

B.S.P.B.

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

712 Kansas Avenue
Topeka, Kansas 66603-3817

In The Matter)
)
 of)
)
 David Jensen,)
 Licensed Specialist Clinical Social Worker)
 Licensed Marriage and Family Therapist)
 _____)

Case No. 678

CONSENT AGREEMENT AND ORDER

Now on this 14 day of SEP, 1998, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of David Jensen, licensed specialist clinical social worker and licensed marriage and family therapist (Licensee), and the Kansas Behavioral Sciences Regulatory Board for the purpose of settling the above-captioned case.

Licensee hereby acknowledges the following:

1. Since August 28, 1985, David Jensen has been a licensed specialist clinical social worker (LSCSW) within the meaning of the Kansas Social Workers act, K.S.A. 65-6301 *et seq.*, and amendments thereto.
2. From September 20, 1994 until January 1, 1997 David Jensen was a registered licensed marriage and family therapist within the meaning of the Kansas Marriage and Family Therapists Act, K.S.A. 65-6401 *et seq.*, and amendments thereto. Since January 1, 1997 David Jensen has been a licensed marriage and family therapist within the meaning of the Kansas Marriage and Family Therapists Act, K.S.A. 65-6401 *et seq.*, and amendments thereto.
3. On or about July 15, 1996 the Board received a self-report of information concerning Mr. Jensen's conduct indicating that he may have violated statutes and regulations governing the practice of social work and/or statutes and regulations governing the practice of marriage and family therapy.
4. The Board conducted an investigation concerning Mr. Jensen's alleged violation of statutes and regulations.

5. During the investigation, Mr. Jensen was informed of the reported information, and was given the opportunity to respond.

6. As a result of the investigation, the Board makes the following factual determinations:

On July 10, 1996, David Jensen wrote a letter to the Board reporting his sexual involvement with a former client that began after his formal termination of therapeutic services. This consensual relationship included sexual intercourse on repeated occasions. Mr. Jensen's self-report came about as a result of a co-worker's confrontation regarding the relationship and the person she thought to be a present client.

Upon request of the Board investigator, Richard Baldwin, by a letter dated November 7, 1996, Mr. Jensen provided more information regarding the relationship. Further investigation in the spring of 1997 involved review of the client file and payment records with the former client's anonymity maintained. The former client did hold telephone conversations with Mr. Baldwin but refused to identify herself or submit a complaint on her own behalf.

Mr. Jensen maintains that the sexual relationship did not begin until after the formal professional relationship terminated and therapeutic services ceased. His case notes and payment records support this claim. Nonetheless, Mr. Jensen accurately acknowledges that his behavior was a breach of professional ethics. Throughout the investigation, he has demonstrated remorse and claimed personal responsibility for his actions. The investigation was somewhat slowed due to information from the anonymous client that contradicted some of Mr. Jensen's statements. When it became certain that the former client was unwilling to make a public statement, investigation of the case was concluded.

7. As a result of the investigation, the Board determined that reasonable grounds exist to believe that:

(a) as a registered marriage and family therapist, Mr. Jensen committed acts of unprofessional conduct in violation of K.S.A. 65-6408(7) as defined by K.A.R. 102-5-12(b)(8), engaging in a dual relationship and engaging in sexual activities with any person who has been a client within two years after termination of the marriage and family therapist relationship; and

(b) as a licensed specialist clinical social worker, Mr. Jensen committed acts of unprofessional conduct in violation of K.S.A. 65-6311(a)(6) as defined by K.A.R. 102-2-7(a),

conduct inconsistent with standards of moral and ethical social work established by the consensus of the expert opinion of the members of the profession through professional experience, as reasonably necessary to protect the public interest, to wit: the National Association of Social Workers Professional Code of Ethics, II, 4 which provides, "The social worker should not condone or engage in any dual or multiple relationships with clients or former clients in which there is a risk of exploitation of or potential harm to the client. The social worker is responsible for setting clear, appropriate and culturally sensitive boundaries."

HOWEVER, Licensee and the Board mutually desire to enter into the 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. 678.

WHEREFORE Licensee waives the right to file a motions for reconsideration and all rights of appeal pursuant to the Kansas act for judicial review in relation to Case No. 678.

WHEREFORE Licensee consents to a 12 month suspension of his license as a specialist clinical social worker and his license as a marriage and family therapist, with all the suspension stayed upon Licensee's compliance with the following conditions and terms.

(a) Licensee shall research and write a 20 page professional paper on the subject the importance of professional boundaries with former clients, including factors that enhance or detract from the ability to maintain the professional responsibility. The paper shall be double spaced, APA format, contain at least 10 professional references that are integrated within the context of the paper. Licensee shall submit the paper within 3 months of the date indicated in the below Certificate of Service.

(a) Licensee's practice of social work and marriage and family therapy shall be supervised by Jonathan Farrell-Higgins, Ph.D., licensed psychologist for 12 months from the date indicated in the below Certificate of Service.

(b) Licensee shall meet with his supervisor one time each month.

(c) The focus of supervision shall be on maintaining appropriate professional boundaries with present and former clients.

(d) Licensee shall request and make every effort to ensure that the supervisor provides a status report every three months to the Board concerning the supervisory process and the focus of supervision, with the first report due three months after the date indicated in the below Certificate of Service.

(e) Licensee shall cooperate with his practice supervisor to enable the supervisor to discharge his duties in a responsible manner.

(f) Licensee understands that a copy of this Consent Agreement and Order will be provided to the supervisor by the Board.

(g) Licensee shall continue (or resume) individual and/or marital therapy with Gale Gardner-Sparkman, LSCSW, for 12 months from the date indicated in the below Certificate of Service or until Ms. Gardner-Sparkman notifies the Board in writing that Licensee has attained maximum therapeutic benefit.

(h) Licensee shall not serve as supervisor to any other person licensed or registered by the Board, any person attaining supervised experience in preparation for licensure by the Board or any student of the behavioral sciences for 12 months from the date indicated in the below Certificate of Service.

(i) Licensee shall not teach practicum courses in either social work or marriage and family therapy for 12 months from the date indicated in the below Certificate of Service.

(j) Licensee shall be responsible for all costs incurred in satisfying the conditions and terms of the Consent Agreement and Order.

(k) Evidence of Licensee's willful breach, violation or 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 breached, violated or failed to comply with any conditions. Upon determination at such hearing that Licensee has willfully breached, violated or failed to comply with any condition, Licensee understands and agrees that his license as a specialist clinical social worker and his license as a marriage and family therapist will be suspended for 12 months.

(l) 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 comply with the conditions herein shall be good and sufficient evidence to support a finding of breach, violation or

non-compliance.

(m) 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.

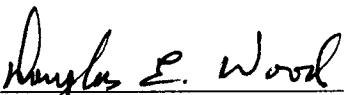
(n) This Consent Agreement and Order constitutes the entire agreement between the Licensee and the Board and may be modified or amended only by written agreement signed by the parties.

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 above conditions that the Board will not initiate further disciplinary action against Licensee in relation to violation of K.S.A. 65-6408(7) as defined by K.A.R. 102-5-12(b)(8), or K.S.A. 65-6311(a)(6) as defined by K.A.R. 102-2-7(a).

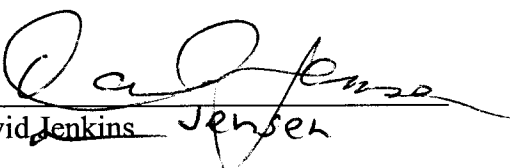
WHEREFORE the provisions above are consented to and are hereby made the final order of the Kansas Behavioral Sciences Regulatory Board which become effective on the date indicated in the below Certificate of Service.

IT IS SO ORDERED.

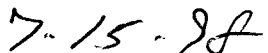


~~Ed Weigers~~, Chairman
Behavioral Sciences Regulatory Board

APPROVED AND CONSENTED TO:



David Jenkins



(date)

Certificate of Service

This is to certify that on the 16th day of September, 1998 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:

David ~~Jenkins~~ ^{Jensen}



Jane E. Bartlett
For the Behavioral Sciences Regulatory Board



BILL GRAVES
Governor

PHYLLIS GILMORE
Executive Director

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Mark M. Mathies
Special Investigator
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April 26, 2000

David Jensen, LSCSW. LMFT
Psychotherapy Services
2709 SW 29th Street
Topeka, Kansas 66614-2003

RE: Consent Agreement and Order, Final Disposition

Dear Mr. Jensen:

In response to your letter dated April 20, 2000, I have reviewed your Consent Agreement and Order dated September 14, 1998.

I find that there has been no evidence presented that there has been a willful breach, violation or failure to comply with any of the conditions of the Agreement and Order; therefore, it is the determination of the Board that all conditions set-forth in the said Agreement and Order be lifted, the case be closed without further consideration and the licensee be deemed in good standing with the Board.

The Board recognizes that all conditions in the Consent Agreement and Order were satisfied in September 1999.

On Behalf of the Behavioral Sciences Regulatory Board,

Mark M. Mathies
Special Investigator