

Marty M.Snyder, S. Ct. #11317
Assistant Attorney General
120 SW 10th Avenue, 2nd Floor
Topeka, KS 66612
(785) 296-2215

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
Jennifer H. Findling, Ph.D.)
LCPC License #327)
_____)

Case No. 07-LC-51
Case No. 07-LC-94

CONSENT AGREEMENT AND ORDER

Now on this 6 day of January, 200~~7~~⁹, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Jennifer H. Findling (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Jennifer H. Findling, Ph.D., is currently, and at all times relevant has been, a Licensed Clinical Professional Counselor within the meaning of the Kansas Professional Counselors Registration Act, K.S.A. 65-5801, *et seq.*, and amendments thereto.

2. On or about January 22, 2007, the Board received a report of information concerning Licensee's conduct arising out of counseling services for a four-year-old girl, alleging Licensee may have violated certain statutes and regulations governing the practice of professional counseling. On June 1, 2007, the Board received another report of information concerning Licensee's conduct arising out of counseling services furnished to the same client.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations in the two complaints.

4. During the investigation, Licensee was informed of the reported information and was given the opportunity to respond to the allegations and did respond to the allegations in her letters of May 17, 2007 and June 19, 2007.

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

(a) Licensee was retained by the mother of T.H. in the summer of 2006 to be the individual therapist for T.H. (age 3 ½) to help with problems the child was having due to an abrupt custody change from the father to the mother. Later, Licensee became the court-ordered therapist for the specific purpose of assessing the best custody arrangements for the child, whose parents had never married.

(b) The complainant in 07-LC-51 is T.H.'s father, who was her primary caregiver from the age of 3 months until the time of the court proceedings. Mr. H. believes Licensee was not objective, sided with the child's mother against him, became too personally involved in the child's care and breached confidences, all of which were contrary to T.H.'s best interest. Licensee also reported the father to S.R.S. for investigation of possible sexual abuse of the child.

(c) The complainant in 07-LC-94 is the woman who eventually became T.H.'s foster mother. She complained that Licensee was too personally involved and went too far in promoting the mother's interests to the disadvantage of the child.

(d) Licensee responds that, as the child is her only client, she has no confidentiality obligations in her communications with the parents or other therapists. She does not prefer one parent as custodian over the other but recommended to the judge that joint custody be ordered, stating that T.H. looks primarily to her father for protection and comfort. She admits she attempted to have T.H. placed in her own care as a temporary foster parent but claims she was willing to give up her role as therapist to avoid a dual relationship. She admits she reported complainant to S.R.S. based on fears expressed by the mother and behavior of the child because she is a statutory mandatory reporter and that no abuse was found.

(e) Following receipt of a proposed Consent Agreement and Order from the Board, Licensee agreed to undertake an evaluation at Acumen Assessments and has furnished the report of the evaluation to the Board.

(f) The Complaint Review Committee met to consider the results and recommendations contained in the evaluation and proposes the resolution set forth below.

6. The Board finds that reasonable grounds exist to believe Licensee has engaged in unprofessional conduct in violation of K.S.A. 65-5809(n) as defined as follows:

(a) K.A.R. 102-3-12a (b) (19), revealing information ... or failing to protect ... information contained in a client's records ...;

(b) attempting to violate K.A.R. 102-3-12a (b) (46), engaging in a dual relationship with the client; and

(c) K.A.R. 102-3-12a (b) (52), practicing ... clinical professional counseling in an incompetent manner.

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-LC-51 and Case No. 07-LC-94.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Civil Enforcement and Judicial Review of Agency Actions in relation to Case No. 07-LC-51 and Case No. 07-LC-94.

WHEREFORE, the following is agreed and ordered:

(a) Licensee shall accept a formal censure for the violations set forth above. This document is to be considered the formal censure.

(b) In addition, Licensee agrees to obtain six hours of continuing education in addition to licensure requirements in the area of professional role definition and therapist-client boundaries, particularly related to forensic work in child custody disputes. Proof of completion of the additional continuing education shall be furnished to the Board within 120 days of the effective date of this Order.

(c) Licensee shall meet for one hour per forty hours worked with a Board-approved psychotherapist for twelve months or until discharged by her therapist. The focus of these meetings shall be on Licensee's good judgement, emotional well-being and recognition of appropriate therapist-client boundaries.

(d) Licensee shall be responsible for any costs incurred in satisfying the terms of this Order.

(e) Evidence of Licensee's breach, violation or failure to comply with any of the conditions will result in an order to appear and show cause why Licensee's license should not be suspended temporarily pending full compliance with this Consent Agreement and Order. At such show cause hearing, the issues will be limited to whether this Consent Agreement and Order has been violated and the appropriate sanction for such violation.

(f) 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.

(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 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 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.

(i) This Consent Agreement and Order constitutes the entire agreement between the Licensee and the Board and may be modified or amended only by written agreement signed by Licensee and the Board or a designee of the Board.

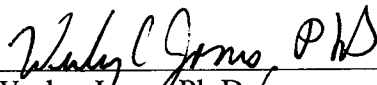
WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that upon approval, this Consent Agreement and Order becomes a Final Order of the Board. The Board has authorized the Complaint Review Committee to approve this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

WHEREFORE, the Board agrees that so long as Licensee complies with the above conditions that the Board will not initiate further disciplinary action against Licensee in relation to violation of K.S.A. 65-5809 as defined in the Kansas Administrative Regulations (K.A.R.s) listed above.

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 Clinical Professional Counselor.

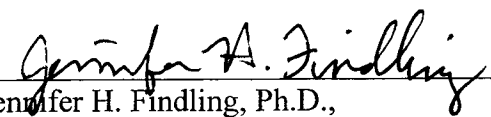
WHEREFORE, the provisions above are consented to and are hereby made the Final Order of the Kansas Behavioral Sciences Regulatory Board which become effective on the date indicated in the below Certificate of Service.

IT IS SO ORDERED.



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

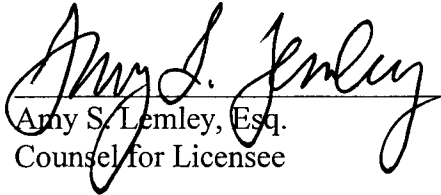
APPROVED AND CONSENTED TO:



Jennifer H. Findling, Ph.D.,
Licensee

12/18/08
Date

APPROVED:



Amy S. Lemley, Esq.
Counsel for Licensee

Dec. 18, 2008
Date

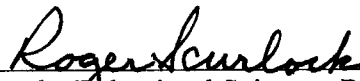
CERTIFICATE OF SERVICE

This is to certify that on the 9th day of January, 200~~8~~⁹, 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:

Jennifer H. Findling, Ph.D.



Amy S. Lemley, Esq.
1551 N. Waterfront Parkway
Suite #100
Wichita, KS 67206



For the Behavioral Sciences Regulatory Board

February 3, 2011

Jennifer Findling, PhD

Re: Consent Agreement and Orders 07-LC-0051 and 07-LC-0094

Dear Dr. Findling,

This letter is to confirm that you complied with all of the conditions set forth in the Consent Agreement and Order dated January 6, 2009. You completed those conditions and all above mentioned cases were closed on February 3, 2011.

You are now unconditionally licensed to practice as Professional Counselor.

Thank you for your cooperation in this matter.

Sincerely,

Carol Baldwin
Special Investigator