

BEFORE THE
BEHAVIORAL SCIENCES REGULATORY Board
712 S. Kansas Avenue
Topeka, Kansas 66603-3817

IN THE MATTER }
 }
 OF } CASE NO. 596
 }
 H. DARBY TROTTER, Ph.D. }
 Respondent. }
 _____ }

Pursuant to K.S.A.
Chapter 77

CONSENT AGREEMENT AND ORDER

NOW on this ___ day of _____, 1998, the above captioned matter comes before the Kansas Behavioral Sciences Regulatory Board, by agreement of H. Darby Trotter, Ph.D, (Licensee) and the Kansas Behavioral Sciences Regulatory Board (Board) for the purpose of settling the above-captioned case.

The licensee hereby acknowledges the following:

1. The Behavioral Sciences Regulatory Board, hereinafter petitioner or Board, is duly constituted under the laws of the State of Kansas, specifically K.S.A. 74-7501, *et seq.*
2. The Board has received a complaint, has investigated the complaint, and has determined that probable cause exists to believe the licensee has committed acts which violate the Kansas Regulation of Psychologists Act, K.S.A. 74-5324 and the Rules and Regulations Promulgated under that Act, K.A.R. 102-1-1 *et seq.*
4. Licensee, H. Darby Trotter is presently, and at all times relevant to these

proceedings, has been a licensed psychologist pursuant to K.S.A. 74-5301. Licensee was issued license 235 on August 17, 1972. Said license was last renewed on July 1, 1996. The respondent's license will expire on June 30, 1998.

5. Licensee's address as last known to the Board is H. Darby Trotter, Ph.D. [REDACTED]

6. The Board has the express jurisdiction of the proceedings to revoke, suspend, or otherwise limit the license of any psychologist licensed under this act pursuant to K.S.A. 74-5324 and K.A.R. 102-1-10.

7. H. Darby Trotter is a licensed psychologist within the meaning of the Kansas Regulation of Psychologists Act, K.S.A. 74-5324 and the Rules and Regulations Promulgated under that Act, K.A.R. 102-1-1 *et seq.*

8. The complainant, N.L., was a patient of the licensee between September 1988 and March 1989.

9. Between September 1988 and March 1989, the licensee allegedly engaged in numerous improper sexual acts with N.L., including oral and vaginal sex.

10. The participation in oral and vaginal sexual intercourse between a psychologist and patient is unprofessional conduct in violation of K.S.A. 74-5324(d) as defined by K.A.R. 102-1-10(b)(10).

11. Licensee chooses not to defend the above claims due to adverse health conditions.

12. Licensee and the Board mutually desire to enter into this Consent Agreement and Order in lieu of adjudicative proceedings.

WHEREFORE Licensee hereby consents and agrees to the following terms and

conditions on his continued licensure as a psychologist in the State of Kansas:

A. Licensee's license to practice psychology will be restricted to "Business Consultation Only" with said restriction to appear on the face of his license to practice psychology.

B. "Business Consultation" for the purposes of this agreement means that licensee may contract with businesses to provide seminar-style information or other consulting services involving management, but "Business Consultation" does not include any type of therapy-related activities with individuals or groups within the business for whom he is providing said consulting services.

C. Licensee understands that he is prohibited from establishing or maintaining any type of therapist-client relationship, whether individual or group therapy.

D. Licensee may not engage in the practice of psychology for the purposes of forensic matters if accepting such engagement or employment would require licensee to meet with or perform psychological testing on any individual for the purpose of rendering a professional opinion as to that individual's mental health.

E. Licensee agrees to provide a sworn affidavit with each renewal application of his license to practice psychology wherein licensee will swear under threat of perjury that he has not engaged in any activity which would violate the terms of this agreement.

F. Licensee understands and agrees that this agreement will continue in effect for ten (10) years from the effective date of this agreement. Upon expiration of the 10-year period, Licensee may request that the Board lift the restrictions on his license.

13. 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 Procedures Act.

14. Licensee waives the right to file a motion for reconsideration and all rights of appeal

pursuant to the Kansas Act for Judicial Review .

15. Licensee shall be responsible for any costs which may be incurred in satisfying the terms of this Consent Agreement and Order.

16. Notification of this Consent Agreement and Order shall be provided to another state licensing Board if the licensee is licensed or applies for licensure in another state.

17. If the licensee violates the laws and rules and regulations of the State of Kansas or if there is evidence of licensee's wilful failure to comply with the conditions set herein, a hearing will result, with notice and opportunity to be heard, to determine whether licensee has in fact wilfully failed to comply with conditions of this Agreement. Upon determination at such hearing that the licensee has willfully breached, violated or failed to comply with the conditions of this Agreement, licensee understands and agrees that his license to practice psychology shall be revoked.

18. The licensee agrees to obey the laws, rules and regulations of the State of Kansas.

19. The licensee agrees to inform the Board of all allegations that the licensee has violated the laws, rules and regulations of the State of Kansas.

20. 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 conditions. In such event, a designee of the Board is authorized to modify or amend this Consent Agreement and Order in writing.

21. Licensee understands and agrees that continued Board approval of this Consent Agreement and Order is conditioned on his satisfactory compliance with the terms of this Consent Agreement and Order.

22. Licensee consents to the submission of this Consent Agreement and Order to the

Kansas Behavioral Sciences Regulatory Board. This Consent Agreement and Order will become a final order of the Board if approved.

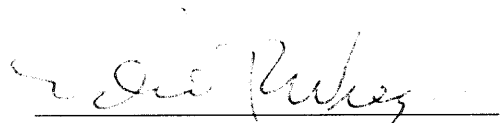
23. This Consent Agreement and Order constitutes the entire agreement between licensee and the Board and may be modified or amended only by written agreement signed by the parties.

WHEREFORE the Board agrees that so long as licensee complies with the above terms and conditions that the Board will not initiate further disciplinary action against licensee in relation to Case No. 596 involving violations of K.S.A. 74-5324(d) as defined by K.A.R. 102-1-10(b)(10).

WHEREFORE the provisions above are consented to and are hereby made the final order of the Kansas Behavioral Sciences Regulatory Board.

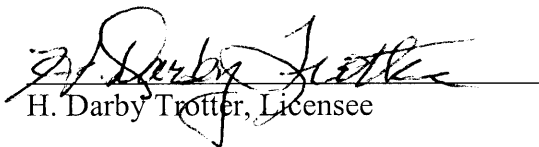
IT IS SO ORDERED.

Dated this 18 day of May, 1998.



Edward F. Weigers, Chair
Behavioral Sciences Regulatory Board

APPROVED AND CONSENTED TO:



H. Darby Trotter, Licensee

5/3/98
Date

SUBMITTED AND APPROVED BY:

James T. Wiglesworth
James T. Wiglesworth
Attorney for Licensee

4/15/98
Date

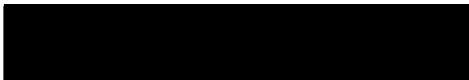
Laurie K. Kahrs
Laurie K. Kahrs
Assistant Attorney General
Litigation Counsel to BSRB

1/2
Date

CERTIFICATE OF SERVICE

This is to certify that on the 1st day of June, 1998 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:

H. Darby Trotter



James T. Wiglesworth
Attorney At Law
6330 Lamar Ave., Suite 125
Overland Park, Kansas 66202

Diana K. Berry
For the Behavioral Sciences Regulatory
Board