

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD  
712 Kansas Avenue  
Topeka, Kansas 66603-3817  
(913) 296-3240

IN THE MATTER OF )  
BARBARA GRAY, ) Case No: 503  
Respondent. )  
Pursuant to K.S.A. Chapter 77)

CONSENT AGREEMENT AND ORDER

NOW, on this 11 day of March, 1996 this matter comes before the Kansas Behavioral Sciences Regulatory Board, by agreement of Barbara Gray, licensed Psychologist, (licensee/respondent) and the Kansas Behavioral Sciences Regulatory Board, (Board/petitioner) for the purpose of settling the above captioned case.

Licensee acknowledges the following:

1. The Behavioral Sciences Regulatory Board is duly constituted under the laws of the State of Kansas, specifically, K.S.A. 74-7501, et seq., and amendments thereto.
2. Petitioner has requested the Kansas Attorney General commence an administrative action against the respondent, Barbara Gray. Carla J. Stovall is the

duly elected, qualified and acting Attorney General of the State of Kansas. The Office of Attorney General is created by Article I, § 1 of the Kansas Constitution.

3. Respondent, Barbara Gray, is a licensed psychologist pursuant to K.S.A. 74-5301 *et seq.*, having been issued license No. 552 by Petitioner on March 27, 1982.

4. Respondent's address last known to petitioner is [REDACTED]

5. Respondent was formerly employed as Director of Clinical Services at the Southeast Kansas Mental Health Center (SEKMHC) in Humboldt, Kansas.

6. On or about April 4, 1994 the Board received a report of of alleged violations, (RAV) concerning licensee's conduct and alleging the following:

(a) licensee may have been guilty of fraud and deceit in connection with services rendered as a psychologist, in violation of K.S.A. 74-5324(b),

(b) licensee may have been guilty of unprofessional conduct, as defined by K.A.R.

102-1-10(b)(7),(8),(9),(10),(19) and (25), all in violation of K.S.A. 74-5324(d), and

(c) licensee may have been guilty of negligence or wrongful actions in the performance of duties, in violation of K.S.A. 74-5324(e).

7. The board conducted an investigation concerning licensees' alleged violation of the above-referenced statutes and regulations.
8. 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.

WHEREFORE, licensee and the Board mutually desire to enter into this 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. 503.

WHEREFORE licensee waives the right to file a motion for reconsideration, a petition for stay and all rights of appeal or petition for judicial review pursuant to the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, in relation to Case No 503.

WHEREFORE the parties agree as follows:

## I. Supervision

A. Respondent agrees to make arrangements with Susan Roviario or another experienced psychologist who is licensed in the State of Kansas to supervise the respondent's direction/supervision of Clinical Staff at Pawnee Mental Health. Said clinical staff includes all persons under respondent's supervision who are classified as students, interns, residents or unlicensed assistants as those terms are defined or contemplated in the Kansas Administrative Regulations. For purposes of this agreement students, interns, residents and unlicensed assistants include persons who are preparing for the profession of psychology under supervision and have been granted temporary permits pursuant to K.S.A. 74-5367.

The supervision of the respondent by the appointed or approved psychologist shall include a bi-weekly review of respondents duties, including those set forth at K.A.R. 102-1-11, if applicable, and shall last for a period of one year from the date this agreement becomes effective. This agreement shall not become effective until a qualified individual has agreed in writing to serve in a supervisory role and carry out the responsibilities contemplated in this agreement.

The Board shall have the authority to approve or disapprove of the the supervising party.

B. The Supervisor must agree to and will focus his/her review on the following issues:

1. Therapist/client boundary issues;
2. Therapist/client confidentiality issues;
3. Supervisor/Supervisee boundary issues;
4. Professionalism and office protocol

In reviewing these areas of respondent's practice, the supervisor will notify the Behavioral Sciences Regulatory Board in writing should a deficiency be noted in any of the areas listed above. These areas will be supervised for a period of one year.

C. In any event, the supervisor will prepare quarterly, a written report to be submitted to the Behavioral Sciences Regulatory Board evidencing respondent's adherence to this agreement. Such report shall address the areas listed in subparagraph (B) above.

## **II. Boundary Issues**

A. Respondent agrees to refrain absolutely from making sexual advances or engaging in sexual activities with any

client, student, patient, or unlicensed assistant under respondent's supervision.

### **III. Confidentiality**

A. Respondent agrees to exercise due diligence in protecting and maintaining the confidences and/or secrets of all clients and patients. Such confidences shall not be revealed to any third party by the respondent without her having obtained written, informed consent from the client or patient, or such client's or patient's legal representative or representatives, except as required by law. Respondent is to give due regard to the privilege afforded all clients or patients by virtue of K.S.A. 65-5601, et. seq.

### **IV. Psychological Evaluation**

A. Respondent agrees to submit to a psychological evaluation to be conducted by a qualified, licensed professional agreeable to the respondent and the Board. Respondent will then obtain such counseling and/or psychotherapy as may be recommended by such licensed professional, and to follow all recommendations of the professional in the event such a recommendations occur.

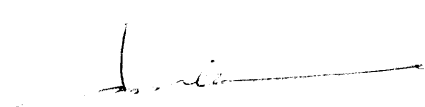
Any disputes concerning the nature or extent of required counseling and/or psychotherapy will be resolved by the presiding officer.

WHEREFORE licensee consents to the submission of this Consent Agreement and Order to the Kansas Behavioral Sciences Regulatory Board, and understands that upon approval of the parties, this Consent Agreement and Order becomes a final administrative order of the board.

WHEREFORE upon licensee's compliance with the above conditions, the Board agrees to dismiss Case No. 503 with prejudice and will not initiate further disciplinary action against licensee with regard to any allegation contained therein.

WHEREFORE the provisions above are consented to and are hereby made the final order of the Kansas Behavioral Sciences Regulatory Board and becomes effective on the date indicated in the below Certificate of Service.

IT IS SO ORDERED.

  
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John Homlish, Chairman  
Behavioral Sciences Regulatory Board

APPROVED AND CONSENTED TO:

*Barbara Gray*  
Barbara Gray, Ed.D.  
Licensee/Respondent

3-9-96  
(date)

*Evelyn Zabel Wilson*  
Evelyn Zabel Wilson  
Attorney for Respondent

3-3-96  
(date)

Certificate of Service

This is to certify that on the 18 day of April, 1996 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:

Barbara Gray, Ed.D.



Thomas Wright  
Evelyn Zabel Wilson  
Wright, Henson, Somers, Sebelius, Clark & Baker,  
100 E 9th Street, 2nd Floor  
P.O. Box 3555  
Topeka, KS 66601-3555

*Mary Ann Gabel*  
Mary Ann Gabel, Executive Director  
Behavioral Sciences Regulatory Bd.