

**BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**

712 S. Kansas Ave., Topeka, KS 66603-3817  
785-296-3240

IN THE MATTER OF THE LICENSE OF )  
 )  
 LAVELTA MURNAHAN )  
 )  
 LSCSW # 1793 )  
\_\_\_\_\_ )

**CASE NO: 00 - 23**

**CONSENT AGREEMENT**  
**AND FINAL ORDER**

Now on this 10<sup>th</sup> day of June, 2002, the Behavioral Sciences Regulatory Board (the "board"), represented by litigation counsel, Michelle Davis, Assistant Attorney General, and the "licensee", LaVelta Murnahan, represented by her attorney, Steve Schwarm, hereby enter into the following agreement.

**NATURE OF THE CASE**

1. LaVelta Murnahan is currently, and at all times relevant, has been, licensed as a Licensed Specialist Clinical Social Worker, #1793, pursuant to 65-6301, et seq.
2. The board received information regarding licensee's conduct as a LSCSW and the board conducted an investigation. Licensee was informed of the reported information and was given the opportunity to respond, and did respond to the allegations.
3. As a result of the investigation, the board found probable cause to believe that licensee's conduct met the criteria set forth in K.S.A. 65-6311(a)(4) for which the board may revoke, suspend, limit or deny a social worker's license.

4. In lieu of further proceedings, licensee and the board enter into this agreement and order to resolve this case, thereby waiving their right to an adjudicatory hearing conducted in accordance with the Kansas administrative procedure act and to seek reconsideration and appeal of the decision from that hearing in accordance with the Kansas act for judicial review.

5. Licensee denies the allegations made against her and that her actions constitute a violation of K.S.A. 65-6311. However, for the purpose of settlement, licensee does not contest, and therefore, the board finds that licensee's conduct was unprofessional under K.S.A. 65-6311(a)(4) and K.A.R. 102-2-7, defined as conduct inconsistent with standards of moral and ethical social work established by the profession; specifically, exercising undue influence on a client in a manner that will exploit the client for the personal gratification of the practitioner; based on the following facts:

In May of 1999, licensee failed to enforce appropriate boundaries with a client by establishing a social relationship with the client that was brought to the attention of her employer and resulted in licensee resigning her therapist position with 48 hours notice to her agency and a letter to clients.

#### **DISPOSITION**

6. The following disciplinary sanctions shall be imposed upon licensee's license:

**A. Suspension of License.** Licensee's license #1793 shall be suspended for a period of 12 months. By her signature on this document, licensee hereby states and avers that in the year 2001, she did not practice as a LSCSW and she was unable to find such employment because of this case pending. Said suspension shall be applied retroactively and shall have been in effect for the year 2001.

**B. Research Paper.** Licensee is required to research and write a 10 page professional paper, double-spaced and properly referenced with at least 8 professional references integrated

within the context of the paper, APA format, that focuses on and demonstrates an understanding of social work ethics as applied to dual relationships. Licensee shall submit said paper to the board within three months; if the board finds that said paper does not meet the above-stated requirements, the board shall notify licensee in writing and licensee shall have an additional 60 days to re-submit an acceptable paper.

**C. Monitor of Practice.**

Once a monitor is approved by the board, licensee's practice shall be monitored for a total of 12 months by a board approved monitor who is a LSCSW and who is not in a subordinate, familial or other dual relationship with licensee. The monitor does not have to practice with or be a supervisor of licensee. The focus of monitoring shall be social worker/client boundaries. The monitoring shall consist of:

- \* A one-hour supervisory session per week between the monitor and the licensee.

- \* A written report from the monitor addressing licensee's compliance with the monitoring and its focus, to be sent directly to the board every 3 months, upon the termination of the monitor's services, and at any time that the monitor reasonably believes that licensee is not in compliance with this order, is unable to practice with skill/safety to clients, is practicing negligently, or has violated regulations governing licensee's professional conduct.

Within 30 days of the effective date of this order, licensee shall follow an "approval process" of providing in writing to the board the name, resume, and commitment letter of a proposed monitor stating that he or she has read this agreement and agrees to perform the obligations set forth herein. The board may approve or reject a proposed monitor on the basis of his or her qualifications. If the proposed monitor is rejected or licensee needs to find a new monitor, then licensee shall have

another 30 days to repeat the approval process. If the board so directs, or licensee becomes aware that the practice monitor has ceased to adequately perform the functions specified in this agreement, then licensee shall recommence the approval process as stated above.

During the monitoring period, licensee shall not violate any rule or regulation governing the conduct of licensed specialist clinical social workers. Upon entering into this agreement and until 12 total months of monitoring have been completed, licensee shall notify the board in writing of all locations where she is engaged in the practice of social work, setting forth the name of any employer (if applicable) and the address and telephone number for each such location, of any change of location, and of any change in personal or professional status which would inhibit compliance with this agreement. If licensee does not practice for a period in excess of two weeks, then the monitoring requirement shall be stayed until licensee resumes her practice.

#### **MISCELLANEOUS**

7. The word license as used in this document means a current license and any future licenses issued to or applied for by licensee.

8. Licensee enters into this document voluntarily, after the opportunity to consult with counsel and with full understanding of its contents. This document is effective if and when it is accepted by the board as its order. If the board does not accept it, then licensee waives any right she may have to object to the composition of any subsequent hearing panel due to the members having knowledge of matters contained within this document.

9. Notification of this agreement and order shall be provided to any other professional board under which licensee is licensed, registered or certified. This document is subject to disclosure upon request as an "open record."

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10. Licensee shall be responsible for any costs incurred in satisfying the terms of this order.

11. This is the entire agreement between licensee and the board and may be modified or amended only by written agreement of the parties.

By their signatures, the parties hereby acknowledge this agreement and consent to its provisions which are hereby made the final order of the Behavioral Sciences Regulatory Board effective upon the date distributed per the Certificate of Service below.

LaVelta Murnahan, LSCSW  
LaVelta Murnahan, LSCSW  
Licensee

6-9-02  
Date

Steve Schwarm  
Steve Schwarm, 13232  
Attorney for licensee  
515 S. Kansas Ave.  
Topeka, Kansas 66603-3999 -  
785-233-0593

06/02  
Date

Michelle Davis  
Michelle A. Davis  
Assistant Attorney General  
120 S.W. 10<sup>th</sup> Street, Second Floor  
Topeka, Kansas 66612-1597.  
785-368-8436

6-10-02  
Date


FOR THE BOARD

Anna Silva-Keith  
Anna Silva-Keith, Chairperson  
Behavioral Sciences Regulatory Board

6/10/02  
Date

**CERTIFICATE OF SERVICE**

On the 11<sup>th</sup> day of June, 2002, I mailed, first-class postage prepaid, a true and correct copy of the above Consent Agreement and Final Order to LaVelta Murnahan, to Steve Schwarm, and to Michelle Davis at their addresses listed above.

  
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Roger Scurlock  
Special Investigator  
Behavioral Sciences Regulatory Board