

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
RICHARD WELCH)
Kansas License No. 2168)
_____)

Case No. 14-CS-0001

CONSENT AGREEMENT AND ORDER

NOW on this 1 day of May, 2015, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board ("Board") by agreement of Richard Welch ("Licensee"), by and through counsel, Mary E. Christopher of Goodell, Stratton, Edmonds & Palmer, L.L.P., and the Board, by and through counsel, Assistant Attorney General Whitney Casement, for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Licensee currently, and at all times relevant hereto, has held a license as a Licensed Specialist Clinical Social Worker ("LSCSW") within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301 *et seq.*, and amendments thereto.
2. Licensee also holds a license as a Licensed Clinical Social Worker ("LCSW") in the state of Missouri.
3. On or about June 13, 2013, by letter with attachments, Mr. Welch self-reported to the Board that he had used a controlled substance and had sought treatment to assist in his recovery from substance abuse.
4. As a result of the self-report and subsequent investigation, the Complaint Review Committee found sufficient evidence exists to support a determination of a violation of the

following statute and regulations:

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[.]

K.A.R. 102-2-7. Unprofessional Conduct.

Any of the following acts by a licensee or applicant for a social work license shall constitute unprofessional conduct:

- (h) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;
- (x) using alcohol or illegally using any controlled substance while performing the duties or services of a licensee[.]

5. Thereafter, in lieu of an administrative hearing, the Complaint Review Committee directed disciplinary counsel to propose resolution of the case by a Consent Agreement and Order ("CAO"), subject to approval of the Board or its appointed representative.

6. On June 13, 2013, by letter through counsel, Mr. Welch self-reported to the Missouri Committee for Social Workers ("Missouri Committee").

7. The Board has had opportunity to consider the terms and conditions of the Settlement Agreement between the State Committee for Social Workers and Richard Welch ("Settlement Agreement"), which Licensee entered into with the Missouri Committee on January 29, 2015. A copy the Settlement Agreement is attached hereto as Appendix A.

8. The Settlement Agreement imposes probation for a period of three (3) years from February 15, 2015. During this three-year probationary period, Licensee is entitled to practice under supervision, subject to compliance with the terms and conditions set forth in the

Settlement Agreement. The terms and conditions of the Settlement Agreement include requirements for reporting; compliance; supervision; and chemical dependency.

9. Licensee and the Board mutually desire to enter a CAO in lieu of adjudicative proceedings to resolve the reported violations.

10. Licensee voluntarily and knowingly waives his rights to a hearing. Licensee voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held in accordance with the Kansas Administrative Procedure Act in relation to Case No. 14-CS-0001.

11. Licensee voluntarily and knowingly 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. 14-CS-0001.

12. According to K.S.A. 65-6311 and 77-505, the Board has authority to enter into this CAO without the necessity of proceeding to a formal hearing.

13. WHEREFORE, licensee and the Board stipulate and agree to the following findings of fact and conclusions of law:

- (a) Licensee is a Specialist Clinical Social Worker currently licensed in Kansas.
- (b) From 2000 until 2005, Licensee was employed as a Licensed Clinical Social Worker at the Missouri Veterans Home in Warrensburg, Missouri. In 2005, Licensee was promoted to the position of Assistant Veterans Home Administrator, and he kept this title until June 13, 2013, when he self-reported.
- (c) During that time, Licensee did not directly provide social work services to clients,

but Licensee did supervise two licensed master social workers for their LCSW licenses.

- (d) On or about May 13, 2013, Licensee's employer requested a drug screening; the May 13, 2013 urine screen tested positive for methamphetamines.
- (e) After the May 13, 2013 drug screen, Licensee voluntarily began treatment for chemical dependency with an Intensive Outpatient Program offered by Kansas City Psychiatric and Psychological Associates.
- (f) Licensee has made every effort to cooperate with the Board; he recognizes and admits his substance abuse problem and has taken steps to maintain his sobriety.
- (g) Sufficient evidence exists to support a determination of a violation of the following statute and regulations:

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[.]

K.A.R. 102-2-7. Unprofessional Conduct. Any of the following acts by a licensee or applicant for a social work license shall constitute unprofessional conduct:

- (h) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;
- (x) using alcohol or illegally using any controlled substance while performing the duties or services of a licensee[.]

14. WHEREFORE, Licensee consents to the following terms and conditions:

- (a) Licensee holds a clinical social worker license in the state of Missouri and entered into the Settlement Agreement with the Missouri Committee in lieu of disciplinary hearings concerning Licensee's conduct now before the Board. Licensee shall comply with the terms of the Settlement Agreement, attached hereto and incorporated herein as Appendix A, with modifications listed below.
- (b) For purposes of this CAO, the terms of the Settlement Agreement are adopted and modified as follows:
- (1) Licensee's license shall be placed on probation for a period of two (2) years from the effective date of this CAO.
 - (2) Licensee shall provide to the Board copies of reports that Licensee provides to the Missouri Committee pursuant to the Settlement Agreement. For reports submitted directly to the Missouri Committee, Licensee shall obtain copies and provide them to the Board as soon as practicable, but no later than sixty (60) days after receipt of such reports by the Missouri Committee. For reports the Licensee submits to the Missouri Committee himself, Licensee shall submit copies to the Board or the Board's Special Investigator within ten (10) days of submitting copies to the Missouri Committee.
 - (3) The Board shall keep confidential all reports submitted by Licensee, to the extent allowed by the Kansas Open Records Act and other applicable law.
 - (4) Licensee shall practice only under individual supervision by a Missouri Committee-approved LCSW or LSCSW supervisor and shall meet with his supervisor in person for a minimum of one (1) hour for every forty

(40) hours of client service for a period of two (2) years, while employed in Kansas or any other state.

- (c) The following terms are in addition to the terms of the Settlement Agreement:
- (1) Licensee shall provide a copy of this CAO to his supervisor and authorize the supervisor to provide copies of written reports submitted to the Missouri Committee to the Board's Special Investigator, Cindy D'Ercole, Eisenhower State Office Bldg., 700 S.W Harrison, Ste. 420, Topeka, KS 66603, for the two-year term of supervised probation. These reports shall contain the information required of the Settlement Agreement, to wit, whether Licensee is in compliance with the terms of this CAO, to the best knowledge of the supervisor, and Licensee's understanding and adherence to approved standards of professional and ethical conduct, areas of continued growth and development and accountability of supervision hours, thus far, in the disciplinary period.
 - (2) Licensee shall not supervise other social workers during the two-year term of supervised probation.
 - (3) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this CAO.
 - (4) Licensee understands that a notification of this CAO may be provided to any other state or federal agency with which Licensee is licensed, registered, or certified.
 - (5) Evidence of a breach of this CAO by Licensee may result in a summary proceeding order of temporary suspension of Licensee's Kansas LSCSW

license until further order of the Board.

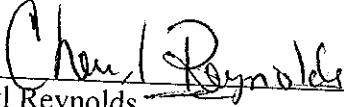
- (6) Licensee acknowledges an affirmative duty to notify the Board within ten (10) business days of any changes in personal or professional status which would inhibit compliance with condition of this CAO. The Board designates Cindy D'Ercole, Special Investigator, to receive such notices. In the event of notification of a change described above, a designee of the Board is authorized to modify or amend this CAO in writing.
- (7) This CAO 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 by a designee of the Board upon the occurrence of the condition precedent set forth in (c)(6) above.

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.


Cheryl Reynolds
Acting Chair, Complaint Review Committee

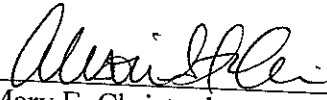
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APPROVED AND CONSENTED TO:


Richard Welch, Licensee

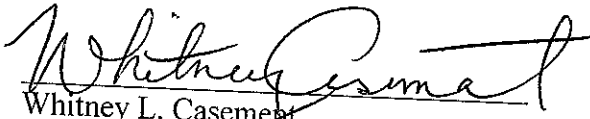
4-23-15
Date

APPROVED BY:


Mary E. Christopher
Alison St. Clair
Counsel for Licensee

4/27/15
Date

APPROVED BY:


Whitney L. Casement
Disciplinary Counsel for Board

4-28-15
Date

CERTIFICATE OF SERVICE

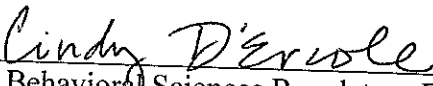
This is to certify that on this 1 day of May, 2015, a true and correct copy of the above Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Mary E. Christopher
Alison J. St.Clair
Goodell, Stratton, Edmonds & Palmer, L.L.P.
515 South Kansas Ave.
Topeka, KS 66603-3999
Jefferson City, Missouri 65102-0456
Counsel for Richard Welch

State Committee for Social Workers
3605 Missouri Blvd.
P.O. Box 1335
Jefferson City, MO 65102-1335

and a copy delivered via interoffice mail to:

Whitney L. Casement
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612
Disciplinary Counsel for the Board



For the Behavioral Sciences Regulatory Board