

Marty M. Snyder, KS S Ct #11317  
Kansas Attorney General's Office  
120 SW 10<sup>th</sup> Ave, Second Floor  
Topeka, KS 66612-1597  
(785) 296-2215

**BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD**

In the Matter of )  
)  
RANDY B. FLOYD , )  
LSCSW #03873, )  
\_\_\_\_\_ )

Case No. 10-CS-131

**CONSENT AGREEMENT AND ORDER**

NOW, on this 14<sup>th</sup> day of November, 2011, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [Board] by agreement of Randy B. Floyd [Licensee], by counsel Sean P. Edwards, and the Kansas Behavioral Sciences Regulatory Board, by counsel Assistant Attorney General Marty M. Snyder, for the purpose of resolving the above-captioned case.

**FACTS**

Licensee hereby acknowledges the following facts:

1. Randy B. Floyd is currently and, at all times relevant, has been a Licensed Specialist Clinical 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 6, 2010, the Board received a report of alleged violations concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing unprofessional conduct.
3. The Board conducted an investigation concerning Licensee's alleged violations of statutes and regulations. During the investigation, Licensee was informed of the

initial complaint and was given the opportunity to respond to the allegations.

Licensee's response was received on May 29, 2010.

4. Licensee has admitted documenting three occasions of client contact and performing social work services when no meeting occurred. Two occasions related to a physically and verbally aggressive client whom Licensee feared. On the third occasion, Licensee was ill and cancelled the appointment but falsely documented that he had performed case management services.
5. Licensee's employment with Johnson County Mental Health was terminated for misfeasance, malfeasance or nonfeasance; however, he failed to report the termination to the Board office as required.
6. Based on the above information, the Board suggested that Licensee complete a psychological evaluation. Licensee complied, and the evaluation report was reviewed by the Complaint Review Committee.

### **VIOLATIONS**

The Board finds that probable cause exists to believe that Licensee, while a Licensed Specialist Clinical Social Worker, violated the following regulations:

1. **K.A.R. 102-2-7. Unprofessional Conduct.** Any of the following acts by . . . a licensee. . . shall constitute unprofessional conduct:
  - (b) (3) has been . . . terminated . . . from employment . . . for some form of misfeasance, malfeasance or nonfeasance;
  - (w) engaging in professional activities including billing practices . . . involving dishonesty, . . . deceit or misrepresentation;
  - (ll) making or filing a report that one knows to be distorted, erroneous, incomplete or misleading;
  - (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 at this time.

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 [KAPA] in relation to Case No. 10-CS-131.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act [KJRA] in relation to Case No. 10-CS-131.

WHEREFORE, the Board and Licensee agree to the following terms and conditions:

a. Licensee's LSCSW license shall be suspended for a period of one year; however, the suspension shall be stayed during the same period of time so long as Licensee complies with the following terms and conditions:

1. Licensee shall obtain an extra three hours of CEUs in the areas of ethics, documentation and billing procedures in addition to the licensure requirement, to be completed in person and not online within three months of the effective date of this Consent Agreement and Order.

2. Licensee shall have a one-hour supervision meeting for every thirty hours of client contact with a Board-approved supervisor licensed at the independent clinical level. The supervisor shall provide quarterly attendance and progress reports to the Board but shall contact the Board immediately with any observed problems. The focus of supervision shall be upon competent, ethical practice and the importance of accurate documentation and billing. Recommendation by the supervisor for a longer or shorter term of supervision will be considered by the Committee. Licensee shall provide a copy of the Acumen evaluation from this case and this Consent Agreement and Order and the Consent Agreement and Order on Case No. 10-CS-42 to his

supervisor. Within thirty days of the effective date of this Order, Licensee shall submit to the Committee the names of three proposed supervisors. At the June 2011 meeting, Licensee discussed the possibility of supervision by individuals working with Menninger at Baylor University in Houston, Texas. The Committee stated its strong preference for in-person supervision.

3. Licensee shall acquire a psychotherapist as recommended in the report by Acumen Assessments. He shall authorize the psychotherapist to furnish written confirmation of Licensee's attendance and progress to the Board investigator. Recommendation by the psychotherapist for a longer or shorter term of therapy will be considered by the Committee. Licensee shall provide a copy of the Acumen evaluation from this case and this Consent Agreement and Order and the Consent Agreement and Order on Case No. 10-CS-42 to his psychotherapist.

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

c. Evidence of Licensee's breach, violation or failure to comply with any of the above 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 Licensed Specialist Clinical 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.

d. Licensee acknowledges an affirmative duty to notify the Board within five (5) days of any changes in personal or professional status that 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.

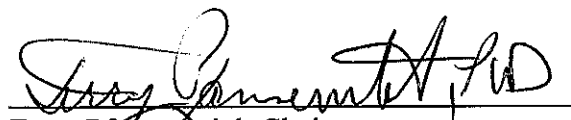
e. Licensee understands that a notification of this Consent Agreement and Order shall be provided to any other state licensing board if Licensee is also licensed, registered or certified in another state.

f. 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 Licensee and the Board or a designee of the Board.

WHEREFORE, the Board further 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.A.R. 102-2-7 as a result of this proceeding.

WHEREFORE, the foregoing provisions are consented to, are hereby made the 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.**

  
Terry Pfannenstiel, Chairman  
BSRB Complaint Review Committee

**APPROVED AND CONSENTED TO:**



Randy B. Floyd, Licensee

11/2/11

Date

**REVIEWED AND APPROVED BY:**



Sean P. Edwards, Esq.  
Counsel for Respondent / Licensee

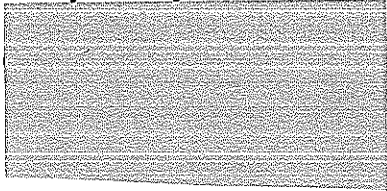
11-2-11

Date

**CERTIFICATE OF SERVICE**

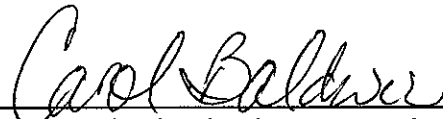
This is to certify that on this 14<sup>th</sup> day of November, 2011, a true and correct copy of the foregoing Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Randy B. Floyd



Marty M. Snyder, Esq.  
Assistant Attorney General  
120 SW 10th Avenue, 2nd Floor  
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[by building mail]

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Overland Park, KS 66210



For the Behavioral Sciences Regulatory Board