

**FILED**  
AUG 27 2001

**BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD  
OF THE STATE OF KANSAS**

In The Matter of                    )  
  )  
Judith Corkum, Ph.D.            )                    Case No:        717

**CONSENT AGREEMENT AND ORDER**

THIS MATTER is before the Behavioral Sciences Regulatory Board (BSRB) Hearing Panel for the purpose of reflecting in the BSRB's records certain events occurring subsequent to the issuance of the Hearing Panel's Final Order served April 19, 2000, and for the purpose of resolving all remaining issues between the BSRB and Dr. Corkum.

1.       Subsequent to the issuance of the Hearing Panel's April 19, 2000 Final Order, Respondent Judith Corkum, Ph.D. (Dr. Corkum) timely petitioned the BSRB for reconsideration and also timely petitioned the BSRB for an agency stay. The BSRB issued an Order Denying Stay of Effectiveness of Final Order and issued an Order Denying Petition for Reconsideration, serving both on May 18, 2000. Dr. Corkum then timely filed in a Petition for Judicial Review and a Petition for Stay under the caption of *Judith Corkum v. Kansas Behavioral Sciences Regulatory Board*, Shawnee County District Court case number 00-C-588.

2.       Shawnee County District Court, the Honorable Eric S. Rosen, District Judge, after a hearing held July 26, 2000, determined that the Petition for Stay should be considered under K.S.A. 77-616(d), and on September 12, 2000, issued an Order Granting Conditional Stay. A file-stamped photocopy of the Court's Order Granting Conditional Stay is attached hereto as Exhibit "A".

3. As of the date of this Consent Agreement and Order, Dr. Corkum has remained in compliance in all respects with the conditions contained in the District Court's September 12, 2000 Order Granting Conditional Stay.

4. The BSRB Hearing Panel and Dr. Corkum have reached a mutually agreeable resolution to all issues remaining between them and intend, by way of this Consent Agreement and Order, to settle all outstanding issues without the necessity of further administrative and/or court proceedings.

5. After issuance, by service by U.S. mail, of this Consent Agreement and Order, the BSRB shall place it with BSRB's open records and other public documents in this administrative case.

6. After successful completion of the full compliance period under the District Court's September 12, 2000 Order Granting Conditional Stay, and absent action taken by the Board on any subsequent matter unrelated to this case, the Board shall consider and advise upon inquiry that Dr. Corkum has an unrestricted and/or unconditioned license in the state of Kansas with no suspension of Dr. Corkum's license having taken effect.

7. After successful completion of the full compliance period under the Court's September 12, 2000 Order Granting Conditional Stay, and absent action taken by the Board on any subsequent matter unrelated to this case, the Board: (a) shall not implement or attempt to implement or effectuate the suspension of Dr. Corkum's license based on the reasons set forth in its April 19, 2000 Final Order, or cause to be instituted any other action against Dr. Corkum's

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CONSENT AGREEMENT AND ORDER

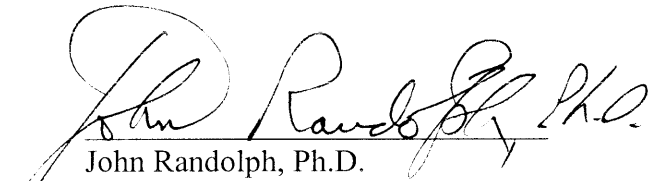
*In re Corkum, Ph.D.*; Behavioral Sciences Reg. Board, case no: 717

license based on those reasons; and (b) shall administratively close this case by way of issuing an administrative closure letter to Dr. Corkum.

8. After successful completion by Dr. Corkum of the conditions contained in the District Court's September 12, 2000 Order Granting Conditional Stay, as acknowledged by the letter from BSRB administratively closing the case, Dr. Corkum will dismiss with prejudice her Petition for Judicial Review in Shawnee County District Court.

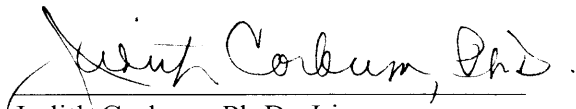
**IT IS SO AGREED AND ORDERED.**

Dated this 13<sup>th</sup> day of August, 2001.

  
John Randolph, Ph.D.  
For the Hearing Panel of the  
Behavioral Sciences Regulatory Board

**CONSENT AGREEMENT AND ORDER**

Approved and consented to:

  
Judith Corkum, Ph.D., Licensee

7-20-01  
Date


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**CONSENT AGREEMENT AND ORDER**

*In re Corkum, Ph.D.*; Behavioral Sciences Reg. Board, case no: 717

**CONSENT AGREEMENT AND ORDER**

Approved by:



---

Steve A. Schwarm, #13232  
GOODELL, STRATTON, EDMONDS  
& PALMER, L.L.P.  
515 S. Kansas Avenue  
Topeka, KS 66603  
(785) 233-0593  
Attorneys for Respondent, Dr. Corkum

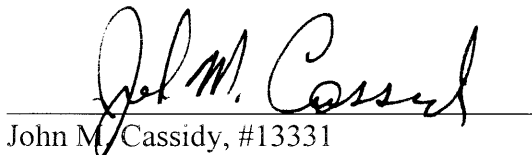
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Date

**CONSENT AGREEMENT AND ORDER**

Prepared and approved by:



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John M. Cassidy, #13331  
Assistant Attorney General  
Memorial Hall  
120 S.W. 10<sup>th</sup> Ave.  
Topeka, KS 66612-1597  
Litigation Counsel

7/31/01

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Date

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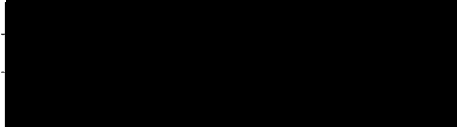
**CONSENT AGREEMENT AND ORDER**

*In re Corkum, Ph.D.*; Behavioral Sciences Reg. Board, case no: 717

**CERTIFICATE OF SERVICE**

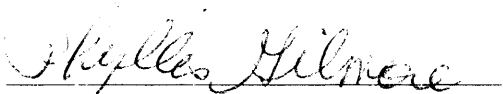
This is to certify that on the 27<sup>th</sup> day of August, 2001, a true and correct copy of the above and foregoing CONSENT AGREEMENT AND ORDER was deposited in the U.S. Mail first class postage prepaid, addressed to:

Judith Corkum, Ph.D.



Steve A. Schwarm  
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Attorneys for Respondent, Dr. Corkum

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Disciplinary Counsel  
Behavioral Sciences Regulatory Board

  
Phyllis Gilmore, Executive Director  
Behavioral Sciences Regulatory Board

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CONSENT AGREEMENT AND ORDER

*In re Corkum, Ph.D.*; Behavioral Sciences Reg. Board, case no: 717

IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS  
DIVISION 4

CLERK  
DISTRICT COURT  
AND JUDICIAL DIST

2000 SEP 12 P 2:40

GENERAL JUDGE  
TOPEKA, KANSAS

JUDITH CORKUM, Ph. D., )  
Plaintiff/Petitioner, )  
 )  
v. )  
 )  
KANSAS BEHAVIORAL SCIENCES )  
REGULATORY BOARD, )  
Defendant/Respondent. )  
\_\_\_\_\_ )

Case No. 00-C-588

**ORDER GRANTING CONDITIONAL STAY**

NOW, on this 27<sup>th</sup> day of July, 2000, this case for judicial review of agency action comes before the Court on the preliminary matter of the Petition for Stay filed by plaintiff. Plaintiff appears through counsel, Donald Patterson and Steve Schwarm. Defendant appears through counsel, John M. Cassidy, Assistant Attorney General. There are no other appearances.

WHEREUPON, having reviewed the petition for stay and response, hearing arguments of counsel, and being otherwise duly advised in the premises, the Court determines that the petition should be considered under K.S.A. 77-616(d), and accordingly fashions the following relief.

**WHEREFORE THE COURT ORDERS** as follows:

The Court conditionally orders stayed the dispositional portion, beginning on page 10 under the heading "Order," of defendant's Final Order mailed April 18, 2000, in the case of *In re Judith Corkum*, case number 717 before Behavioral Sciences Regulatory Board. Said Final Order is in the agency record and was also Attachment "A" appended to the Petition for Judicial Review and shall hereinafter be referred to simply as the Final Order.

The conditions upon which this stay shall remain in effect are twofold. First, plaintiff,



Dr. Corkum, shall comply with the provisions of paragraph (1) on page 11 of the Final Order. As supplementation to, and not substitution for, said provisions, if the evaluation identifies the characteristics or factors discussed in paragraph (1), plaintiff shall pursue her fullest good faith efforts to comply with and implement any resulting recommendations. The defendant, Board, shall use good faith efforts to assist plaintiff in her pursuit thereof.

The second condition upon which this stay shall remain in effect is that plaintiff, Dr. Corkum, shall comply with the provisions of paragraph (2) on page 11 of the Final Order except that the program shall be designated as monitoring. Additionally, as supplementation to or clarification of, and not substitution for, the provisions of paragraph(2), the monitoring shall consist of weekly contact or communication to the extent practically feasible and desired by the monitor, and said contact shall be face-to-face contact as practically feasible and desired by the monitor. Plaintiff, Dr. Corkum, shall initially provide the monitor with a list of all current and new clients by some identifiable means. The monitor shall randomly identify specific case charts, with the number of charts reviewed in a given period being determined by the monitor and the charts' volume and detail. The monitor shall review and discuss with plaintiff, Dr. Corkum, the chart entries to determine whether, in the monitor's opinion, the charts, reported presentation and history, diagnosis, and treatment are appropriate in light of the defendant Board's specific concern discussed and addressed in the provisions of the Final Order, page 11 paragraph (1), referenced above. The monitor shall be available for consultation in all cases in Dr. Corkum's practice regarding all aspects of her practice. Should the monitor designated by the Board be unable or unwilling to complete the monitoring period, the parties shall attempt to

agree to a substitute. Should the parties be unable to agree to a substitute, the defendant Board shall designate a substitute, subject to Court review at plaintiff's request, or may defer and delegate the designation of a substitute to plaintiff, Dr. Corkum. The monitoring period may be continued past the original ending date of one year at the defendant Board's election only if the monitor recommends continuation as provided for in paragraph (2) on page 11 of the Final Order.

**IT IS FURTHER ORDERED**, that the Court shall retain ongoing jurisdiction over enforcement of this Order while the Petition for Judicial Review remains pending. Either party may seek enforcement of this Order by way of a motion specifying which provision is alleged to have been violated and the relief requested or suggested remedy for the alleged violation. If, after notice and opportunity to be heard, the Court finds plaintiff to be in violation of this Order, the stay herein provided for shall be lifted.

**IT IS SO ORDERED.**



Honorable Eric S. Rosen  
District Judge

Order Granting Conditional Stay

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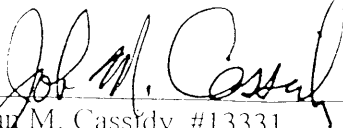
ORDER GRANTING CONDITIONAL STAY

Corkum v. Behavioral Sciences Regulatory Board; Shawnee County, 00-C-588




Order Granting Conditional Stay  
Prepared by:

OFFICE OF THE ATTORNEY GENERAL  
CARLA J. STOVALL

  
\_\_\_\_\_  
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Attorney for defendant  
Behavioral Sciences Regulatory Board

Order Granting Conditional Stay  
Approved by:

  
\_\_\_\_\_  
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Order Granting Conditional Stay  
Approved by:



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