

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

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD
712 South Kansas Avenue
Topeka, Kansas 66603-3817

In the Matter of)
)
Leatha J. Benson, LSCSW)
License #2524)
Respondent)
_____)

Case No. 08-CS-06

CONSENT AGREEMENT AND ORDER

NOW on this 14 day of July, 2008, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Leatha J. Benson (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Leatha J. Benson is currently, and at all times relevant has been, 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 or about July 11, 2007, the Board received a report of information concerning Licensee's conduct, alleging Licensee engaged in incompetent and unprofessional conduct when she violated clinical boundaries in a conversation with a client and used profanity.

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

4. During the investigation, Licensee was informed of the reported information, was given the opportunity to respond to the allegations and did respond to the allegations in her letter received on October 15, 2007.

5. As a result of the investigation, the Board finds probable cause to believe the following facts:

a. While employed at United Methodist Youthville in Dodge City, Licensee had a verbal confrontation with a minor client, lost her temper and called her client an epithet.

b. The client claims Licensee called her a "fucking bitch." Licensee disagrees and states she called the client a "fucking idiot."

c. Licensee admits she failed to maintain proper emotional distance, let things the client said to affect her personally and failed to call other staff to intervene when she recognized the client's therapy-interfering behavior, thus mishandling the situation.

d. SRS and KDHE investigations into the incident were dismissed without disciplinary action taken.

6. The Board finds that reasonable grounds exist to believe Licensee has committed unprofessional conduct in violation of K.S.A. 65-6311(a)(4) and (6) as follows:

(a) K.A.R. 102-2-7(k) - treating any client ... in a cruel manner, and

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

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. 08-CS-06.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions in relation to Case No. 08-CS-06.

WHEREFORE, Licensee consents to continuation of her license to practice on the following terms and conditions:

(a) If her current employment involves clinical practice requiring a social worker license, Licensee shall have twelve (12) months of supervised practice by a board-approved LSCSW supervisor who is not in a subordinate, familial or other dual relationship with the Licensee. However, Licensee's current supervisor is acceptable for this supervision if licensed at the independent practice level. If not, Licensee shall submit the names of two or three proposed supervisors who are licensed at the independent practice level. The focus of the supervision shall be on dealing with difficult clients and counter-transference. There shall be at least one one-hour supervision session for each forty (40) hours worked.

(b) The supervisor shall provide written progress reports to the Board every three (3) months regarding Licensee's compliance with the supervision process. In the event of non-compliance, the supervisor shall report to the Board immediately. Licensee shall provide the supervisor with a copy of this Consent Agreement and Order and shall make every effort to ensure that all conditions of the Agreement are met. Licensee shall cooperate with her supervisor to enable the supervisor to discharge these duties in a responsible manner.

(c) Within 90 days Licensee shall obtain six (6) hours of continuing education on dealing with difficult clients or on counter-transference in addition to the continuing education she has already completed that shall not count toward the biennial requirement.

(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 will result in a hearing, with notice and opportunity to be heard, to determine whether Licensee has in fact breached, violated or failed to comply with any conditions. Upon determination at such hearing that Licensee has breached, violated or failed to comply with any condition, Licensee understands and agrees that her Kansas Licensed Specialist Clinical Social Worker license shall 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 acknowledges that proof submitted to the Board by affidavit or other form of competent evidence that Licensee has breached, violated or failed to meet the conditions of this Consent Agreement and Order shall be good and sufficient evidence to support an alleged violation of breach, violation or non-compliance.

(g) Licensee understands that a notification of this Order shall be provided to any other state licensing board where Licensee is also licensed, registered or certified.

(h) 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.

(i) If the Board does not approve this Consent Agreement and Order, Licensee waives any right she may have to object to the composition of any subsequent hearing panel due to hearing panel members having knowledge of matters contained within this Consent Agreement and Order.

(j) 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 the Board or 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 of 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 as defined by K.A.R. 102-2-7 as a result of this proceeding.

WHEREFORE, the Board further agrees that, at the conclusion of the twelve-month supervision period upon determination of Licensee's compliance with the conditions stated herein and upon Board receipt of an acceptable reference from Licensee's supervisor on a Board-approved form, Licensee shall be unconditionally licensed as a Licensed Specialist Clinical Social Worker.

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.



Wesley Jones, Ph.D.
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:

Leatha J. Benson, LSCSW
Leatha J. Benson, LSCSW
Respondent Licensee

6-28-08
Date

APPROVED BY:

Counsel for Respondent

Date

Certificate of Service

This is to certify that on this 15th day of July, 2008, 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:

Leatha J. Benson


[counsel]

Roger Spurlock
For the Behavioral Sciences Regulatory Board