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

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|-----------------------------|---|---------------------|
| In the Matter of |) | |
| LAURA NEELY, LMSW |) | |
| License No. 8651 |) | Case No. 18-MS-0133 |
| |) | |
| <u>Respondent/Licensee.</u> |) | |

CONSENT AGREEMENT AND FINAL ORDER

NOW on this 18th day of February, 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 Laura Neely, ("Licensee"), by and through Chris R. Playter, of Playter Trial Lawyers, her attorney of record for the purposes of resolving the above-captioned matters.

The parties knowingly and voluntarily agree as follows:

1. Licensee was at all times relevant, a Licensed Master Social Worker ("LMSW") within the meaning of the Kansas Social Worker Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto.

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2. On or about May 30, 2018, Licensee submitted to the Board a self-report that she violated certain statutes and/or regulations governing the practice of an LMSW in Kansas.

3. From at least December 2016 through January 2018, Licensee was employed at Cornerstones of Care in Kansas City, Missouri.

4. In December 2016, Licensee provided clinical therapy to Client A.

5. In November 2017, Licensee engaged in an inappropriate dual relationship with Client A, which involved an incident of romantic physical contact.

6. On or about November 13, 2017, Licensee then engaged in sexual intercourse with Client A.

7. Licensee continued to provide clinical therapy to Client A until Licensee left her position at Cornerstones of Care in January 2018.

8. In February 2018, Client A contacted Licensee and asked her for money. Licensee did provide financial assistance to Client A sometime in February 2018.

APPLICABLE LAW

9. Pursuant to 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.

10. Pursuant to K.S.A. 65-6311(a): 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: K.S.A. 65-6615(a)(5): has violated a provision of the Social Worker Licensure Act or one or more rules and regulation of the board.

11. Pursuant to K.A.R. 102-2-7: Any of the following acts by an licensee or an applicant for social work shall constitute unprofessional conduct:

- a. K.A.R. 102-2-7(j): offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, and experience and with accepted professional standards for social work.
- b. K.A.R. 102-2-7(y): making sexual advances toward or engaging in physical intimacies or sexual activities with one's client, supervisee, or student.
- c. K.A.R. 102-2-7(tt): engaging in a dual relationship with a client, supervisee, or student.

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

13. Licensee understands that by entering into this Consent Agreement and Final Order she 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. 18-MS-0133.

14. Licensee 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. 18-MS-0133.

15. The Board accepts Licensee'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 Licensee was in violation of K.S.A. 65-6311(a)(5), as defined in K.A.R. 102-2-7(j), when Licensee performed services clearly inconsistent with her training, education, and experience and with accepted professional standards for social work when she engaged in sexual intimacies with Client A while she was providing clinical therapy to Client A. Additionally, Licensee did provide financial assistance to Client A shortly after terminating clinical therapy with Client A.

FURTHER WHEREFORE, the Board finds that Licensee was in violation of K.S.A. 65-6311(a)(5), as defined in K.A.R. 102-2-7(y), when Licensee made sexual advances and engaged in sexual activities with her client when she engaged in sexual intimacies with Client A while she was providing clinical therapy to Client A.

FURTHER WHEREFORE, the Board finds that Licensee was in violation of K.S.A. 65-6311(a)(5), as defined in K.A.R. 102-2-7(tt), when Licensee engaged in a dual relationship with her client when she engaged in sexual intimacies with Client A while she was providing clinical therapy to Client A. Additionally, Licensee did provide financial assistance to Client A shortly after terminating clinical therapy with Client A.

AND WHEREAS Licensee 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, Licensee consents to the following terms and conditions, and the Board orders that:

16. Licensee shall follow all recommendations made in regards to her psychological evaluation.

17. Licensee will participate in weekly therapy sessions with her current therapist or with another Board-approved therapist for twelve (12) months with quarterly attendance and progress reports provided to the Board. The focus shall be upon harmful dual relationships, transference, and therapist-client boundaries. Recommendation by the therapist for longer or shorter term of therapy will be considered by the Complaint Review Committee. Licensee shall provide a copy of her psychological evaluation and this Consent Agreement and Final Order to her therapist.

18. Licensee will have supervision with her current clinical supervisor or another supervisor approved by the Kansas Board consisting of monthly, on-site face to face meetings of at least four (4) hours per month for review of cases. Licensee shall provide a copy of her psychological evaluation and this Consent Agreement and Final Order to her supervisor.

19. Licensee's supervisor shall submit to the Complaint Review Committee written reports due by March 1, 2019, June 1, 2019, September 1, 2019, December 1, 2019, March 2020, June 1, 2020, September 1, 2020, and December 1, 2020. In these reports, the Supervisor shall report whether Licensee is in compliance with the Consent Agreement and Final Order, to the best knowledge of the supervisor, and Licensee's understanding and adherence to approved standards of professional and ethical conduct, areas of continued growth and development, and accountability of supervision hours, thus far, in the disciplinary period.

20. Licensee shall draft an informed consent form to be provided to male clients that specifies the parameters of counseling, covering telephone calls, meeting outside the office, office meetings and other therapy formats used. The form shall explicitly inform clients that romantic feelings sometimes occur during the course of therapy and how boundary issues, transference, appropriate responses and/or relationships will be handled. The form shall be provided to the Board within thirty (30) days of the effective date of this Consent Agreement and Final Order for review. The approved form shall be furnished to every current and new male client during the term of this Consent Agreement and Final Order.

21. Licensee shall have no contact by any means during the term of this Consent Agreement and Final Order with Client A with whom Licensee had a romantic relationship.

22. 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 Final Order.

23. Licensee must timely notify the Board's Investigator of a need in a change of a clinical supervisor.

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

25. After completion of the actions set out in the Consent Agreement and Final Order, Licensee will have no remaining obligations to the Board in relation to this case. However, Licensee may be subject to further enforcement action if Licensee fails to comply with the terms, conditions, and requirements imposed by this Consent Agreement and Final Order.

26. The matters referred to in this Consent Agreement and Final Order shall not be grounds for future action against Licensee, except the extent 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. 65-6311 [Grounds for suspension, limitation, revocation or refusal to issue or renew license; procedure], and K.S.A. 65-6313 [Licenses; effective and expiration dates; renewal; continuing education; safety awareness training; reinstatement; duplicate], and for establishing rehabilitation or a pattern of conduct.

27. Except as provided in paragraph 26, 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. Licensee 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. Licensee 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).

28. Licensee 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.

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

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

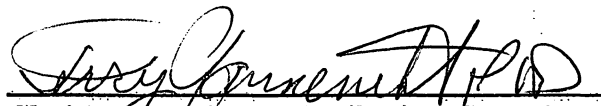
31. This Consent Agreement and Final Order constitutes the entire agreement of the parties and may only be modified by order of the Board or by a subsequent writing signed by the parties. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

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

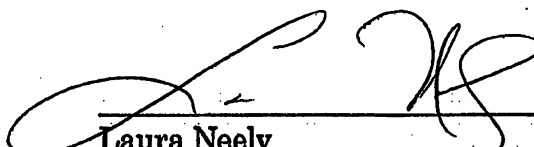
WHEREFORE, the parties consent to these provisions, which are hereby made the Final Order of the Kansas Behavioral Sciences Regulatory Board in the above-captioned case.

IT IS SO ORDERED.


Dated this 18 day of January 2019.


Chairperson, Complaint Review Committee
Kansas Behavioral Sciences Regulatory Board

AGREED AND CONSENTED TO BY:


Laura Neely
Respondent/Licensee

1.18.2019
Date


Chris R. Playter, Attorney for Respondent/Licensee

1-18-2019
Date

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was served on this 6 day of February 2019, by depositing the same in the United States mail, postage prepaid, addressed to:

Chris R. Playter
Playter Trial Lawyers
400 SW Longview Boulevard, Suite 220
Lee's Summit, MO 64081
Attorney for Respondent/Licensee

And a copy delivered via interoffice mail to:

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

Cindy D'Ercole

For the Kansas Behavioral Sciences
Regulatory Board