



BILL GRAVES
Governor

PHYLLIS GILMORE
Executive Director

STATE OF KANSAS
Behavioral Sciences Regulatory Board

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Mark M. Mathies
Special Investigator
(785) 296-8341
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January 12, 2000

IN THE MATTER OF)
) CASE No. 550
JAMES A. ROBERTS)
LSCSW, LMFT)
_____)

NOW ON THIS 12th day of January 2000, the matter of Behavioral Sciences Regulatory Board Consent Agreement and Order 550 comes for review in consideration of closure. There exists no evidence of willful failure to comply with or violation of the stipulated conditions contained in the Consent Agreement and Order, therefore, it is the determination of the Board that the conditions are satisfied. It is hereby declared that the conditions placed upon the licenses of James A. Roberts are hereby terminated.

Dated this 12th Day of January, 2000.

Behavioral Sciences Regulatory Board

A handwritten signature in black ink, appearing to read "Mark M. Mathies", written over a horizontal line.
Mark M. Mathies
Special Investigator

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B.S.R.B.

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

712 Kansas Avenue
Topeka, Kansas 66603-3817
(913) 296-3240

In the Matter of)
)
)
JAMES A. ROBERTS.)
Licensed Specialist Clinical Social)
Worker and Registered Marriage)
and Family Therapist)
_____)

Case No. 550

CONSENT AGREEMENT AND ORDER

NOW, on this 14 day of April, 1997, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board by agreement of James A. Roberts, Licensed Specialist Clinical Social worker and Registered Marriage and Family Therapist (licensee), and the Kansas Behavioral Sciences Regulatory Board (board), for the purpose of settling the above-captioned case. The licensee hereby acknowledges the following:

1. James A. Roberts is a licensed clinical specialist social worker and registered marriage and family therapist pursuant to K.S.A. 65-6301 et seq. and K.S.A. 65-6411 et seq.

2. The board received a report of information concerning licensees' conduct

alleging licensee may have violated the following provisions of a Consent Agreement and Order in the above captioned matter: "(b) Licensee/registrant shall submit revised procedures for billing practices, drafted in accordance with K.A.R. 102-2-7(b)(14) (LSCSW) and K.A.R. 102-5-12(b)(23) (RMFT), for board comment and approval. Licensee/ registrant shall comply with this condition within 30 days from the date this Consent Agreement and Order is approved by the Board." The respondent failed to provide revised procedures for billing practices for board comment and approval.

3. The board conducted an investigation concerning licensees' alleged violation of the above-referenced Consent Agreement and Order.

4. During investigation, licensee, informed of the reported information, was given the opportunity to respond to the allegations, and did respond to the allegations.

5. As a result of the investigation, the board determined as follows:

(a) The licensee had failed to provide to the board the information required by the Consent Agreement and Order, specifically, revised procedures for billing practices, drafted in accordance with K.A.R. 102-2-7(b)(14) (LSCSW) and K.A.R. 102-5-12(b)(23) (RMFT), as agreed.

(b) The licensee provided the board revised procedures for billing practices, drafted in accordance with K.A.R. 102-2-7(b)(14) (LSCSW) and K.A.R. 102-5-12(b)(23) (RMFT) on February 24, 1997.

(c) The consulting board member determined that the revised procedures for billing practices, drafted in accordance with K.A.R. 102-2-7(b)(14) (LSCSW) and K.A.R. 102-5-12(b)(23) (RMFT), would have satisfied the terms of the CAO if the documents

had been provided in a timely manner.

6. As a result of the investigation, the board determined that reasonable grounds exist to believe that licensee engaged in unprofessional conduct, in violation of K.S.A. 74-5324(d), as further defined in K.A.R. 102-1-10(b)(24).

7. Licensee admits failing to abide by the terms of the Consent Agreement and Order.

HOWEVER, the licensee and the board mutually desire to enter into this consent agreement and order in lieu of adjudicative proceedings to resolve the violations.

HOWEVER, the 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. 550.

HOWEVER, the 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. 550.

WHEREFORE, licensee consents to the following conditions on his continued licensed practice as a ~~psychologist~~ ^{LCSW and LMFT} in the State of Kansas for a period of two years from the date this consent agreement and order is approved by the board:

- (a) Licensee/registrant shall not prepare any custody evaluations.
- (b) Licensee/registrant shall not serve as supervisor to any other licensee or registrant who is subject to a Consent Agreement and Order.
- (c) Notification of the Consent Agreement and Order shall be provided to another licensing board if the licensee/registrant is also licensed, registered or certified in

another state.

(d) Evidence of the licensee/registrant's wilful failure to comply with any of the conditions will result in a hearing, with notice and opportunity to be heard, to determine whether licensee/registrant has in fact willfully failed to comply with any conditions.

Upon determination at such hearing that licensee/registrant has wilfully breached, violated or failed to comply with any condition herein, licensee/registrant understands and agrees that his license as a clinical specialist social worker and his registration as a marriage and family therapist shall be suspended for two years.

(e) Licensee/registrant acknowledges an affirmative duty to notify the Board within 5 days of any changes in personal or professional status which would inhibit compliance with the conditions herein. In such event, a designee of the Board is authorized to modify or amend this Consent Agreement and Order in writing.

(f) This Consent Agreement and Order constitutes the entire agreement between licensee/registrant and the board and may be modified or amended only by written agreement signed by licensee/registrant and the Board or its designee.

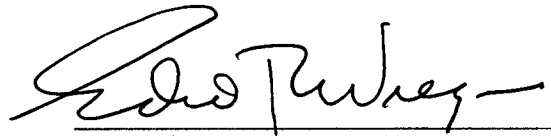
WHEREFORE, licensee consents to the submission of this consent agreement and order to the Kansas Behavioral Sciences Regulatory Board, and understands that upon approval of the board, this consent agreement and order becomes a final order of the board.

WHEREFORE, the board agrees that as long as licensee complies with the above conditions and upon the expiration of the twelve-month period contemplated by this agreement, the board will not initiate further disciplinary action against the licensee in

Case No. 550.

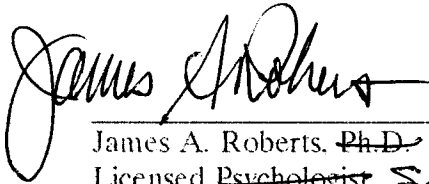
WHEREFORE. the provisions above are consented to and are hereby made the final order of the Kansas Behavioral Sciences Regulatory Board, which becomes effective on the date indicated in the below certificate of service.

IT IS SO ORDERED.



Ed Waters, Chairman
Behavioral Sciences Regulatory Board

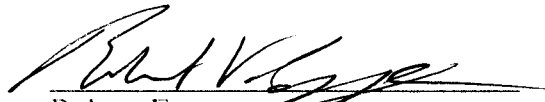
APPROVED AND CONSENTED TO:



James A. Roberts, ~~Ph.D.~~ MSW
Licensed Psychologist SOCIAL WORKER

4/4/97

(Date)



Robert Eye
Attorney for Respondent

4.7.97

(Date)

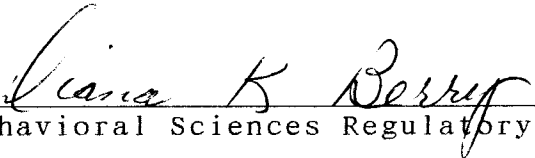
CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing CONSENT AGREEMENT AND ORDER was deposited in the United States mail, first class postage prepaid, on the 21st day of April, 1997, addressed to:

James A. Roberts



Robert Eye
Irigonegary and Associates
1535 S.W. 29th Street
Topeka, KS 66611-1901



Behavioral Sciences Regulatory Board