

Marty M. Snyder, Supreme Court #11317
Kansas Attorney General's Office
120 SW 10th St, Second Floor
Topeka, KS 66612-1597

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD
712 South Kansas Avenue
Topeka, Kansas 66603-3817

In the Matter of)
)
DAVID R. MYERS, LMLP)
License No. 0097)
Respondent)
_____)

Case No. 06-MP-59

CONSENT AGREEMENT AND ORDER

NOW on this 9 day of April, 2007, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of David R. Myers (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. David R. Myers is currently, and at all times relevant has been, a Licensed Master's Level Psychologist within the meaning of the Kansas Licensure of Psychologists Act, Registration of Masters Level Psychologists, K.S.A. 74-5361 *et seq.*, and amendments thereto.

2. On or about June 22, 2006, the Board received a report of information concerning Licensee's conduct, alleging Licensee refused to perform a mental health screen and quit his employment at Pawnee Mental Health Services without making arrangements for the transfer of continuing care of his patients.

3. The Board conducted an investigation concerning Licensee's alleged violation of 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 in his letter received on August 30, 2006.

5. As a result of the investigation, the Board finds probable cause to believe the following facts:

a. Licensee was employed by Pawnee Mental Health Services in Manhattan, Kansas. In June of 2006 he was an outpatient therapist providing psychotherapy services as well as emergency services.

b. On or about June 8, 2006, Licensee was informed by the receptionist that he was needed to conduct an emergency mental health screen at the regional hospital. Mr. Myers was not on the emergency rotation that day and had one or two appointments scheduled with patients for later that day. He refused to perform the screening.

c. He was then contacted by the office manager and subsequently by the Alcohol and Drug director and continued to refuse to take the assignment, stating he would quit first.

d. The Alcohol & Drug director later told Licensee to turn in his keys and remove his property from the offices. He did so.

e. Four days later on June 12, Licensee telephoned the office to speak with the Executive Director, but she was not available. He left a message for her but made no further effort to contact anyone at Pawnee Mental Health Services to handle the transfer of his patients or to complete the paperwork on those he saw on June 8.

6. The Board finds that reasonable grounds exist to believe Licensee has committed unprofessional conduct in violation of K.S.A. 74-5369(d) unprofessional conduct as defined in K.A.R. 102-4-12 (b) as follows:

a. (40) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care without making reasonable arrangements for such care; and

b. (41) abandoning employment under circumstances that seriously impair the delivery of professional care to clients, without providing reasonable notice to the employer.

However, Licensee and the Board mutually desire to enter into 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. 06-MP-59.

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. 06-MP-59.

WHEREFORE, Licensee consents to continuation of his license to practice on the following terms and conditions:

(a) Within sixty (60) days of the effective date of this Order, Licensee shall submit a professional paper to the Board on the subjects of clinician responsibilities, proper termination of employment, reasonable notice to the employer and continuation of services to clients. The paper shall be at least 10 pages printed or typewritten containing at least five professional references and shall be in APA format.

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

(c) Evidence of Licensee's breach, violation or failure to comply with any of the conditions will result in a hearing, with notice and opportunity to be heard, to determine whether Licensee has in fact breached, violated or failed to comply with any conditions. Upon determination at such hearing that Licensee has breached, violated or failed to comply with any condition, Licensee understands and agrees that his Kansas Master's Level Psychologist license shall be suspended until such time as Licensee can demonstrate compliance with all terms and conditions of this Consent Agreement and Order to the satisfaction of the Board.

(d) Licensee acknowledges that proof submitted to the Board by affidavit or other form of competent evidence that Licensee has breached, violated or failed to meet the conditions of this Consent Agreement and Order shall be good and sufficient evidence to support an alleged violation of breach, violation or non-compliance.

(e) 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.

(f) 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. In such event, a designee of the Board is authorized to modify or amend this Consent Agreement and Order in writing.

(g) If the Board does not approve this Consent Agreement and Order, Licensee waives any right he may have to object to the composition of any subsequent hearing panel due to hearing panel members having knowledge of matters contained within this Order.

(h) 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 the Board or a designee of the Board.

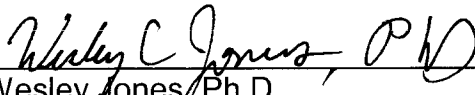
WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval of the Complaint Review Committee, this Consent Agreement and Order will become a Final Order of the Board. The Board has authorized the Complaint 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. 74-5369 as defined by K.A.R. 102-4-12(b) as a result of this proceeding.

WHEREFORE, the Board further agrees that, upon determination of Licensee's compliance with the conditions stated herein, Licensee shall be unconditionally licensed as a Licensed Master's Level Psychologist.

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 9 day of April, 2007.



Wesley Jones, Ph.D.
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:

David R. Myers
David R. Myers, LMFP #0097
Respondent Licensee

4-3-07
Date


APPROVED BY:

N/A
Counsel for Respondent

Date

Certificate of Service

This is to certify that on this 9th day of April, 2007, 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:

David R. Myers


[respondent counsel]

Misty M. Sayler
For the Behavioral Sciences Regulatory Board