

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)
)
JEFFREY J. MONTOLIO, Ph.D.)
License #LP 0728)
Respondent)
_____)

Case No. 07-LP-05

CONSENT AGREEMENT AND ORDER

NOW on this 14th day of MAY, 2007, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Jeffrey J. Montolio, Ph.D. (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Jeffrey J. Montolio, Ph.D. is currently, and at all times relevant has been, a Licensed Psychologist within the meaning of the Kansas Licensure of Psychologists Act, K.S.A. 74-5301 *et seq.*, and amendments thereto.

2. On or about July 17, 2006, the Board received a report of information concerning Licensee's conduct that alleged Licensee failed to report suspected child abuse.

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 November 20, 2006.

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

a. Licensee began meeting with A. and M., eight and six-year-old children respectively, at the request of their mother's attorney in November of 2005. The parents were in the middle of contentious post-divorce proceedings, in which the girls' welfare was concerned.

b. In November of 2005, the mother reported that the father spanked the girls with a belt and demeaned them. This was confirmed by the older child in February of 2006 when she reported that her dad got mad and spanked them with a belt, called them "pieces of shit" and yelled at them. It took many sessions for the children to reveal this information to Licensee, who did not report this information.

c. In April of 2006, the children told Licensee that their dad hit M. on the head, that his behavior had changed, that he acts tired, dopey and drinks white medicine, that he sleeps a lot, acts funny, talks funny, is dizzy, slurs words and hurts A. by hitting her on the cheek and arms and that he drives scary. Licensee did not report this information.

d. In May of 2006, the mother told Licensee that she would be filing a Protection from Abuse (PFA) petition with the court. Also that month A. told Licensee that her dad hits her and spanks her, that he has a green bottle and takes white stuff out and puts it up his nose and he yanked her hair. Both children reported that their dad told them to lie to their other therapist and would be angry if he knew what they were telling Licensee. They

reported on various dates over seventeen visits that they feared their father and that he yelled at them. Licensee did not report this information.

6. The Board finds that reasonable grounds exist to believe Licensee has committed unprofessional conduct in violation of K.S.A. 38-1522, which requires reporting of suspected child abuse by mandatory reporters, and K.S.A. 74-5324 (d) as follows: K.A.R. 102-1-10a (f) - ignoring client welfare.

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. 07-LP-05.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions in relation to Case No. 07-LP-05.

WHEREFORE, Licensee consents to the following terms in lieu of further administrative proceedings on this complaint:

(a) Within ninety (90) days of the effective date of this Agreement, Licensee shall furnish to the Board office proof of completion of six (6) continuing education hours on the topic of child abuse, including the importance of proper reporting of child abuse. These hours are in addition to and do not count toward the biennial continuing education requirement for licensure.

(b) Within sixty (60) days of the effective date of this Agreement, Licensee shall pay a fine in the amount of \$500.00 to the Board office.

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

(d) 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 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.

(e) 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.

(f) Licensee understands that a notification of this Consent Agreement and Order may be provided to any other state licensing board if Licensee is also licensed, registered or certified in another state.

(g) 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 or term 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.

(h) 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 herein.

(i) 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.

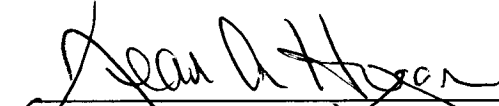
WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval of the Complaint Review Committee, this Consent Agreement and Order will become a Final Order of the Board. The Board has authorized the Complaint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

WHEREFORE, the Board agrees that, so long as Licensee complies with the above terms and conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 38-1522 or K.S.A. 74-5324 (d) as defined by K.A.R. 102-1-10a (f) as a result of this complaint.

WHEREFORE, the Board further agrees that, upon timely receipt of the payment of the fine and timely receipt of satisfactory proof of completion of the continuing education, Licensee shall be unconditionally licensed as a Licensed 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.



Jean Hogan (Wesley Jones, Ph.D.)
for Acting Chair, Complaint Review Committee

No. 4630 P. 5

WHEREFORE, the Board agrees that, so long as Licensee complies with the above terms and conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 38-1522 or K.S.A. 74-5324 (d) as defined by K.A.R. 102-1-10a (f) as a result of this complaint.

WHEREFORE, the Board further agrees that, upon timely receipt of the payment of the fine and timely receipt of satisfactory proof of completion of the continuing education, Licensee shall be unconditionally licensed as a Licensed 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.

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

APPROVED AND CONSENTED TO:

Jeffrey J. Montollo Ph.D.

Jeffrey J. Montollo, Ph.D.
Respondent Licensee

5/10/07

Date

APPROVED BY:

R. Eye

Robert V. Eye

5.11.07

May. 11. 2007 1:16PM RMHF Business Office

APPROVED AND CONSENTED TO:

Jeffrey J. Montolio, Ph.D.
Respondent Licensee

Date

APPROVED BY:

Robert V. Eye
Counsel for Respondent

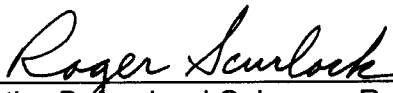
Date

Certificate of Service

This is to certify that on this 17th day of MAY, 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:

Jeffrey J. Montolio, Ph.D.


Robert V. Eye, Esq.
1535 SW 29th St.
Topeka, KS 66611



For the Behavioral Sciences Regulatory Board