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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
KENNETH L. MORRIS,)
LCPC #231)
Respondent)
_____)

Case No. 16-LC-043

CONSENT AGREEMENT AND ORDER

NOW, on this 1 day of February, 2016, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [Board / BSRB], by and through Assistant Attorney General Marty M. Snyder, by agreement of Kenneth L. Morris [Respondent / Licensee], by and through Christopher A. Brackman of Franke Shultz & Mullen, P.C., and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following facts which are found to be established by a preponderance of the evidence:

1. Kenneth L. Morris, Licensee, is a Licensed Clinical Professional Counselor within the meaning of the Professional Counselors Licensure Act, K.S.A. 65-5801, *et seq.*, and amendments thereto.
2. On or about October 23, 2015, the Board received a report of alleged violations of the statutes and regulations governing the practice of professional counseling based upon the alleged conduct of Licensee. The Board subsequently received two more complaints that were related to the same situation.

3. The Board conducted an investigation, requesting Licensee to respond in writing to the allegations. Licensee timely responded in his email received December 18, 2015.

4. As a result of the investigation, the Board finds that the following facts have been established by a preponderance of the evidence:

a. In August of 2014, Licensee, through his business Accurate Assessments and Treatment, entered a professional counselor – client relationship with M.O., a 30-year-old adult male with long-standing mental health issues.

b. Since entering this professional counseling relationship, Licensee became involved in assisting M.O. with gaining partial access to M.O.'s health treatment when he was ill, assisting M.O. with living arrangements when M.O. stated he was homeless, assisting M.O. in obtaining a new caseworker when M.O. reported his prior caseworker had violated his confidentiality and in providing M.O. occasional transportation.

c. Examples of Licensee's involvement include the following:

i. Conducting legal research into M.O.'s Durable Power of Attorney to determine how it could be terminated;

ii. locating sample Durable Power of Attorney termination documents after discussing it with a BSRB LCPC advisory staff member, preparing the documents for M.O. and taking them to M.O. when he was hospitalized and asking for a notary at the hospital;

iii. assisting M.O. in terminating and replacing his caseworker who, according to M.O., had violated his confidentiality and trust;

iv. assisting M.O. in contacting his financial trust representative in order to obtain documentation of a trust which M.O. claimed his mother would not provide to him;

v. periodically driving M.O. to various destinations, some in conjunction with regularly scheduled counseling appointments;

vi. assisting M.O., when he reported to be homeless, in accessing a temporary living situation in which M.O. could work approximately one hour per day for free rent.

d. Licensee engaged in inconsistent relationships with his counseling client and failed to maintain appropriate clinical and therapeutic boundaries.

5. Based upon the above factual findings, the Complaint Review Committee of the Board, pursuant to K.S.A. 65-5809, concludes that probable cause exists to believe

Licensee has violated the following statute and regulation:

A. K.S.A. 65-5809. Grounds for discipline.

(e) misconduct ... in the performance of the functions or duties of a ... clinical professional counselor;

(n) unprofessional conduct as defined by rules and regulations adopted by the Board.

B. K.A.R. 102-3-12a. Unprofessional conduct.

(b) Any of the following acts by a . . . licensed clinical professional counselor . . . shall constitute unprofessional conduct:

(10) offering to perform or performing professional counseling ... inconsistent ... with accepted professional standards;

(27) exercising undue influence over any client ...;

(46) engaging in a dual relationship with a client ...;

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. 16-LC-043.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act in relation to Case No. 16-LC-043.

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

(a) Licensee shall serve a one-year period under practice supervision by a Board-approved supervisor who is not in a dual relationship with the Licensee with a minimum of one face-to-face hour of supervision per week. The focus of the supervision shall be on objectivity in the therapeutic relationship, dual relationships, undue influence and clinical boundaries. Licensee shall provide a copy of this Consent Agreement and Order to his supervisor, and the supervisor shall agree to provide quarterly written progress reports on the supervision to the Board's Investigator.

(b) Licensee shall complete an additional three hours of Ethics CEUs within six months of the effective date of this Agreement and furnish proof of completion to the Board's investigator. The program should focus on clinical boundaries and objectivity and be attended in person.

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

(d) Evidence of Licensee's breach, violation or failure to comply with any of the above conditions could result in suspension of his LCPC license 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.

(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 Order in writing.

(f) 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. The Board may disclose this Consent Agreement and Order to any other licensing board upon request, and the Board shall disclose this Consent Agreement and Order to any state or national databases as required by law, including but not limited to the Kansas Open Records Act.

(g) 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.

(h) Licensee acknowledges that he is no longer seeing M.O. either professionally or socially and will no longer do so.

WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval by 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. 65-5809 and K.A.R. 102-3-12a as a result of this proceeding.

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 this 26th day of January, 2017.



Terry Pfannenstiel, Ph.D.
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:


Kenneth L. Morris, LCPC
Licensee / Respondent

1/22/17
Date

REVIEWED BY:


Christopher A. Brackman
Counsel for Licensee / Respondent

1/24/17
Date

CERTIFICATE OF SERVICE

This is to certify that on this 1 day of February, 2017, a true and correct copy of the above Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Christopher A. Brackman, Esq.
Franke Shultz & Mullen, PC
8900 Ward Parkway
Kansas City, MO 64114

Kenneth Morris


and a copy placed in building mail to:

Marty M. Snyder, Esq.
Assistant Attorney General
Disciplinary Counsel for the Board

Cindy O'Sullivan
For the Board)