

**Eisenhower State Office Building
700 SW Harrison, Suite 420
Topeka, Kansas 66603-3240**

Case No. 22-CS-008

SUMMARY PROCEEDING ORDER

The above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) for consideration of the application filed by Bradley J. Mills for renewal of his specialist clinical social worker license. The Board members who served as Presiding Officers were David Anderson, Donna Hoener-Queal, Jacqueline Lightcap, Johnna Norton, Bruce Nystrom, Andrea Perdomo-Morales, Ric Steele, Deb Stidham, Leslie Sewester, and Carolyn Szafran. Board members Mary Jones and Laura Shaughnessy were not present.

After reviewing its administrative records, the Board makes the following findings of fact, conclusions of law, and orders.

Findings of Fact

1. The Board received an application from Bradley J. Mills (Applicant) for renewal of his license to practice as a specialist clinical social worker (LSCSW). In his application, he answered "Yes" to the following question: Since your last renewal, have you been convicted of a felony and/or misdemeanor crime against person(s)?"

2. On November 17, 2021, Applicant entered a plea of guilty to two counts of assault, a misdemeanor offense against persons. The court granted probation for six months with an underlying sentence of 30 days in jail on each count to run consecutively. The conditions for his probation included not possessing, using, or consuming alcohol or drugs without a legal prescription; submitting to random breath, blood, or urine testing as directed by his probation officer; successfully complete an [REDACTED]; continuing to engage in [REDACTED]; and successfully complete [REDACTED] as directed.

3. Applicant explained the two assault offenses involved an incident at a golf course. Applicant and his [REDACTED] were at a golf course when two other golfers repeatedly hit golf balls that landed about five yards from them. After the first time, one of the golfers said he was not worried that Applicant would do anything and he did not think Applicant and his [REDACTED] could hurt him as he could take care of himself. Both golfers were large males. After the fourth time, Applicant told his [REDACTED] they needed to get off that fairway. Applicant was in the golf cart and did not see his [REDACTED] hitting several golf balls toward the other golfers. When Applicant and his [REDACTED] reached their golf balls, one of the other golfers hit a golf ball that landed at his [REDACTED] feet. His [REDACTED] hit the ball back to the other golfer. The other golfers then drove their golf cart toward them. After stopping the cart, one approached his [REDACTED] and the other approached Applicant.

4. When the golfer was about ten yards from him, Applicant grabbed a golf club, held it like a baseball bat, and repeatedly told him to stop, but the other golfer kept coming toward Applicant as he moved backwards. Applicant told the other golfer, "If you hurt me I will take your whole life, your car, your house, and your finances." When the other man got close enough to hit him, Applicant swung his golf club but did not hit him. The man grabbed the golf club, threw it away, and called the police on his cell phone telling them Applicant had attacked him. When the police arrived, the other golfer told the officer Applicant threatened to take his life and he was afraid of Applicant. Applicant's attorney advised he could claim self-defense at a trial and his [REDACTED] could testify. However, if his [REDACTED] testified, [REDACTED] could have charges filed against [REDACTED] for hitting golf balls at the other golfers. To protect his [REDACTED], Applicant entered a plea of guilty to both charges.

5. In explanation for the convictions, Applicant stated he did not hit any golf balls toward the other golfers, make derogatory remarks to the other golfer, or approach the other golfer. Applicant explained he was afraid the other golfer "was going to beat him to a pulp." Applicant is handicapped and has had surgeries for his back, knees, and ankles.

6. Applicant provided a copy of the [REDACTED]. He began [REDACTED] on October 30, 2021, and [REDACTED]. The [REDACTED]. Applicant advised he completed the [REDACTED] course, but he did not provide a copy of a report verifying he had completed it or discussing his progress. Applicant's written explanation about his convictions did not state whether he was under the influence while at the golf course or address any of his [REDACTED] or if he was complying with the [REDACTED].

7. In his written explanation for why the Board should renew his license, Applicant stated he had spent 26 years helping neglected, delinquent, and homeless children. "One mistake that has nothing to do with my work, 40 miles from my work, on a golf course shouldn't define who I am. Nor should it end my career."

Conclusions of Law

8. The Kansas Social Workers Licensure Act (Act), K.S.A. 65-6301 *et seq.*, authorizes the Board to renew a license as a specialist clinical social worker to applicants who meet the requirements for renewal. See K.S.A. 65-6313(b). However, the Board may refuse to renew a license or may limit or condition a license upon finding that an applicant "has been convicted of a misdemeanor against persons and has not demonstrated to the Board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust." K.S.A. 2021 Supp.65-6311(a)(2).

9. K.A.R. 102-2-1a(p) defines the term "merits the public trust" as:

[A]n applicant or licensee possesses the high standard of good moral character and fitness required to practice social work as demonstrated by the following personal qualities:

- (1) Good judgement;
- (2) integrity;
- (3) honesty;
- (4) fairness;
- (5) credibility;
- (6) reliability;
- (7) respect for others;
- (8) respect for the laws of the state and the nation;
- (9) self-discipline;
- (10) self-evaluation;
- (11) initiative; and
- (12) commitment to the social work profession values and ethics.

10. Applicant has applied for licensure as a master social worker after a conviction of a person misdemeanor offense. The Board has jurisdiction over Applicant and this matter.

11. The Board conducts administrative proceedings regarding licensure under the Act in accordance with the Kansas Administrative Procedure Act (KAPA), K.S.A. 77-501 *et seq.* K.S.A. 2021 Supp. 65-6311(c). Under the KAPA, the Board may use summary proceedings to issue an order, subject to a party's request for a hearing. The Board finds that the use of summary proceedings in this matter does not violate any law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than the parties. See K.S.A. 77-537.

12. Applicant does not dispute that he was convicted of two assault offenses that are person misdemeanors. The question is whether he has demonstrated to the Board's satisfaction that he has been sufficiently rehabilitated to merit the public trust. When he submitted his application, Applicant was still on probation for his convictions.

13. Applicant relies on the fact he did not hit the golf balls towards the other golfers or make any derogatory statements to the other golfers before they approached him and his [REDACTED]. However, this conduct occurred before the last encounter with the other golfers. Applicant does not claim that the other golfer threatened him verbally or physically before he raised his golf club. Rather, Applicant claims the other golfer misinterpreted his statements as a threat and had previously told Applicant that he was not afraid of him. However, Applicant's reliance on that statement is misplaced because it was made during their first encounter when Applicant was not swinging a golf club at the other golfer.

14. Although Applicant entered a guilty plea to the two assault charges—one for making threatening statements and one for swinging the golf club—he characterizes the other golfer as the aggressor. He also claims these convictions should not define him or end his career since his conduct was not related to his practice of social work. His assertions are contrary to the Act. Under the Act, a conviction for a person misdemeanor, whether or not related to the practice of social work, is a legal basis to deny, revoke, limit, or condition a license unless the licensee shows proof of rehabilitation sufficient to merit the public trust.

15. Applicant's statements about the incident do not show he has taken responsibility for his criminal conduct. He did not enter the guilty plea to take responsibility for his conduct, but to help his [REDACTED]. Applicant has not expressed any remorse for his conduct or his convictions. Rather, his statement that he should not be judged by his criminal convictions shows Applicant does not take responsibility for his conduct and is not remorseful. Applicant fails to understand how engaging in criminal conduct reflects on those who practice social work. Additionally, Applicant has not been forthcoming on his [REDACTED] and what steps, if any, he has taken to address those issues. In short, Applicant has provided little information about his rehabilitation efforts since his convictions. As a result, Applicant has not shown he possesses several of the characteristics for good moral character—such as, good judgement, integrity, honesty, credibility, respect for others, respect for the laws of the state and the nation, self-discipline, self-evaluation, and commitment to the social work profession values and ethics.

16. Based upon the above factual findings and conclusions of law, the Board determines that Applicant's violation of K.S.A. 2021 Supp.65-6311(a)(2) (conviction of two misdemeanor person offenses and failure to demonstrate sufficient rehabilitation to warrant the public trust) shows cause exists to place conditions upon Applicant's license to practice as specialist clinical social worker. Therefore, the Board hereby grants the renewal application filed by Bradley J. Mills to practice as a specialist clinical social worker subject to the following terms and conditions.

(A) While employed as a LSCSW, Applicant's practice as a LSCSW shall be supervised by a Board-approved licensed specialist clinical social worker (LSCSW) who has a minimum of twenty-four (24) months in such practice and is not in a familial, subordinate, or other dual relationship with Applicant. If a LSCSW is not available to

provide supervision under this Order, the Board may approve another person who holds a clinical license from the Board, has a minimum of two (2) years of clinical practice in their licensed profession, and is not in a familial, subordinate, or other dual relationship with Applicant.

(B) Applicant will hold the license as a specialist clinical social worker with the supervision and conditions imposed herein for a minimum of twelve (12) months. Any period of time that Applicant is not employed as a LSCSW or engaged in the practice as a LSCSW shall not count towards this requirement of supervised practice.

(C) Applicant shall provide a copy of this Order to his practice supervisor and his employer. His practice supervisor and employer must agree in writing to abide by its terms. Applicant's practice supervisor and employer shall submit their signed written agreement to the Board within seven (7) calendar days of becoming Applicant's practice supervisor or employer.

(D) During this supervised period, Applicant and his supervisor shall have at least one monthly one-hour supervision session where they meet either in person or by an electronic medium with face-to-face interaction and confidentiality protections. These sessions shall focus on judgement issues, responsibility to clients and the public, accountability for one's conduct, [REDACTED], and compliance with the conditions placed on his LSCSW.

(E) During this supervised period, Applicant's practice supervisor shall provide the Board with written reports at the end of each three (3) month period of supervision. This report shall address the topics in paragraph 16(D) above. If his supervisor is not his employer, Applicant's employer shall also provide the Board with written reports at the end of each three (3) month period of supervision that address the topics in paragraph number 16(D) above.

(F) Applicant shall notify the Board and his supervisor within seven (7) calendar days of any changes in his personal or professional status that would hinder or inhibit compliance with any of the above terms and conditions. In such event, a Board member who is licensed as a social worker and serving on the Board's Social Work Advisory Committee is authorized to modify or amend the terms or conditions of this Order. Any such modification or amendment of this Order must be in writing and signed by Applicant and the Board member.

(G) Applicant's practice supervisor and employer shall immediately notify the Board of their concerns if they have reason to believe that Applicant has not complied with the terms and conditions of this Order, the Act, or its implementing regulations.

(H) Applicant shall bear any expense of supervision and all other costs incurred in satisfying the terms of this Order.

(I) Applicant shall obey all federal, state, and local laws, including the statutes and regulations governing the practice of social work.

(J) At the end of the supervised practice period, Applicant's supervisor and employer must submit a written report to the Board addressing whether Applicant has met all conditions in this order and has a better understanding of his ethical duties as a social worker to the public and others such that continued supervision under this Order is not necessary. If either responds unfavorably, the Board may continue Applicant's licensure as a specialist clinical social worker on the terms and conditions herein, as well as any other terms and conditions that the Board deems appropriate for an additional twelve (12) months. If the Board receives favorable responses, the Board shall lift the terms and conditions imposed herein on Applicant's license.

(K) If Applicant is not employed as a LSCSW within two (2) years from the date on the Certificate of Service below, Applicant shall have to submit a reinstatement application for licensure as a specialist clinical social worker.

Order

After consideration of the above findings of facts and conclusions of law, it is the decision of the Presiding Officers who considered this matter and the order of the Board that the application filed by Bradley J. Mills for licensure as specialist clinical social worker should be granted subject to the above terms and conditions.

IT IS SO ORDERED.

Kansas Behavioral Sciences Regulatory Board



Leslie Sewester, Chair and Presiding Officer

NOTICE OF ADMINISTRATIVE RELIEF

Pursuant to K.S.A. 77-537(b) and 77-542(a), a written request for a hearing before the Board on the above Summary Proceeding Order may be filed with the Board within fifteen (15) days of the date listed on the Certificate of Service below. Pursuant to K.S.A. 77-503(c), the 15-day period begins the day after the date shown in Certificate of Service below. If the 15th day falls on a Saturday, Sunday, or legal holiday, then the 15-day period runs until 5:00 p.m. on the next day that is not a Saturday, Sunday, or legal holiday. Receipt of a written request occurs on the date the Board's office receives it. If the Board

does not receive a request for a hearing in the time and the manner stated, the above Summary Proceeding Order becomes effective upon expiration of the 15-day period.

The Board's designee who may receive service of a request for a hearing on behalf of the Board is:

David Fye, Executive Director
Behavioral Sciences Regulatory Board
700 SW Harrison, Suite 420
Topeka, Kansas 66603

CERTIFICATE OF SERVICE

This is to certify that on this 3rd day of June 2022 I placed a copy of the above and foregoing Summary Proceeding Order and Notice of Administrative Relief in the U.S. mail, first-class postage prepaid and addressed to:

Bradley J. Mills




Staff,
Kansas Behavioral Sciences Regulatory Board