

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD
712 Kansas Avenue
Topeka, Kansas 66603-3817
(913) 296-3240

In the Matter)
)
 of) Case No. 557
)
 Gary Hackney, Ph.D.)
 Licensed Psychologist)
 _____)

CONSENT AGREEMENT AND ORDER

Now on this 26 day of June, 1995, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board, by agreement of Gary Hackney, licensed psychologist, (licensee) and the Kansas Behavioral Sciences Regulatory Board (board) for the purpose of settling the above-captioned case.

Licensee hereby acknowledges the following:

1. Gary Hackney 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. On or about January 31, 1994, the board received a report of information concerning licensee's conduct alleging licensee may have violated the following statutes and regulations governing the practice of psychology, to wit:

(a) K.S.A. 74-5324(d), unprofessional conduct, as defined by K.A.R. 102-1-10(b)(7), taking credit for work not personally performed; and

(b) K.S.A. 74-5324(d), unprofessional conduct, as defined by K.A.R. 102-1-10(b)(11), failing to provide a client with a

description of what the client may expect in the way of tests, consultation, reports, fees, billing, therapeutic regimen, or schedule.

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

4. During the investigation, licensee was 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 makes the following factual determinations:

Jan Meissen, an unlicensed assistant utilized by licensee, administered a substantial battery of psychological tests, including several projectives, to J.W., one of licensee's clients. Licensee interpreted the testing data and prepared a written psychological evaluation report. Licensee billed for these services in his name only; neither the bill nor the psychological evaluation report indicated that Ms Meissen had actually administered the tests.

Licensee denies intentional violation of statutes and regulations.

6. As a result of the investigation, the board determined that reasonable grounds exist to believe that licensee:

(a) engaged in unprofessional conduct in violation of K.S.A. 74-5324(d) as defined in K.A.R. 102-1-10(b)(7), taking credit for work not personally performed;

(b) has submitted a misleading or untrue misrepresentation on a claim form, bill or statement in violation of K.S.A. 74-5324(f); and

(c) failed to countersign a request for payment for services performed by the unlicensed assistant in violation of K.A.R. 102-1-1(a)(9).

HOWEVER, 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.

WHEREFORE 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. 557.

WHEREFORE 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. 557.

WHEREFORE licensee consents to the following conditions on his continued licensed practice as a psychologist in the state of Kansas for a term of one year from the effective date this Consent Agreement and Order:

(a) Licensee shall not use the services of an unlicensed assistant.

(b) Licensee shall not serve as a supervisor to any other licensee or registrant who is subject to a Consent Agreement and Order.

(c) This Consent Agreement and Order constitutes the entire agreement between the licensee and and board and may be

modified or amended only by written agreement signed by the parties.

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

(e) Evidence of licensee's willful failure to comply with any of the conditions herein will result in a hearing, with notice and opportunity to be heard, to determine whether licensee has in fact willfully failed to comply with any conditions. Upon determination as such hearing that licensee has willfully breached, violated or failed to comply with any condition, licensee understands and agrees that the license shall be suspended for 3 months.

(f) Licensee acknowledges that proof submitted to the board by affidavit or other form of competent evidence that licensee has willfully breached, violated or failed to meet the conditions shall be good and sufficient evidence to support an alleged violation of non-compliance.

(g) Licensee acknowledges an affirmative duty to notify the board within 5 days of any changes in personal or professional status which would inhibit compliance with the conditions. In such event, a designee of the board is authorized to modify or amend this Consent Agreement and Order in writing.

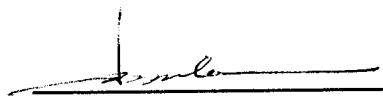
WHEREFORE licensee consents to the submission of this Consent Agreement and Order to the Kansas Behavioral Sciences Regulatory Board, and understands that upon approval of the

Kansas Behavioral Sciences Regulatory Board, this Consent Agreement and Order becomes a final order of the board.

WHEREFORE the board agrees that so long as licensee complies with the above conditions that the board will not initiate further disciplinary action against licensee in relation to violation of K.S.A. 74-5324(d) as defined in K.A.R. 102-1-10(b)(7), K.S.A. 74-5324(f) and K.A.R. 102-1-11(a)(9).

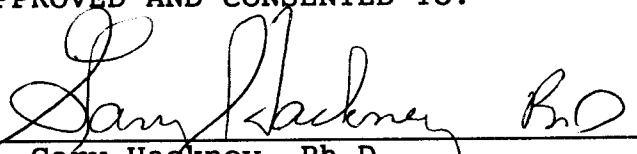
WHEREFORE the provisions above are consented to and are hereby made the final order of the Kansas Behavioral Sciences Regulatory Board which becomes effective on the date indicated in the below Certificate of Service.

IT IS SO ORDERED.



, Chairman
Behavioral Sciences Regulatory Board

APPROVED AND CONSENTED TO:




Gary Hackney, Ph.D.
Licensed Psychologist

7/17/95
(date)

Certificate of Service

This is to certify that on the 13 day of October,
1994 a true and correct copy of the above and foregoing
CONSENT AGREEMENT AND ORDER was deposited in the U.S. mail,
first class postage prepaid, addressed to:

Gary Hackney, Ph.D

Mary Ann Gabel, Executive Director
Behavioral Sciences Regulatory Bd.