

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

11 MAR 2 PM 2:59

**BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD
712 South Kansas Avenue
Topeka, KS 66603-3817**

In the Matter of)

DONALD P. WAYMAN,)
Respondent)
_____)

Case No. 11-CS-0040

CONSENT AGREEMENT AND ORDER

NOW, on this 28th day of February, 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 Donald P. Wayman (Respondent) and the Board for the purpose of resolving the above-captioned case.

Respondent hereby acknowledges the following:

1. Donald P. Wayman is currently and, at all times relevant, has been a Licensed Specialist Clinical Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301 *et seq.*, and amendments thereto.
2. On March 19, 2008, the Board received a report of information concerning Respondent's conduct, alleging Respondent may have violated certain statutes and regulations governing the practice of licensed specialist clinical social workers. That report investigation was designated as Case No. 08-CS-0087.

3. The Board then conducted an investigation concerning Respondent's alleged violations of statutes and regulations. During the investigation, Respondent was informed of the reported information and was given the opportunity to respond to the allegations. Respondent did respond by letter received July 21, 2008, and the case was subsequently dismissed.

4. During the course of the investigation of Case No. 08-CS-0087, additional information was self-reported to the Board, and the instant case was opened.

5. As a result of the investigation, the Board finds that Respondent improperly billed the insurance provider for a home study performed for a child custody evaluation. The above facts are established by clear and convincing evidence.

6. The Complaint Review Committee of the Board finds that probable cause exists to believe Respondent has violated the following statutes and regulations:

B. K.A.R. 102-2-7. Unprofessional conduct. Any of the following acts by a licensee or an applicant for a social work license shall constitute unprofessional conduct:

(w) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation.

However, Respondent 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, Respondent 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-CS-0040.

WHEREFORE, Respondent 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-CS-0040.

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

(a) Respondent shall refund the sum of \$375.00 to Blue Cross/Blue Shield for payment received for improperly billed services and shall provide proof of such repayment to the Board within sixty (60) days of the date of this Agreement.

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

(c) Evidence of Respondent'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 Respondent has in fact breached, violated or failed to comply with any conditions. Upon determination at such hearing that Respondent has breached, violated or failed to comply with any condition, Respondent understands and agrees that his Licensed Specialist Clinical Social Worker license could be suspended until such time as Respondent can demonstrate compliance with all terms and conditions of this Consent Agreement and Order to the satisfaction of the Board.

(d) Respondent acknowledges that proof submitted to the Board by affidavit or other form of competent evidence that Respondent 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) Respondent 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.

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


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

WHEREFORE, Respondent 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 Respondent complies with the above conditions, the Board will not initiate further disciplinary action against Respondent in relation to violations of K.A.R. 102-2-7 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.



Jean Hogan
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:

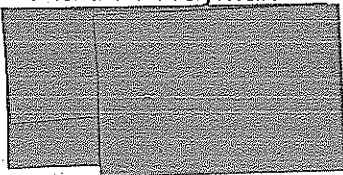
Donald P. Wayman
Donald P. Wayman
Respondent

02-20-2011
Date

CERTIFICATE OF SERVICE

This is to certify that on this 3rd day of March, 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:

Donald P. Wayman



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

Carol Baldwin
For the Behavioral Sciences Regulatory Board

June 1, 2011

Donald Wayman

Re: Consent Agreement and Order 11-CS-0040

Dear Mr. Wayman,

This letter is to confirm that you complied with all of the conditions set forth in the Consent Agreement and Order dated February 28, 2011. You completed the condition and the above mentioned case was closed on June 1, 2011.

Thank you for your cooperation in this matter.

Sincerely,

Carol Baldwin
Special Investigator