

B.S.R.B.

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

712 KANSAS AVENUE
TOPEKA, KANSAS 66603-3817

IN THE MATTER)
)
OF)
)
LEANN M. SMITH, LSCSW)
)
_____)

Case No. 607

CONSENT AGREEMENT AND ORDER

NOW ON THIS 12 day of March, 1997, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (hereinafter "Board") by agreement of Leann M. Smith (hereinafter "Licensee") and the Kansas Behavioral Sciences Regulatory Board for purposes of settling the above-captioned case.

Licensee hereby acknowledges the following:

1. Leann M. Smith is a licensed specialist clinical social worker within the meaning of the Kansas Social Workers Act, K.S.A. 65-6301 *et seq.*, and amendments thereto.
2. On or about August 4, 1995, the Board received a report of information concerning Licensee's conduct alleging Licensee may have violated certain statutes and/or regulations governing the practice of social work.
3. The Board conducted an investigation concerning Licensee's alleged violations of statutes and regulations.
4. During the investigation, Licensee was informed of the reported information, and was given the opportunity to respond to the allegations, and did respond to the allegations.

5. As a result of the investigation, the Board determined that reasonable grounds exist to make the following factual determinations:

Ms. W. alleged she was exploited by Licensee. Copies of Licensee's writings provided to the Board by Ms. W., while undated, demonstrate ambivalent but strong feelings of interest in moving from a psychotherapeutic relationship to a personal, emotionally involved relationship. The writings convey Licensee's awareness of her struggle with her wishes to move from a professional role to that of friendship, and her concern about ethical ramifications. The writings contain evidence of undue influence and a serious departure from observance of professional boundaries.

Licensee indicates that, while she and Ms. W. did at one time have a long term personal and sexual relationship, such relationship did not begin until after their therapeutic relationship ended.

The final therapy session between Licensee and Ms. W. occurred in January of 1986.

6. As a result of the investigation, the Board determined that reasonable grounds exist to believe that Licensee was guilty of unprofessional conduct in violation of K.S.A. 1996 Supp. 65-6311(a)(4) as defined by:

(a) K.A.R. 102-2-7(b)(27), exercising undue influence on a client in a manner that will exploit the client for the personal gratification of the practitioner; and

(b) K.A.R. 102-2-7(b)(45), practicing social work in an incompetent manner.

7. Licensee disputes that she has practiced social work in a manner violative of K.S.A. 1996 Supp. 65-6311(a)(4) as defined by K.A.R. 102-2-7(b)(27) or K.A.R. 102-2-7(b)(45).

HOWEVER, Licensee and the Board mutually desire to enter into this 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. 607.

WHEREFORE, Licensee waives the right to file motions for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review in relation to Case No. 607.

WHEREFORE, Licensee consents to a two (2) month suspension of her license to practice as a specialist clinical social worker, said period of suspension to begin on April 1, 1997 and to conclude on May 31, 1997.

Licensee further consents to the following conditions:

(1) Within six (6) months of the date indicated by the Certificate of Service, Licensee will research, write and submit a fifteen (15) page professional paper on the subject of appropriate boundaries in psychotherapy. The paper shall be double spaced, in APA format, and contain at least ten (10) professional references that are integrated within the context of the paper.

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

(3) Notification of the Consent Agreement and Order shall be provided to another jurisdiction's licensing board if the Licensee is also licensed or certified in another jurisdiction.

(4) This Consent Agreement and Order is reportable to the American Association of State Social Work Boards (AASSWB).

(5) Evidence of Licensee's willful failure to comply with any of the conditions will result in a hearing, with notice and opportunity to be heard, to determine whether Licensee has in fact willfully failed to comply with any condition. Upon determination at such hearing that Licensee has willfully breached, violated or failed to comply with any condition, Licensee understands and agrees

that the license shall be revoked.

(6) Licensee acknowledges that proof submitted to the Board by affidavit or other form of competent evidence that Licensee has willfully breached, violated or failed to meet with condition stated in paragraph (1) shall be good and sufficient evidence to support an alleged violation of noncompliance.

(7) 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 conditions. In such event, a designee of the Board is authorized to modify or amend this Consent Agreement and Order in writing. Licensee will then have ten (10) days following receipt of the newly revised Consent Agreement and Order to object to its contents.

(8) This Consent Agreement and Order constitutes the entire agreement between the Licensee and the Board and may be modified or amended only by written agreement signed by both parties.

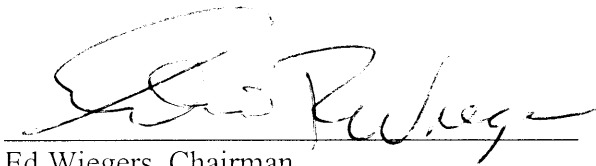
WHEREFORE Licensee consents to the submission of this Consent Agreement and Order to the Kansas Behavioral Sciences Regulatory Board, and understands that upon approval of the Board, this Consent Agreement and Order becomes a final order of the Board.

WHEREFORE the Board agrees that so long as Licensee complies with the conditions set forth in this Consent Agreement and Order, the Board will not initiate further disciplinary action against Licensee arising out of Case No. 607, the report of information referenced on page (1), paragraph (2) of this Consent Agreement and Order, or alleged violations of K.S.A. 1996 Supp. 65-6311(a)(4) as defined by K.A.R. 102-2-7(b)(27) and K.A.R. 102-2-7(b)(45).

WHEREFORE the provisions above are consented to and are hereby made the final order

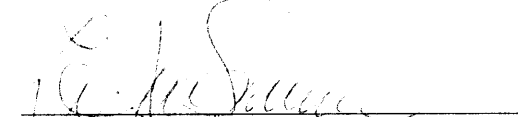
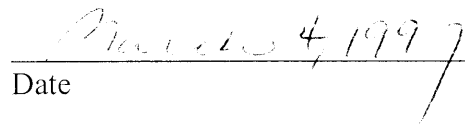
of the Kansas Behavioral Sciences Regulatory Board which become effective on the date indicated in the below Certificate of Service.

IT IS SO ORDERED.



Ed Wieggers, Chairman
Behavioral Sciences Regulatory Board

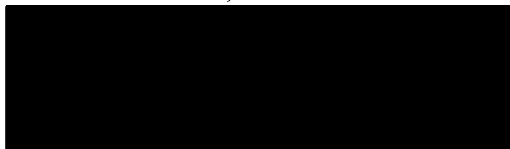
APPROVED AND CONSENTED TO:


LeAnn M. Smith
Date

Certificate of Service

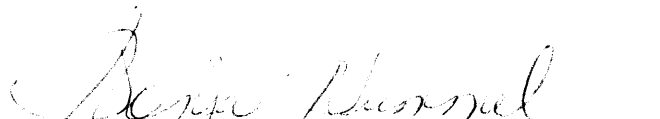
This is to certify that on the 12th day of April, 1997 a true and correct copy of the above and foregoing Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

LeAnn M. Smith, LSCSW



and

Roger Warren
Blackwell, Sanders Law Office
40 Corporate Woods, Suite 1200
9401 Indian Creek Parkway
Overland Park, KS 66210


For the Behavioral Sciences Regulatory Board