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Topeka, KS 66612-1597

015-178816

06-12-20695

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KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD
2007 FEB 23 10:54 AM '07

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
Joanne B. Lyon, LP)
License No. 0691)
Respondent)
_____)

Case No. 06-LP-05

CONSENT AGREEMENT AND ORDER

NOW on this 23 day of February, 2007, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Joanne B. Lyon (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Joanne B. Lyon is currently, and at all times relevant has been, a Licensed 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 18, 2005, the Board received a report of information concerning Licensee's conduct, alleging Licensee was retained to provide psychological assessments and reports in a child custody proceeding but also provided therapy to the children, improperly billed an insurance company for therapy rather than assessment or evaluation and failed to report allegations of child abuse as required of mandatory reporters.

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 her letter received on January 17, 2006.

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

a. Licensee erroneously billed for individual therapy rather than psychiatric diagnostic interview examination.

b. Licensee made a determination that the children were being truthful without sufficient corroboration and testified to this under oath as a fact rather than an opinion.

6. The Board finds that reasonable grounds exist to believe Licensee has committed unprofessional conduct in violation of K.S.A.74-5324(d) as defined as follows:

(a) K.A.R. 102-1-10a(i)(4) - filing claims for services that were not rendered.

(b) K.A.R. 102-1-10a(j)(5) - filing reports on the basis of information and techniques that are insufficient to substantiate those findings, and related K.A.R. 102-1-10a(o)(3) - failing to conduct forensic examinations in conformance with established scientific and professional standards.

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-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 in relation to Case No. 06-LP-05.

WHEREFORE, Licensee consents to continuation of her license to practice on the following terms and conditions [not reportable]:

(a) Within sixty (60) days of the date on the Certificate of Service Licensee shall submit to the Board a professional quality ten-page paper containing at least ten references and in APA format on the ethics of providing court-related evaluation and treatment simultaneously and wording conclusions as ultimate fact rather than as opinion.

(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 her Kansas Licensed 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 she may have to object to the composition of any subsequent hearing panel due to hearing panel members having knowledge of matters contained within this Consent Agreement and 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. 74-5324 as defined by K.A.R. 102-1-10a 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 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.
Wesley Jones, Ph.D.
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:

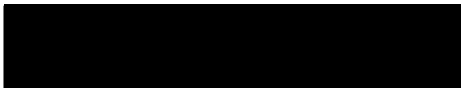
Joanne B. Lyon, LP
Joanne B. Lyon, LP
Respondent Licensee

2/14/07
Date

Certificate of Service

This is to certify that on this 26th day of February, 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:

Joanne B. Lyon



Matthew S. [Signature]
For the Behavioral Sciences Regulatory Board