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**BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD**

712 Kansas Avenue  
Topeka, Kansas 66603-3817

In The Matter )  
 )  
 of )  
 )  
 Carolyn Moncivais )  
 Licensed Specialist Clinical Social Worker )  
 \_\_\_\_\_ )

Case No. 707

**CONSENT AGREEMENT AND ORDER**

Now on this 16 day of Nov, 1998, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Carolyn Moncivais, licensed specialist clinical social worker (LSCSW) (Licensee), and the Kansas Behavioral Sciences Regulatory Board for the purpose of settling the above-captioned case.

Licensee hereby acknowledges the following:

1. Since November 14, 1988, Carolyn Moncivais has been a licensed specialist clinical social worker, LSCSW #1037, within the meaning of the Kansas Social Workers act, K.S.A. 65-6301 *et seq.*, and amendments thereto.

3. On or about July 17, 1997 the Board received a report of information concerning Licensee's conduct indicating that she may have violated statutes and regulations governing the practice of social work.

4. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations.

5. During the investigation, Licensee 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:

Licensee had seen J.C. (an adult female) as a client for about 8 months, and terminated the professional relationship on November 7, 1996. Approximately three months after the professional

relationship was terminated, in early February 1997, Licensee allowed J.C. to move into her residence in Kechi, Kansas. J.C. lived at Licensee's residence until June 20, 1997, at which time J.C. was forcibly removed from the residence by local law enforcement personnel.

7. As a result of the investigation, the Board determined that reasonable grounds exist to believe that Licensee committed an act 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," specifically: 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. 707.

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. 707.

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

(a) Licensee shall research and write a 10 page professional paper on the subject the role of boundaries in a 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 6 months of the date indicated in the below Certificate of Service.

(b) Licensee shall obtain a psychological evaluation from Kathleen Sinnett, Ph.D., 1625 Leavenworth, Manhattan, Kansas 66502. Licensee shall sign a release which will allow Dr. Sinnett to provide a summary of the findings of the psychological evaluation and any recommendations to

the Board. The Board acknowledges that such summary of the findings of the psychological evaluation and recommendations would be a document which contains information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy under K.S.A. 1997 Supp. 45-221(a)(30) of the Kansas Open Records Act. Thus the Board will not disclose the summary findings of the psychological evaluation and recommendations to any person who may make a request for records under the Kansas Open Records Act. If recommended by Dr. Sinnett, Licensee shall engage in a course of therapy with a Board-approved psychotherapist for a period of 12 months from the date indicated in the below Certificate of Service or until the Board-approved psychotherapist provides a written statement to the Board that Licensee has attained maximum therapeutic benefit, whichever occurs first.

(c) Licensee's practice of social work shall be supervised by a Board-approved licensed specialist clinical social worker for 12 months from the date indicated in the below Certificate of Service. Licensee shall submit the names of three licensed specialist clinical social workers who are willing to serve as Licensee's supervisor and who are not in a subordinate, familial or other dual relationship with Licensee. A social worker Board member shall select Licensee's supervisor from this list.

(d) Licensee shall meet with her supervisor for one hour of supervision twice each month.

(e) The focus of supervision shall be on maintaining appropriate boundaries in the professional relationship.

(f) 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.

(g) Licensee shall cooperate with her supervisor to enable the supervisor to discharge his or her duties in a responsible manner.

(h) For 12 months from the date indicated in the below Certificate of Service, 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 or registration by the Board or any unlicensed person, including students and volunteers, who participate in the delivery of social work services.

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

(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 her license as a specialist clinical social worker will be suspended for 12 months.

(l) Licensee acknowledges that proof submitted to the Board by affidavit by Licensee's supervisor 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) Notification of this Consent Agreement and Order shall be provided to another state licensing board if Licensee is also licensed, registered or certified in another state.

(o) Notification of this Consent Agreement and Order shall be provided to the American Association of State Social Work Boards.

(p) At the conclusion of the 12 month period of stayed suspension of Licensee's license, upon Board receipt of an acceptable Board-approved reference form from Licensee's supervisor and upon Licensee's compliance with the above terms and conditions, Licensee shall be unconditionally licensed as a clinical specialist social worker.

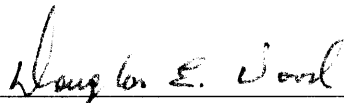
(q) This Consent Agreement and Order constitutes the entire agreement between the Licensee and the Board and may be modified or amended only by written agreement signed by Licensee and the Board or a designee of the Board.

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.

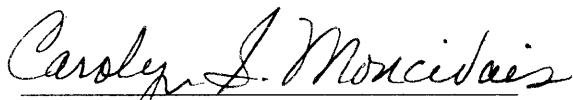
WHEREFORE the Board agrees that so long as Licensee complies with the above conditions that the Board will not initiate further disciplinary action against Licensee in relation to violation of K.S.A. 1997 Supp. 65-3611(a)(4) as defined by K.A.R. 102-2-7(a).

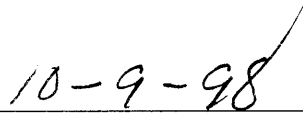
WHEREFORE the provisions above are consented to and are hereby made the final order of the Kansas Behavioral Sciences Regulatory Board which become effective on the date indicated in the below Certificate of Service.

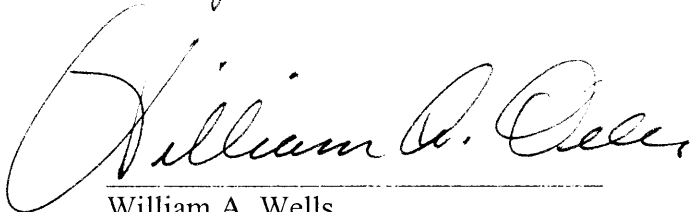
IT IS SO ORDERED.

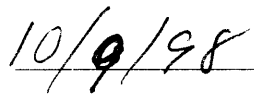
  
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~~Ed Weigers~~, Chairman  
Behavioral Sciences Regulatory Board  
*Douglas E. Wood*

**APPROVED AND CONSENTED TO:**

  
\_\_\_\_\_  
Carolyn Moncivais

  
\_\_\_\_\_  
(date)

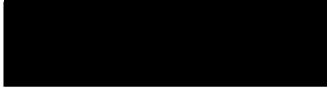
  
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William A. Wells  
Attorney for Carolyn Moncivais

  
\_\_\_\_\_  
(date)

**Certificate of Service**


This is to certify that on the \_\_\_\_ day of \_\_\_\_\_, 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:

Carolyn Moncivais



and

William A. Wells  
Attorney at Law  
106 W. Douglas, Suite 923  
Wichita, Kansas 67202-3392

  
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For the Behavioral Sciences Regulatory Board