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

In the Matter of)

HAROLD OSCAR TRUHE,)
LMSW #3044)
_____)

Case No. 08-MS-0100

SUMMARY PROCEEDING ORDER OF SUSPENSION

NOW, on this 12th day of October, 2009, the above-captioned complaint comes before the Complaint Review Committee [Committee] of the Kansas Behavioral Sciences Regulatory Board [Board].

I. FINDINGS OF FACT

The Committee finds that the following facts have been established by clear and convincing evidence:

1. At all times relevant to the complaint herein, Harold Oscar Truhe is and has been a Licensed Masters Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto.

2. On January 9, 2009, Respondent signed a Consent Agreement and Order for the purpose of resolving the above captioned case. The Consent Agreement and Order became effective on January 13, 2009. [Exhibit A.]

3. Under the terms and conditions of the Consent Agreement and Order, Respondent was to have weekly supervision (one hour of supervision for every 40 hours worked) with a practitioner licensed at the independent level and approved by the Board, with quarterly reports provided to the Board by the supervisor.

4. As of October 12, 2009, Respondent has not contacted the Board for approval of a supervisor, and no reports have been received from Respondent or Respondent's supervisor.

5. On September 16, 2009, the Board's special investigator wrote to Respondent to remind him of his obligations under the Order, but Respondent failed to respond. He continues to be in violation of the Order. [Exhibit B.]

II. CONCLUSIONS OF LAW

The following conclusions of law are based on evidence the Board finds is clear and convincing:

1. The Kansas Administrative Procedure Act, K.S.A. 77-537 provides that a state agency may use summary proceedings, subject to a party's request for a hearing on the order, if the use of the proceedings in the circumstances does not violate any provision of law and the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties.

2. The actions of Harold Oscar Truhe violate K.A.R. 102-2-7(i).

3. Specifically, Licensee has failed to comply with an order of the Board

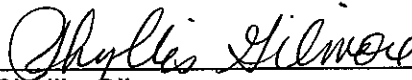
III. SANCTION

Based on the above Findings of Fact and Conclusions of Law and pursuant to K.S.A. 65-6311(b) and K.S.A. 77-537, the Complaint Review Committee finds as follows:

A. The Licensed Masters Social Worker license of Harold Oscar Truhe shall be suspended until further order of this Committee.

IT IS SO ORDERED.

Dated this 29th day of October, 2009.



Phyllis Gilmore
Executive Director

NOTICE OF RELIEF FROM THIS SUMMARY PROCEEDING ORDER

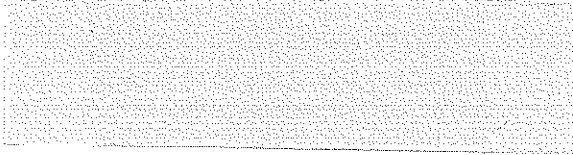
Pursuant to K.S.A. 77-537 and K.S.A. 77-542, this Summary Proceeding Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for hearing to:

Phyllis Gilmore, Executive Director
Kansas Behavioral Sciences Regulatory Board
712 South Kansas Avenue
Topeka, KS 66603

This written request must be filed within fifteen (15) days of service of this Notice. If a hearing is not requested in the time and manner stated, this Summary Proceeding Order becomes final and effective upon the expiration of the time for requesting a hearing and will be a Final Order of the Board.

CERTIFICATE OF SERVICE

This is to certify that a copy of the above and foregoing Summary Proceeding Order was placed this 29th day of October, 2009, in the U.S. mail, first-class postage prepaid, addressed to:



Marty M. Snyder, Esq.
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612

Phyllis Helmore
For the Board

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

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
HAROLD OSCAR TRUHE,) **Case No. 08-MS-0101**
LMSW #3044)
_____)

CONSENT AGREEMENT AND ORDER

NOW, on this 12 day of January, 2009, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Harold Oscar Truhe (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Harold Oscar Truhe is currently and, at all times relevant, has been a Licensed Masters 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 May 30, 2008, the Board received a report of information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing his practice as a Social Worker and related to his job at the Mental Health Center of East Central Kansas (MHCECK).
3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations. During the investigation, Licensee was informed of the

reported information, was given the opportunity to respond to the allegations, and did respond in his letter dated August 7, 2008.

4. As a result of the investigation, the Board finds clear and convincing evidence of the following facts:
 - a) While employed at MHCECK, Licensee demonstrated a chronic pattern of not completing paperwork in a timely fashion, resulting in poor care for consumers.
 - b) Following repeated performance reviews citing delay in referrals and paperwork, Licensee resigned from employment but failed to notify the Board.
5. The Board finds by clear and convincing evidence that reasonable grounds exist to believe Licensee has violated K.A.R. 102-2-7, "Unprofessional Conduct," section (xx) - practicing social work in an incompetent manner.

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-MS-0101.

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-MS-0101.

WHEREFORE, Licensee consents to the continuation of his license without restriction under the following conditions:

- A. For a period of 12 months, Licensee shall have weekly supervision (one hour of supervision for every 40 hours worked) with a practitioner licensed at the independent level and approved by the Board.
- B. The focus of Licensee's supervision shall be on the accurate and timely completion of documentation.
- C. Licensee shall furnish a copy of this Consent Agreement and Order to his supervisor and shall request that his supervisor provide quarterly reports to the Board on the progress of the supervision. However, any problems observed by the supervisor shall be reported immediately.
- D. Licensee shall be responsible for any costs incurred in satisfying the terms of this Consent Agreement and Order.
- E. 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 condition. Upon determination at such hearing that Licensee has breached, violated or failed to comply with any condition, Licensee understands and agrees that his Masters Social Worker license could be 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.
- F. 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.

- G. Licensee acknowledges an affirmative duty to notify the Board within five (5) days of any changes in personal or professional status which would inhibit his 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.
- H. If the Board does not approve this Consent Agreement and Order, Licensee waives any right he 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.
- I. 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 the Board or a designee of the Board.

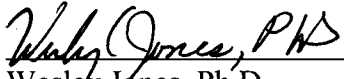
WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval of the Complaint Review Committee, this Consent Agreement and Order will become a Final Order of the Board. The Board has authorized the Complaint 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 case number 08-MS-0101.

WHEREFORE, the Board further agrees that, upon the completion of the above conditions, Licensee shall continue to be unconditionally licensed as a Licensed Masters Social Worker.

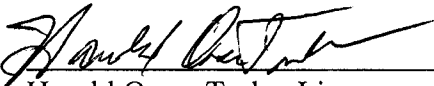
WHEREFORE, the foregoing provisions are consented to, are hereby made the final Order of the Kansas Behavioral Sciences Regulatory Board and become effective on the date indicated in the Certificate of Service below.

IT IS SO ORDERED.



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

APPROVED AND CONSENTED TO:



Harold Oscar Truhe, Licensee

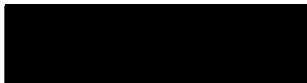
1/9/09

Date

CERTIFICATE OF SERVICE

This is to certify that on this 13th day of JANUARY, 2009, 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:

Harold Oscar Truhe





For the Behavioral Sciences Regulatory Board