

Whitney L. Casement, KS S Ct. # 25466
Office of the Kansas Attorney General
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597

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BY: _____

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
Michelle Risser, LCMFT,)
License #154,)
Respondent)
_____)

Case No. 12-CT-0068

CONSENT AGREEMENT AND ORDER

NOW, on this 15th day of April, 2015, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [Board], by and through Assistant Attorney General Whitney L. Casement, by agreement of Michelle Risser [Licensee] and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Michelle Risser is currently, and was at all times relevant to this Consent Agreement and Order, a Licensed Clinical Marriage and Family Therapist within the meaning of the Marriage and Family Therapists Licensure Act, K.S.A. 65-6401, *et seq.*, and amendments thereto.

2. As a result of a report of alleged violation and subsequent investigation, the Board finds that the following facts have been established by a preponderance of the evidence:

(a) Licensee is a Licensed Clinical Marriage and Family Therapist currently licensed in Kansas.

(b) Licensee submitted her renewal application in November 2011, and was randomly selected for audit on December 12, 2011. The audit revealed Licensee completed

41 continuing education hours on December 12, 2011—after she submitted her renewal application.

(c) In her renewal application, Licensee attested to the fact that she had completed all continuing education hours required for her renewal prior to submitting the renewal application.

(d) Licensee's license was set to expire on December 31, 2011.

3. The Complaint Review Committee of the Board finds that Licensee has violated the following statute and regulations:

A. K.S.A. 65-6408. Refusal to grant, suspension, condition, limitation, qualification, restriction or revocation of license; grounds.

The board may refuse to grant licensure to, or may suspend, revoke, condition, limit, qualify or restrict the licensure of any individual who the board, after a hearing, determines:

(7) has been found guilty of unprofessional conduct as defined by rules and regulations established by the board;

B. K.A.R. 102-5-12. Unprofessional Conduct.

(a) Any license may be suspended, limited, conditioned, qualified, restricted, revoked, not issued, or not renewed upon a finding that unprofessional conduct has occurred.

(b) Any of the following acts by either a marriage and family therapy licensee . . . shall constitute unprofessional conduct:

(1) Obtaining or attempting to obtain a license or registration for oneself or another by means of . . . misrepresentation, or concealment of a material fact;

However, Licensee and the Board mutually desire to enter a Consent Agreement and Order in lieu of adjudicative proceedings to resolve the reported 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. 12-CT-0068.

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. 12-CT-0068.

WHEREFORE, Licensee consents to the following terms and conditions:

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

(b) Licensee is hereby censured pursuant to K.S.A. 74-7508(f).

(c) Licensee shall be automatically audited by the Board upon her next two renewals.

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

(e) Licensee understands that a notification of this Consent Agreement and Order may be provided to any other state or federal agency with which Licensee is licensed, registered, or certified.

(f) Licensee acknowledges an affirmative duty to notify the Board within ten (10) 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) 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 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. 65-6408 and K.A.R.102-5-12 as a result of this proceeding.

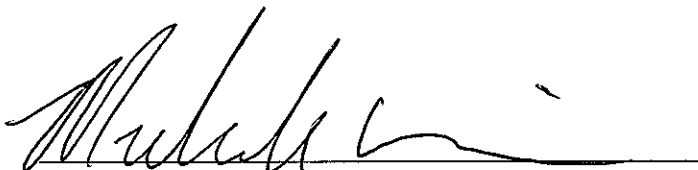
WHEREFORE, the foregoing provisions are consented to, are hereby made the Final Order of the Kansas Behavioral Sciences Regulatory Board, and become effective on the date indicated in the Certificate of Service below.

IT IS SO ORDERED.



Terry Pfannenstiel
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:



Michelle Risser
Licensee

4-1-15

Date

CERTIFICATE OF SERVICE

This is to certify that on this 17th day of April, 2015, 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:

Michelle Risser



and a copy delivered via interoffice mail to:

Whitney L. Casement
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612
Disciplinary Counsel for the Board

Cindy D'Ercole
For the Behavioral Sciences Regulatory Board