

Marty M. Snyder, Supreme Court #11317
Kansas Attorney General's Office
120 SW 10th St, Second Floor
Topeka, KS 66612-1597
(785) 296-2215

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD
712 South Kansas Avenue
Topeka, Kansas 66603-3817

In the Matter of)
)
RACHELLE HOLLISTER, LBSW)
License #4506)
Respondent)
_____)

Case No. 08-BS-14

CONSENT AGREEMENT AND ORDER

NOW on this 2 day of November, 2007, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Rachelle Hollister (Licensee) through counsel N. M. Iverson, Jr., and the Kansas Behavioral Sciences Regulatory Board (Board) through counsel Marty M. Snyder, Assistant Attorney General, for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Rachelle Hollister is currently, and at all times relevant has been, a Licensed Bachelor Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301 *et seq.*, and amendments thereto.

2. On or about August 3, 2007, the Board received a report of information concerning Licensee's conduct that alleged Licensee had engaged in an inappropriate physical and dual relationship with a client.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations.

4. 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 through her counsel's letters received on September 7 and September 21, 2007.

5. As a result of the investigation, the Board finds probable cause to believe the following facts:

a. Licensee, while employed as a Children's Case Manager at Cowley County Mental Health & Counseling Center, engaged in an inappropriate and physical relationship with a minor client who was on her caseload.

b. On or about July 31, 2007, a custodian walked in on Licensee and a seventeen-year-old male client at an off-site building owned by the school district. At the time, the two were kissing and the client had pulled Licensee's pants down around her knees.

c. Licensee denied any previous physical encounters with the client but resigned her employment on July 31, 2007, due to this situation.

d. Licensee failed to notify the Board of the employment termination.

6. The Board finds that reasonable grounds exist to believe Licensee has committed unprofessional conduct in violation of K.S.A. 65-6311(a)(4) and (6) as defined as follows:

(a) K.A.R. 102-2-7(y) - making sexual advances toward or engaging in physical intimacies or sexual activities with any client ... of that licensee,

(b) K.A.R. 102-2-7(aa) - exercising undue influence on any client ... in a manner that will exploit the client ... for the ... personal gratification or advantage of the Licensee...,

(c) K.A.R. 102-2-7(tt) - engaging in a dual relationship with a client,

(d) K.A.R. 102-2-7(xx) - practicing social work in an incompetent manner and

(e) K.A.R. 102-2-7(b)(3) - failure to report termination of employment for reasons of misfeasance, malfeasance or nonfeasance.

However, Licensee and the Board mutually desire to enter a 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. 08-BS-14.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions in relation to Case No. 08-BS-14.

WHEREFORE, Licensee consents to suspension of her Bachelor Social Work license until further Order of the Board on the following terms:

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

(b) Evidence of Licensee's breach, violation or failure to comply with any of the conditions will result in a hearing, with notice and opportunity to be heard, to determine whether Licensee has in fact breached, violated or failed to comply with any conditions. Upon determination at such hearing that Licensee has breached, violated or failed to comply with any condition, Licensee understands and agrees that her license shall remain suspended until such time as Licensee can demonstrate compliance with all terms and conditions of this Consent Agreement and Order to the satisfaction of the Board.

(c) Licensee acknowledges that proof submitted to the Board by affidavit or other form of competent evidence that Licensee has breached, violated or failed to meet the conditions of this Consent Agreement and Order shall be good and sufficient evidence to support an alleged violation of breach, violation or non-compliance.

(d) Licensee understands that notification of this Consent Agreement and Order shall be provided to any other state licensing board if Licensee is also licensed, registered or certified in another state.

(e) 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 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.

(f) If the Board does not approve this Consent Agreement and Order, Licensee waives any right she may have to object to the composition of any subsequent hearing panel due to hearing panel members having knowledge of matters contained within this Consent Agreement and Order.


(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 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 of 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. 65-6311 as defined by K.A.R. 102-2-7 as a result of complaint 08-BS-14.

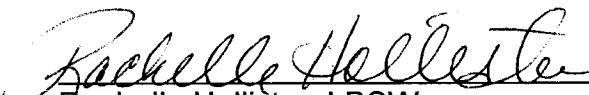
WHEREFORE, the foregoing provisions are consented to, are hereby made the final Order of the Kansas Behavioral Sciences Regulatory Board and become effective on the date indicated in the Certificate of Service below.

IT IS SO ORDERED.



Wesley Jones, Ph.D.
Chair, Complaint Review Committee

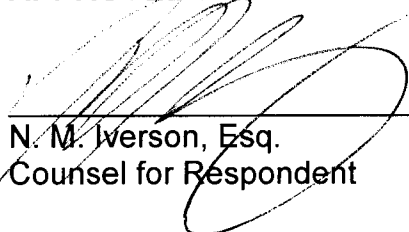
APPROVED AND CONSENTED TO:



Rachelle Hollister, LBSW
Respondent Licensee

10-17-07
Date

APPROVED BY:



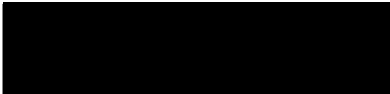
N. M. Iverson, Esq.
Counsel for Respondent

17 October
Date

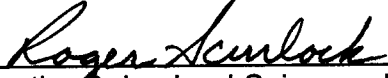
Certificate of Service

This is to certify that on this 6th day of November, 2007, 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:

Rachelle Hollister



N.M. Iverson, Jr., Esq.
PO Box 1065
Arkansas City, KS 67005



For the Behavioral Sciences Regulatory Board