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BY: W

Marty M. Snyder, KS S Ct #11317
Kansas Attorney General's Office
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
JOHN LEHMAN, LSCSW,)
License #2061)
Respondent)
_____)

Case No. 16-CS-131

CONSENT AGREEMENT AND ORDER

NOW, on this 7 day of June, 2017, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [Board], by and through Assistant Attorney General Marty M. Snyder, by agreement of John Lehman [Respondent / Licensee], by and through counsel Brian L. Burge, Esq., and Kaitlin Marsh-Blake, Esq., and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. John Lehman is, and was at all times relevant, a Licensed Specialist Clinical Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto.
2. On April 21, 2016, the Board received a report of information alleging that Licensee may have violated certain statutes and administrative regulations governing unprofessional conduct. Written reports were received from Licensee's client's two succeeding therapists and from the client.
3. The Board conducted an investigation, and Licensee replied in detail through counsel to the written complaint and to follow-up questions from the Investigator.

4. As a result of the investigation, the Board finds probable cause that the following facts have been established by a preponderance of the evidence:
- a. Licensee provided therapeutic services to a female client consisting of counseling through the cognitive behavioral method and "faith-based" counseling for more than ten years. For many of those years, Licensee held two hours of sessions per week in his client's home.
 - b. Increasingly, the sessions included physical contact. Licensee would greet his female client with a hug, eventually sitting or lying on the sofa, kissing her nose, cheeks, neck and forehead and suggesting that they lie together in her bed chest to chest "to regulate her heartbeat" and show God's love through the Licensee. During therapy sessions, Licensee would rub his client's ears, arms, legs, feet and back.
 - c. They exchanged many emails that he would sign "Love, Papa," and "Love, John," "Your safe Papa" and at least once "I will see you at 3 pm tomorrow. It will be good to give you a hug and hold you. Love you all, Papa."
 - d. During sessions, Licensee would refer to his other six female clients as his "daughters" and discuss their therapy. Licensee and this client live in a small community, where clients may know one another. He would often spend most of the session describing his own personal problems.
 - e. Licensee invited his client to his home on a few occasions to celebrate birthdays and for a few holiday meals over the course of three years. Licensee and his client went to the Flint Hills together on two occasions.

f. The client tried on many occasions to discontinue the physical touching and eventually the therapy sessions, but Licensee continued to contact her about meeting again.

5. The Complaint Review Committee of the Board finds that Licensee has violated the following statutes and regulations:

A. K.S.A. 65-6311. Grounds for suspension, limitation, revocation or refusal to issue or renew license; procedure.

(a) The board may suspend, limit, revoke, condition or refuse to issue or renew a license of any social worker upon proof that the social worker:

(4) has been found guilty of unprofessional conduct as defined by rules established by the board.

B. K.A.R. 102-2-7. Unprofessional Conduct. Any of the following acts by a licensee . . . shall constitute unprofessional conduct:

(j) performing services clearly inconsistent with one's training, education and experience and within accepted professional standards for social work;

(y) engaging in physical intimacies ... with one's client;

(tt) engaging in a dual relationship with a client.

However, Licensee and the Board mutually desire to enter a 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. 16-CS-131.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act in relation to Case No. 16-CS-131.

WHEREFORE, Licensee consents to a one-year period of probation on the following terms and conditions:

- (a) Licensee shall obtain three additional CEUs in Ethics (clinical boundaries, dual relationships, professional judgment and undue influence with regard to vulnerable clients) to be completed within six months of the effective date of this CAO. Licensee shall provide proof of completion to the Board's Investigator.
- (b) Licensee shall begin supervision or continue his consultation relationship with a Board-approved supervisor who is not in a dual relationship with Licensee within 30 days of the effective date of this CAO. If the current consultant is approved, Licensee shall meet via Skype at least two times each month with the focus of the consultations to be on those issues set forth in paragraph (a) above. The consultant shall provide monthly written reports to the Board's Investigator. Licensee shall provide a copy of this Consent Agreement to the consultant.
- (c) If a different supervisor is approved by the Board, Licensee shall meet with his supervisor in person for one hour at least twice per month, with the focus of the supervision on those issues set forth in paragraph (a) above. The supervisor shall provide monthly written progress reports to the Board's Investigator. Licensee shall provide a copy of this Consent Agreement to the supervisor.
- (d) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.
- (e) Evidence of Licensee's breach, violation or failure to comply with any of the conditions could result in a determination that Licensee's Kansas Licensed Specialist Clinical Social Worker license should be suspended until such time as Licensee can demonstrate compliance with all terms and conditions of this

Consent Agreement and Order to the satisfaction of the Board.

- (f) Licensee understands that a notification of this Consent Agreement and Order shall be provided to any other state licensing board if Licensee is also licensed, registered or certified in another state and as otherwise required by law.
- (g) 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 any condition of this Consent Agreement and Order. In such event, a designee of the Board is authorized to modify or amend this Consent Agreement and Order in writing.
- (h) This Consent Agreement and Order constitutes the entire agreement between the Licensee and the Behavioral Sciences Regulatory Board and may be modified or amended only by written agreement signed by Licensee and a designee of the Board.

WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval by the Complaint Review Committee, this Consent Agreement and Order will become a Final Order of the Board. The Board has authorized the Complaint Review Committee to determine approval of this Consent Agreement and Order.

WHEREFORE, the Board agrees that, so long as Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 65-6311 and K.A.R. 102-2-7 as a result of this proceeding.

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

IT IS SO ORDERED this 2nd day of June, 2017.

Terry Pfannenstiel, PhD
Terry Pfannenstiel, PhD.
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:

John E. Lehman
John Lehman, Licensee / Respondent

5/22/17
Date


REVIEWED AND APPROVED BY:

Brian L. Burge, Esq. or Kaitlin Marsh-Blake, Esq.
Counsel for Licensee / Respondent

5/26/17
Date

CERTIFICATE OF SERVICE

This is to certify that on this 7 day of June, 2017, a true and correct copy of the above Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

John Lehman


Brian L. Burge or Kaitlin Marsh-Blake, Esq.
Sanders, Warren & Russell, LLP
9401 Indian Creek Parkway, Suite #1250
Overland Park, KS 66210

and a copy delivered via interoffice mail to:

Marty M. Snyder, Esq.
Assistant Attorney General

Cindy D'Ercole
For the Behavioral Sciences Regulatory Board