

Marty M. Snyder, KS S.Ct. #11317  
Assistant Attorney General  
120 SW 10th Avenue, Second Floor  
Topeka, KS 66612-1597

**BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD**

In the Matter of )

ANGELA E. VIETS )  
LCP #921 )  
\_\_\_\_\_ )

Case No. 11-CP-0073

**CONSENT AGREEMENT AND ORDER**

NOW, on this 12<sup>th</sup> day of September, 2011, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board), by and through Assistant Attorney General Marty M. Snyder, by agreement of Angela E. Viets (Respondent/Licensee), by and through counsel Jon R. Viets, and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following facts which are found to be established by a preponderance of clear and convincing evidence:

1. Angela E. Viets, Licensee, at all times relevant, was a Licensed Clinical Psychotherapist within the meaning of the Kansas Registration of Masters Level Psychologists Act, K.S.A. 74-5361, *et seq.*, and amendments thereto.

2. On May 16, 2011, the Board received a self-report of information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing her license as a clinical psychotherapist.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations. Licensee had previously provided a letter of explanation dated May 12, 2011, with her reinstatement application.

4. As a result of the investigation, the Board finds probable cause that the following facts have been established by clear and convincing evidence:

a. Licensee failed to renew her license following its expiration on March 31, 2011, despite previously receiving correspondence from the Board reminding Licensee to renew her license.

b. Licensee continued to practice and to hold herself out as a Licensed Clinical Psychotherapist in Kansas for more than six weeks after she failed to renew her license in March of 2011. After March 31, 2011, Licensee engaged in approximately 15 hours of clinical work each week, filed insurance claims for payment during that time and held herself out as an LCP despite her unlicensed status.

c. Licensee claims that the demands of private practice, illness arising out of complications with her pregnancy and raising two small children contributed to this oversight.

d. Licensee did not attempt to renew her Kansas license until after it had expired. She then called the Board regarding reinstatement and was advised to complete a complaint form and submit it along with her reinstatement documents.

5. The Complaint Review Committee of the Board finds that probable cause exists to believe Licensee has violated the following statute:

**K.S.A. 74-5371. Prohibited acts and representations; misdemeanor.**

(b) No person shall engage in the independent practice of masters level psychology or represent oneself as a licensed clinical psychotherapist or use the abbreviation LCP or any word, letter, signs, figures or devices to indicate that such person using the same is a licensed clinical psychotherapist unless such person holds a valid license as a licensed clinical psychotherapist.

(c) A violation of this section is a class C misdemeanor.

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. 11-CP-0073.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act in relation to Case No. 11-CP-0073.

WHEREFORE, the Board and Licensee agree to the following terms and conditions:

(a) Licensee shall contact all affected individual payors and insurance company payors within 30 days of the effective date of this Agreement and notify them of her unlicensed practice for approximately six weeks after March 31, 2011.

(b) Licensee shall provide copies of all communication documents to the individuals and insurance companies, as well as any responses she receives regarding her unlicensed practice, to Carol Baldwin, the Board's special investigator within 90 days of the effective date of this Agreement.

(c) Licensee shall pay a fine of \$100.00 to the Board within 30 days of the effective date of this Agreement.

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

(e) 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 Clinical Psychotherapist license could 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.

(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) 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.

(i) This Consent Agreement and Order constitutes the entire agreement between 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 by 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.

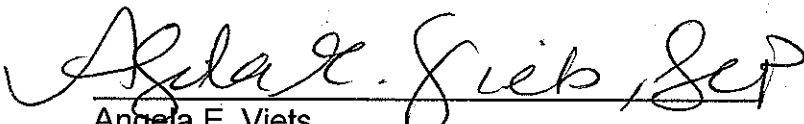
WHEREFORE, the Board agrees that, so long as Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 74-5371(b) as a result of this proceeding.

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.**

  
Terry Pfannenstiel  
Chair, Complaint Review Committee

**APPROVED AND CONSENTED TO:**

  
Angela E. Viets  
Licensee

9/2/11  
Date

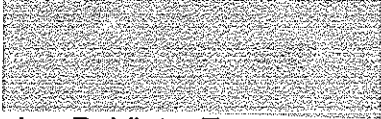
  
Jon R. Viets, # 9675  
Counsel for Licensee

8/29/11  
Date

**CERTIFICATE OF SERVICE**

This is to certify that on this 13<sup>th</sup> day of September, 2011, a true and correct copy of the above Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Angela E. Viets



Jon R. Viets, Esq.  
P.O. Box 1176  
Independence, KS 67301

Marty M. Snyder  
Assistant Attorney General  
120 SW 10th Ave., 2nd Floor  
Topeka, KS 66612

A handwritten signature in cursive script, reading "Carol Baldwin", is written over a horizontal line.

For the Board

November 4, 2011

Angela Viets

Re: Consent Agreement and Order 11-CP-0073

Dear Ms. Viets,

This letter is to confirm that you complied with all of the conditions set forth in the Consent Agreement and Order dated September 12, 2011. You completed those conditions and all above mentioned cases were closed on November 4, 2011.

You are now unconditionally licensed to practice as an LCP.

Thank you for your cooperation in this matter.

Sincerely,

Carol Baldwin  
Special Investigator

Cc: Jon Viets