

Whitney L. Casement, No. 25466  
Kansas Office of the Attorney General  
120 SW 10th Avenue, Second Floor  
Topeka, KS 66612-1597

**BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD**

In the Matter of )  
 )  
Jaye Mueller, LSCSW )  
License #1262, ) Case No. 14-CS-0040  
Respondent )  
\_\_\_\_\_ )

**CONSENT AGREEMENT AND ORDER**

NOW, on this 3 day of June, 2014, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [Board], by and through Assistant Attorney General Whitney L. Casement, by agreement of Jaye Mueller [Licensee] and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Jaye Mueller is currently, and was at all times relevant to this Consent Agreement and Order, 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 October 10, 2013, the Board received a Report of Alleged Violation stating Licensee may have violated certain statutes and regulations governing unprofessional conduct.

3. Licensee was informed of the reported information in a letter dated October 10, 2013, and was given an opportunity to respond by November 11, 2013. The Board received Licensee's response to the reported information on November 19, 2013.

4. As a result of the report and subsequent investigation, the Board finds probable cause that the following facts have been established by a preponderance of clear and convincing

evidence:

- a. Licensee is a Specialist Clinical Social Worker currently licensed in Kansas.
- b. From September 2010 to September 2012, Licensee saw a 17-year-old client, who was placed with a foster home, for weekly and bi-weekly therapy.
- c. Licensee's therapeutic services to the client ceased in September 2012 due to issues with Medicaid funding and then resumed in May 2013.
- d. During the time Licensee provided therapeutic services to the client after May 2013, Licensee told the client that Licensee had considered opening her own home to the client and that the Licensee's "couch" was always open to the client if she ever needed it.
- e. In October 2013, while still providing therapeutic services to the client, Licensee agreed to allow the client to stay in Licensee's home because the client's foster family had requested that the client be removed from their home immediately.
- f. The client moved into Licensee's home in October 2013. Licensee terminated therapy sessions with the client at that time.

5. The Complaint Review Committee of the Board finds that Licensee has violated

the following statute 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 or an applicant for a social work license shall constitute unprofessional conduct:

- (tt) engaging in a dual relationship with a client, supervisee, or student;

**C. K.A.R. 102-2-1a. Definitions.**

- (j) "Dual relationship" means a professional relationship with a client, student or supervisee in which the objectivity of the licensee is impaired or compromised because of any of the following present or previous relationships:
- (3) social;
  - (4) emotional;

However, Licensee and the Board mutually desire to enter a Consent Agreement and Order in lieu of adjudicative proceedings to resolve the reported 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. 14-CS-0040.

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. 14-CS-0040.

WHEREFORE, Licensee consents to the following terms and conditions:

(a) Licensee shall practice only under individual supervision by a Board-approved LSCSW supervisor and shall meet with her supervisor in person for a minimum of one hour for every forty hours of client service for a period of two years from the effective date of this Consent Agreement and Order. The focus of the supervision shall be on ethical boundaries, undue influence, dual relationships, and what caused Licensee to cross ethical boundaries with her client. Licensee shall provide a copy of this Consent Agreement to the supervisor and authorize the supervisor to provide written quarterly reports to the Board's Special Investigator for the two-year term of supervision.

(b) Licensee shall not supervise other social workers during the two-year term of supervised probation. Licensee shall cease supervision of social workers she currently supervises and shall make arrangements for the social workers to be supervised by another LSCSW within

30 days of the effective date of this Consent Agreement and Order.

(c) Licensee shall complete three extra hours of continuing education on ethics, focusing on professional boundaries and dual relationships. The three additional hours of continuing education shall be conducted by Licensee in person within 90 days of the effective date of this Consent Agreement and Order. This condition shall be deemed satisfied upon the Board's receipt of Licensee's written proof of completion of the three extra hours of continuing education by or before 90 days of the effective date of this Consent Agreement and Order. Failure to provide the Board with written proof of completion of the extra continuing education hours by or before 90 days of the effective date is a violation of this Consent Agreement and Order and may result in further action by the Board. Licensee may request and the Board investigator may grant additional time to complete this condition if Licensee demonstrates to the Board investigator that no continuing education on professional boundaries and dual relationships is offered within a reasonable distance of Licensee's residence or place of business within 90 days of this Consent Agreement and Order.

(d) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.

(e) 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.

(f) 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.

(g) 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 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.

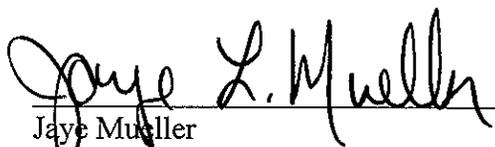
WHEREFORE, the Board agrees that, so long as Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 65-6311, K.A.R. 102-2-7, and K.A.R. 102-2-1a as a result of this proceeding.

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.**

  
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Cheryl Reynolds  
Acting Chair, Complaint Review Committee

**APPROVED AND CONSENTED TO:**

  
\_\_\_\_\_  
Jaye Mueller  
Licensee

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Date 04/20/2014

CERTIFICATE OF SERVICE

This is to certify that on this 3 day of June, 2014, 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:

Jaye Mueller



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*

Cindy D'Ercole  
For the Behavioral Sciences Regulatory Board