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BY: *W*

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**BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**

**In the Matter of** )  
 )  
**DEBRA T. GRABER, LMFT,** )  
**License #2434,** )  
**Respondent** )  
\_\_\_\_\_ )

**Case No. 18-MF-0060**

**CONSENT AGREEMENT AND ORDER**

NOW, on this 10 day of August 2018, the above-captioned matter comes before the Behavioral Sciences Regulatory Board [Board], by and through Assistant Attorney General Jane E. Weiler, by agreement of Debra T. Graber [Respondent / Licensee] and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Debra T. Graber, at all time relevant, was a Licensed Marriage and Family Therapist [LMFT] within the meaning of the Kansas Marriage and Family Therapists Licensure Act, K.S.A 65-6401, *et seq.*, and amendments thereto.
2. On or about November 14, 2017, the Board received a self-report from Licensee concerning her conduct alleging she may have violated certain statutes and regulations governing unprofessional conduct.
3. The Board conducted an investigation concerning Licensee's alleged violations of statutes and regulations.
4. As a result of the investigation, the Board finds that the following facts have been established by a preponderance of the evidence:

- a. Licensee was employed at Hutchison Community College, in Hutchison, Kansas as a College Counselor. As part of her employment at Hutchison Community College, Licensee was required to teach classes each semester and provide academic advising for certain students. In addition, Licensee was one of three Marriage and Family Therapists providing personal counseling and crisis intervention for Hutchison Community College students.
- b. On or about November 14, 2017, Licensee reported that from February 2017 through October 2017, she provided mental health counseling without any supervision, which is statutorily required for a licensed marriage and family therapist.
- c. Licensee reported that she was informed by her supervisor in December 2016 that she would no longer be providing supervision to Licensee. Licensee stated, "I didn't have supervision after February and I was just trying to get through the semester which ended May 12, 2017."
- d. Licensee further reports events happened in her life that occurred before and during the time of no supervision were contributing factors to her lack of supervision.
- e. Specifically, Licensee stated, "In closing, the past 15 months have been a challenge personally and professionally. I worked very hard to take care of my family and do my job. I would work 8 to 10 hours every day and leave mentally and physically exhausted only to have something to deal with concerning my family, my siblings or my Mom in the evening. I feel that I did the best I could under the circumstances. When I lost the supervision services of Amy Driskill, it created another problem to take care of but, to be honest, it wasn't an intentional oversight, I was overloaded and overwhelmed."
- f. In October 2017, Licensee resumed supervision with a new supervisor.

5. The Complaint Review Committee concluded there is sufficient evidence upon which to find probable cause that the following statute and administrative regulation were violated by Licensee:

**K.S.A. 65-6402. Definitions.** As used in the marriage and family therapists licensure act:

(c) “Licensed marriage and family therapist” means a person who engages in the practice of marriage and family therapy and who is licensed under this act except that on or after January 2, 2002, such person shall engage in the practice of marriage and family therapy only under the direction of a licensed clinical marriage and family therapist, a licensed psychologist, a person licensed to practice medicine or surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders.

(d) “Licensed clinical marriage and family therapist” means a person who engages in the independent practice of marriage and family therapy including the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations and is licensed under this act.

**K.S.A. 65-6403. Prohibited acts and representations; misdemeanor.**

(b) On an after the effective date of this act, not person shall engage in the practice of marriage and family therapy as a clinical marriage and family therapist or represent that such person is a licensed clinical marriage and family therapist or is a clinical marriage and family therapist without having first obtained a license as a clinical marriage and family therapist under the marriage and family therapist licensure act.

(c) Violation of this section is a class B misdemeanor.

**K.S.A. 65-6408. Refusal to grant, suspension, condition, limitation, qualification, restriction or revocation of license, grounds.**

(a) The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license:

(5) has violated a provision of the marriage and family therapists licensure act or one or more of the rules and regulations of the board.

**K.A.R. 102-5-12. Unprofessional conduct.**

(b) Any of the following acts by either a marriage and family therapy licensee or a marriage and family therapy licensure applicant shall constitute unprofessional conduct:

(2) except when the information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that the licensee or applicant or any other person regulated by the board or applying for licensure or registration has met any of these conditions:

(E) has practiced the licensee's or registrant's profession in violation of the laws or regulations that regulate the profession.

(8) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests.

However, Licensee and the Board mutually desire to enter a 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. 18-MF-0060.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act in relation to Case No. 18-MF-0060.

WHEREFORE, the Board and Licensee consent and agree to the following terms and conditions:

1. Licensee shall have practice supervision, and Licensee shall immediately contact the Board's special investigator to identify a Board-approved supervisor. The supervisor shall have a current clinical license. Licensee shall provide a copy of this Consent Agreement and Order to the supervisor.

2. Supervision shall last for one (1) year, and Licensee shall meet weekly face to face for at least one (1) hour with her supervisor. Focus of the supervision shall be on general practice and professional responsibility, and the supervisor shall provide quarterly written progress reports to the Board's special investigator.

3. Any hours earned without a proper supervisor or approved training plan do not count toward a clinical license.

4. Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.

5. Evidence of Licensee's breach, violation or failure to comply with any of the above conditions could result in a determination that Licensee's Licensed Marriage and Family Therapist license in the State of Kansas should be suspended or revoked.

6. Licensee understands that a notification of this Consent Agreement and Order shall be provided to any other state licensing board if Licensee is also licensed, registered or certified in another state and as otherwise required by law, including but not limited to the Kansas Open Records Act.

7. Licensee acknowledges an affirmative duty to notify the Board within five (5) days of any changes in personal or professional status which would inhibit compliance with any condition of this Consent Agreement and Order.

8. This Consent Agreement and Order constitutes the entire agreement between the Licensee and the Behavioral Sciences Regulatory Board and may be modified or amended only by written agreement signed by Licensee and a designee of the Board.

WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval by the Complaint Review Committee, this Consent Agreement and Order will become a Final Order of the Board. The Board has authorized the Complaint Review Committee to determine approval of this Consent Agreement and Order.

WHEREFORE, the Board agrees that, so long as Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to


violations of K.S.A. 65-6403 and K.S.A. 65-408(a)(5), as defined in K.A.R. 102-5-12 as a result of this proceeding.

WHEREFORE, the foregoing provisions are consented to, are hereby made the final Order of the Kansas Behavioral Sciences Regulatory Board and become effective on the date indicated in the Certificate of Service below.

IT IS SO ORDERED this 6<sup>th</sup> day of August, 2018.

  
Chair, Complaint Review Committee

**APPROVED AND CONSENTED TO:**

  
Debra T. Graber, LMFT

7/19/2018  
Date

**CERTIFICATE OF SERVICE**

This is to certify that on this 10 day of August, 2018, a true and correct copy of the above Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Debra T. Graber



and a copy delivered via interoffice mail to:

Jane E. Weiler, Esq.  
Assistant Attorney General  
*Disciplinary Counsel for the Board*

Cindy D'Ercole  
For the Behavioral Sciences Regulatory Board