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BY: \_\_\_\_\_

**BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**  
700 SW Harrison Street, Suite 420  
Topeka, Kansas 66603-3929

In the Matter of )  
JASON KHOMSI, LMSW )  
LMSW License No. 9455 ) Case No. 17-MS-0035  
Respondent. )

**CONSENT AGREEMENT AND FINAL ORDER**

NOW on this 8 day of July, 2019, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board ("Board") by and through Assistant Attorney General Jane E. Weiler on behalf of the Board, and by agreement of Jason Khomsi, ("Respondent"), for the purposes of resolving the above-captioned matter.

The parties knowingly and voluntarily agree as follows:

1. On December 10, 2014, the Board issued Respondent an original Licensed Master Social Worker ("LMSW") No. 9455. This license expired on December 31, 2018. Respondent was at all times relevant to this Consent Agreement and Final Order, an LMSW within the meaning of the laws relating to regulation of social workers, K.S.A. 65-6301 *et seq.*, and amendments thereto.

**CASE NO. 17-MS-0035**

2. On or about September 13, 2016, Respondent self-reported to the Board that Respondent may have violated certain statutes and regulations governing the practice of licensed master social workers in the State of Kansas.

3. In his report, Respondent said that he had previously worked for a community mental health center in Lawrence, Kansas.

4. Respondent provided therapeutic services to a female client in early 2015, which consisted of two sessions. This client did not continue with services at this community health center, and her case was closed in late 2015.

5. In early 2016, Respondent was at a local dining establishment. The former client approached Respondent in this establishment.

6. The former client was not able to find a ride home, and then she asked Respondent for a ride to her home. Respondent did give her a ride to her apartment.

7. The former client asked Respondent inside to see her new apartment. Respondent did accompany her into her apartment.

8. While in her apartment, the former client started to make romantic advances towards Respondent. Respondent and the former client made out. However, Respondent did not have any sexual relations with the former client.

9. Respondent and the former client did exchange texts messages for a few weeks following this evening, but Respondent stopped contacting the former client.

10. Respondent contacted the Board to inquire about self-reporting his ethical breach. Respondent then promptly submitted his self-report.

### APPLICABLE LAW

11. K.S.A. 65-6302(b): "Social work practice" means the professional activity of helping individuals, groups or communities enhance or restore their capacity for physical, social and economic functioning and the professional application of social work values, principles and techniques in areas such as psychotherapy, social service administration, social planning, social work consultation and social work research to one or more of the following ends: Helping people obtain tangible services; counseling with individuals, families and groups; helping communities or groups provide or improve social and health services; and participating in relevant social action. The practice of social work requires knowledge of human development and behavior; of social, economic and cultural institutions and forces; and of the interaction of all these factors. Social work practice includes the teaching of practicum courses in social work and includes the diagnosis and treatment of mental disorders as authorized under K.S.A. 65-6306 and 65-6319, and amendments thereto.

12. K.S.A. 65-6311(a)(9): The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the

Board. Specifically, K.A.R. 102-2-7(z): making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been one's client.

13. Respondent and the Board mutually desire to enter into this Consent Agreement and Final Order in lieu of further summary and adjudicative proceedings.

14. Respondent understands that by entering into this Consent Agreement and Final Order Respondent waives all rights to further adjudication of facts and law that could be determined pursuant to summary proceedings or a hearing conducted in accordance with the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.* in relation to Case No. 17-MS-0035.

15. Respondent waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review, K.S.A. 77-601 *et seq.* in relation to Case No. 17-MS-0035.

16. The Board accepts Respondent's waiver of rights and stipulations.

### **ORDER**

**WHEREFORE**, the Board finds that the above facts have been established by clear and convincing evidence; and further finds that Respondent was in violation of K.S.A. 65-6311(a)(9), as defined in K.A.R. 102-2-7(z), in that Respondent engaged in physical intimacies with a former client.

**AND WHEREAS** Respondent and the Board mutually desire to enter into a Consent Agreement and Final Order in lieu of further adjudicative proceedings to resolve the reported violations.

**NOW THEREFORE**, Respondent consents to the following terms and conditions, and the Board orders that:

17. Respondent's license to practice as an LMSW in the State of Kansas hereby **SUSPENDED** for thirty (30) days from effective date of this Consent Agreement and Final Order.

18. After completion of the actions set out in the Consent Agreement and Final Order, Respondent will have no remaining obligations to the Board in relation to this case.

19. The matters referred to in this Consent Agreement and Final Order shall not be grounds for future action against Respondent, except the extent that that such matters may be relevant for future disciplinary or licensure proceedings in the

Board's consideration of the factors identified in K.S.A. 65-6313 [Licenses; effective and expiration dates; renewal; continuing education; safety awareness training; reinstatement; duplicate; notice of change of address], K.S.A. 65-6311 [Grounds for suspension, limitation, condition revocation or refusal to issue or renew license; procedure; licensure of applicant with felony conviction, requirements].

20. Except as provided in paragraph 19, this Consent Agreement and Final Order shall operate as a complete release of all claims the parties may have against each other pending before the Board and arising out of the Board's investigation of these matters. Respondent agrees not to file, or cause to be filed, any litigation or claims in any federal or state court of law or federal or state administrative agency against the Board, its agents, Board members, or employees, individually or in their official capacity. Such litigation or claims include, but are not limited to, any K.S.A. Chapter 60 or Chapter 61 civil action regarding negligence and/or a 42 United States Code action and/or any administrative petition for redress. Respondent agrees that all actions in this matter were a bona fide use of administrative discretion on the part of the Board, its members, and employees, which is a statutory exception to liability within the Kansas Tort Claims Act, K.S.A. 75-6104(b), (c) or (e).

21. Respondent agrees that this Consent Agreement and Final Order conforms to Kansas and federal law and that the Board has jurisdiction to enter into it and enter the Final Order provided for herein.

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

23. This Consent Agreement and Final Order shall be a public record in the custody of the Board.

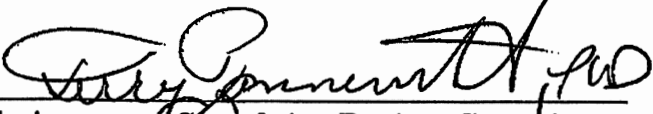
24. This Consent Agreement and Final Order constitutes the entire agreement of the parties and may only be modified by order of the Board or by a subsequent writing signed by the parties. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

25. This Consent Agreement and Final Order shall become effective on the date indicated in the Certificate of Service.


**WHEREFORE**, the parties consent to these provisions, which are hereby made the Final Order of the Kansas Behavioral Sciences Regulatory Board in the above-captioned case.

**IT IS SO ORDERED.**

Dated this 29<sup>th</sup> day of June 2019.

  
\_\_\_\_\_  
Chairperson, Complaint Review Committee  
On behalf of Kansas Behavioral Sciences  
Regulatory Board

**AGREED AND CONSENTED TO BY:**

  
\_\_\_\_\_  
Jason Khomsi, LMSW  
Respondent

6-20-2019  
\_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was served on this 8 day of July 2019, by depositing the same in the United States mail, postage prepaid, addressed to:

Jason Khomsi



And a copy delivered via interoffice mail to:

Jane E. Weiler, Assistant Attorney General  
Office of the Attorney General  
120 SW 10<sup>th</sup> Ave., 2<sup>nd</sup> Floor  
Topeka, KS 66612  
*Disciplinary Counsel for the Board*

Cindy D'Ercole  
For the Behavioral Sciences  
Regulatory Board