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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)

MARILYN A. HUTCHINSON, PH.D.,)
Respondent)

Case No.12-NL-89

Pursuant to KSA Ch. 77)

SUMMARY PROCEEDING ORDER TO CEASE AND DESIST

NOW, on this 31 day of March, 2015, the above-captioned complaint comes before the Kansas Behavioral Sciences Regulatory Board [Board].

Findings of Fact

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

1. On March 28, 2012, the Board received a complaint that Respondent had conducted forensic testing, evaluation and court reports in Kansas without any valid license.

2. At all times relevant to this Order, Marilyn A. Hutchinson, Ph.D., has possessed the following licenses or permits issued by the Kansas Behavioral Sciences Regulatory Board:

a. Temporary Out of State Permit Licensed Psychologist #001 from 08/06/07 to 12/31/08, then from 07/09/09 to 12/31/09, then from 03/29/10 to 12/31/10, then from 03/25/11 to 12/31/11.

b. No Kansas license or permit was held for the following times: 01/01/09 to 07/09/09, 01/01/10 to 03/29/10, or 01/01/11 to 03/25/11.

3. However, Respondent has provided professional forensic services in Kansas as follows:

a. A report to the Sedgwick County District Court in Case No. 10-CR-3001 dated 04/01/11 described her activities including interviews and evaluation at the Sedgwick County jail on 01/11/11 and 01/14/11.

4. Respondent admits that she performed forensic services in criminal proceedings in District Court of Sedgwick County in Kansas during times that she had no valid professional license to do so but states it was an office oversight.

Conclusions of Law

The Committee finds that the above facts establish the following violation of law:

1. The Kansas Administrative Procedure Act, K.S.A. 77-537, provides that a state agency may use summary proceedings, subject to a party's request for a hearing on the Order, if the use of the proceedings in the circumstances does not violate any provision of law and 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.

2. K.S.A. 74-7508(3)(A) empowers the Board to issue a Cease and Desist Order against any individual who has practiced without a valid license for any profession regulated by the Board, in addition to any other penalties imposed by law.

3. Unlicensed practice of psychology is a Class A misdemeanor crime in the state of Kansas pursuant to K.S.A. 74-5341.

4. K.S.A. 74-5328 empowers the Board to recommend criminal prosecution to the appropriate county or district attorney for violations of the licensure acts.

Sanction


Respondent shall immediately upon receipt of this Order cease and desist all practice of unlicensed psychology or any behavioral science, including diagnosis, treatment, therapy and related forensic services, in the State of Kansas. Practice under a current valid license or permit is allowed.

Violations of this Order shall be referred to the Shawnee County District Attorney for criminal prosecution and/or shall be subject to injunctive relief from the District Court, pursuant to K.S.A. 74-5328 and K.S.A. 77-601, et seq.

This sanction shall remain in effect until further Order of the Board.

IT IS SO ORDERED.

Dated this 31 day of March, 2015.



Max Foster, Executive Director
Kansas Behavioral Sciences
Regulatory Board

**NOTICE OF RELIEF FROM THIS SUMMARY
PROCEEDING ORDER TO CEASE AND DESIST**

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

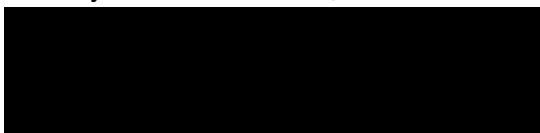
Max Foster, Executive Director
Kansas Behavioral Sciences Regulatory Board
Eisenhower State Office Bldg, #420
700 SW Harrison St.
Topeka, KS 66603

This written request must be filed within fifteen (15) days of service of this Notice. If a hearing is not requested in the time and manner stated, this Summary Proceeding Order to Cease and Desist becomes final and effective upon the expiration of the time for requesting a hearing and will be a Final Order of the Board.

CERTIFICATE OF SERVICE

This is to certify that a copy of the above and foregoing Summary Proceeding Order to Cease and Desist was placed this 31 day of March, 2015, in the U.S. mail, first-class postage prepaid, addressed to:

Marilyn A. Hutchinson, Ph.D.



Cindy D'Ercole
For the Board