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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)
BRUCE E. DIMICK, LCMFT)
License No. 809)
Respondent/Licensee.)

Case No. 19-CT-0153

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 Bruce E. Dimick, ("Licensee"), for the purposes of resolving the above-captioned matter.

The parties knowingly and voluntarily agree as follows:

1. On July 6, 2012, the Board issued Licensee a Licensed Clinical Marriage and Family Therapist ("LCMFT") license, No. 809. This license expires on July 31, 2020. Licensee is currently, and was at all times relevant to this Consent Agreement and Final Order, an LCMFT within the meaning of the laws relating the Kansas Marriage and Family Therapists Licensure Act, K.S.A 65-6401, *et seq.*, and amendments thereto.

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2. On or about April 19, 2019, Licensee self-reported to the Board that he had a relationship with a former client.

3. Specifically, Licensee reported that from November 2018 to February 7, 2019, he provided approximately ten (10) sessions with this client.

4. Licensee reported that he tried to create boundaries, but was not successful. He discussed with the client the need to terminate their therapeutic relationship. Later they met for conversation.

5. Licensee then engaged in a sexual relationship with this client, starting on February 13, 2019, and ending this relationship on April 11, 2019.

APPLICABLE LAW

6. K.S.A. 65-6402(d): "Licensed clinical marriage and family therapist" means a person who engages in the independent practice of marriage and family therapy including the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations and is licensed under this act.

7. K.S.A. 65-6408(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:

- a. K.A.R. 102-5-12(b)(10): offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards.
- b. K.A.R. 102-5-12(b)(26): 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.

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

9. Licensee understands that by entering into this Consent Agreement and Final Order Licensee 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. 19-CT-0153.

10. 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. 19- CT-0153.

11. 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. 65-6408(a)(9), as defined in K.A.R. 102-5-12(b)(10) and K.A.R. 102-5-12(b)(26), in that Licensee engaged in unprofessional conduct when Licensee engaged in a sexual relationship with a former client after terminating the therapeutic relationship less than one week prior, and this sexual relationship is inconsistent with the accepted professional standards.

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:

12. Licensee's license to practice as a LCMFT in the State of Kansas shall be suspended for a period of thirty (30) calendar days from the effective date of this Consent Agreement and Final Order.

13. Following his suspension, for a period of two (2) years, Licensee shall practice only under individual supervision by an independent clinical-level supervisor to be approved by the Board. There shall be no dual relationship with the supervisor. Licensee shall have one (1) hour meetings every week with his supervisor. The focus shall be related to dual relationships and professional conduct.

14. Licensee shall provide a copy of this Consent Agreement and Final Order to the supervisor and authorize the supervisor to provide written quarterly reports to the Board's Investigator for two (2) year term of supervision. These quarterly reports shall be due every three (3) months, with a minimum of eight (8) quarterly reports submitted over the course of the two (2) year supervision timeframe.

15. During this two (2) year supervision timeframe, Licensee shall not provide supervision to another licensee.

16. Licensee shall enter into individual therapy within thirty (30) days of the effective date of this Consent Agreement and Final Order, and Licensee will provide the name of his therapist to the Board. This therapy will continue until the therapist feels the therapeutic process is complete.

17. Licensee shall provide a copy of this Consent Agreement and Final Order to his therapist and authorize his therapist to provide written quarterly reports to the Board's investigator for the duration of Licensee's therapy.

18. Licensee must notify the Board's Investigator within ten (10) days of a change in his employment and/or address change.

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

20. Additionally, Licensee shall obtain three (3) extra continuing education hours in Ethics beyond the biennial requirement, taken in-person within ninety (90) days of the effective date of this Consent Agreement and Final Order. These additional continuing education hours shall include, but not limited to, dual relationship.

21. These hours shall be in addition to those continuing education hours required for renewal of license.

22. All foreseen and unforeseen expenses to complete the aforementioned course(s) including travel, lodging, program fee, meals, etc., shall be at Licensee's own expense.

23. Licensee shall all submit to the Board's investigator at its offices located at 700 SW Harrison St, Suite 420, Topeka, Kansas, 66603, any and all documents evidencing compliance with the terms and conditions required by this Consent Agreement and Final Order.

24. 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.

25. The matters referred to in this Consent Agreement and Final Order shall not be grounds for future action against Licensee, 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. 65-6407 [Licensure; expiration and renewal; continuing education; reinstatement of suspended or revoked license], and K.S.A. 65-6408 [Refusal to grant, suspension, condition, limitation, qualification, restriction or revocation of license, grounds], for establishing rehabilitation or a pattern of conduct.

26. Except as provided in paragraph 25, 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).

27. 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.

28. 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.

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

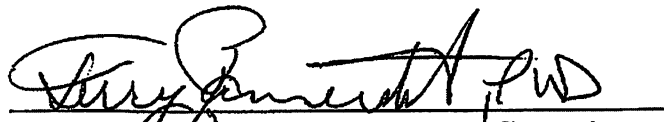
30. This Consent Agreement and Final Order constitutes the entire agreement of the parties and may only be modified by order of the Board or by a subsequent writing signed by the parties. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

31. 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 29th day of June 2019.



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

AGREED AND CONSENTED TO BY:

Bruce E. Dimick
Bruce E. Dimick, LCMFT
Respondent/Licensee

6-24-2019
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:



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 Behavioral Sciences
Regulatory Board