation.

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

5. As a result of the investigation, the Board determined that reasonable grounds exist to believe that Dr. Cappel's conduct may have violated K.S.A. 74-5369(d), and specifically K.A.R. 102-1-11(a)(3), (6), (8) and (11).

6. Dr. Cappel denies any wrongdoing as alleged by the Board.

HOWEVER, Dr. Cappel 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.

WHEREFORE the parties hereby consent and agree to the following terms and conditions:

A. Dr. Cappel 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. 427.

B. Dr. Cappel 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. 427.

C. The parties agree and stipulate as follows:

1. At all times relevant hereto, Dr. Cappel has utilized the services of an unlicensed assistant named Wayne C. Witcher, Ph.D.

2. Dr. Witcher met with patients of Dr. Cappel for the purpose of providing psychological services to those patients.

3. Dr. Cappel did not personally meet with the patient seen by Dr. Witcher. The office location used by Dr. Witcher was approximately 100 miles away from Dr. Cappel's office. No written material was presented to the patient describing the nature of the relationship with the supervising psychologist and the unlicensed assistant. Dr. Cappel did not seek approval from the Board to provide space in a physical location separate from his own in which to provide services by the unlicensed assistant.

E. If proven true, the allegations could constitute a violation of the previously-referenced Kansas statutes and regulations.

F. Dr. Cappel agrees to be physically present in the building and have at least one face-to-face contact with each unlicensed assistant each day in which the unlicensed assistant sees patients or clients.

G. Dr. Cappel has designated Brenda Wood Freid, Ph.D. or Marc A. Schlosberg, Ph.D. to be present and have such face-to-face contact during Dr. Cappel's planned absences and unplanned emergency absences, including personal illness, with Dr. Cappel's licensed assistant, provided if neither Dr. Freid or Dr. Schlosberg is available, Dr. Cappel will designate another licensed psychologist to be approved by the Board to have such face-to-face contact.

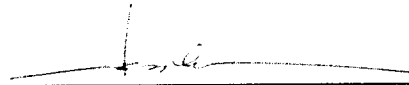
H. Throughout the remainder of the current license period, which ends June 30, 1996, upon the Board's request, Dr. Cappel will provide, within 10 days following the Board's request, any insurance claim form or other nonprivileged document.

I. The Standard Provisions attached hereto are incorporated by reference and are part of this agreement, except for the provisions appearing in paragraphs 2, and 5-7.

WHEREFORE, the provisions above are hereby made the final order of the Kansas Behavioral Sciences Regulatory Board.


IT IS SO ORDERED.

Dated this 10 day of June, 1995.




John S. Anderson, Ph.D.
Chairperson
Behavioral Sciences
Regulatory Board

APPROVED AND CONSENTED TO:



Bruce M. Cappel, Ph.D.



James T. Wiglesworth
10990 Quivira, Suite 220
Overland Park, Kansas 66210
(913) 451-4990
(913) 451-2864 (Facsimile)

STANDARD PROVISIONS

The following standard provisions are incorporated in each Consent Agreement and Order by reference.

- 1) Licensee/registrant has ten (10) days from receipt of Consent Agreement and Order in which to sign and return to board office.
- 2) Licensee/registrant shall not serve as a supervisor during the time the Consent Agreement and Order is in effect. In this context, the term "supervisor" means serving in a supervisory capacity over another psychologist who is subject to a Consent Agreement and Order.
- 3) Licensee/registrant shall be responsible for all costs incurred in satisfying the terms of the consent Agreement and Order.
- 4) Notification of the Consent Agreement and Order agreement shall be provided to another state licensing board if the licensee/registrant is also licensed, registered, or certified in another state.
- 5) Supervisors shall not be in a subordinate or familial relationship with the licensee.
- 6) The licensee shall cooperate with his/her supervisor to enable the supervisor to discharge his/her duties in a responsible manner.
- 7) Supervisory reports shall be filed with the board prior to the board's meetings. The Executive Director of the board shall notify the supervisor when the reports are due.
- 8) The Consent Agreement Order constitutes the entire agreement between the licensee/registrant and may be modified or amended only by written agreement signed by the parties.

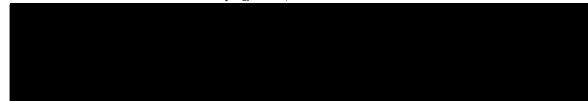
CERTIFICATE OF SERVICE

I certify that on the 14th day of July, 1995, the foregoing Order regarding case #427 was served by depositing the same in the United States Mail, first class postage prepaid, addressed to the following:

James T. Wiglesworth, Attorney
10990 Quivira - Suite 220
Overland Park, KS 66210

A copy of this Order was deposited in the United States Mail, first-class postage prepaid, addressed to:

Bruce M. Cappo, Ph.D.



Sonja K. Mummell

Sonja K. Mummell
for the Behavioral Sciences Regulatory Board