

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

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
TIMOTHY BROWN, LMSW,)
License #7310,)
Respondent)
_____)

Case No. 15-MS-099

CONSENT AGREEMENT AND ORDER

NOW, on this 9 day of February, 2016, 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 Timothy Brown, LMSW [Respondent / Licensee], and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Timothy Brown is a Licensed Masters Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto.
2. On February 17, 2015, the Board received a report of information concerning Licensee's conduct alleging Licensee may have violated certain statutes and regulations governing unprofessional conduct.
3. The Board conducted an investigation concerning Licensee's alleged violations of statutes and regulations. During the investigation, Licensee was informed of the reported information and was given the opportunity to respond to the allegations.

4. As a result of the investigation, the Board has found that the following facts have been established by a preponderance of the evidence:
- a. In December of 2014, Licensee conducted a home intake initial visit with Mr. R for assessment of his functional ability and physical health as a result of a report of self-neglect.
 - b. Despite a history in the past ten days of hospitalization at KU Medical Center for self-neglect including Mr. R's remaining in urine and feces soaked underwear, Respondent only documented information regarding Mr. R's medical diagnoses, support and the client's question regarding his Medicaid status.
 - c. Respondent did check into the Medicaid status upon his return to the office and sent a letter to Mr. R with that information and followed up with the client's mother and son.
 - d. Due to concerns regarding Respondent's handling of client intake and exercise of professional judgment, the next home visit was also attended by Respondent's supervisor. Mr. R was again wearing urine and feces soaked clothing, there were strong odors in the home and the presence of urine and feces on the floor.
 - e. Mr. R reported being in increasing physical pain as the interview progressed. When Respondent asked if he needed to go to the hospital, the client replied that hospitals don't do anything. Respondent continued his discussion of the Medicaid process and Respondent's options.
 - f. Respondent's supervisor was sufficiently concerned about Mr. R's condition that he called for EMS transport to the hospital. Mr. R was

admitted and remained hospitalized for two weeks before discharge to a nursing home.

- g. Respondent stated that this was a judgment call and he respected the client's wishes not to go to the hospital. The supervisor stated Respondent failed to understand the client's at-risk psychological and medical conditions by failing to seek appropriate medical attention.
- h. In a separate client home intake visit, conducted by Respondent in December 2014, Ms. L was reported for mental health issues, abuse to her husband and being in need of a guardian. Two other professionals were present for the intake – Mr. D from the county Aging and Disability Resource Center and Ms. R, CIT Co-Responder for the Wyandotte Center and the Kansas City Kansas Police Department.
- i. While Respondent interviewed Mr. L in the living room, Ms. L entered the room carrying a hammer and pacing in an agitated manner. Mr. D and Ms. R were very concerned regarding the potential for physical harm and took the hammer away from Ms. L.
- j. Respondent stated he didn't think anyone was in danger, he had a different line of sight than the others and didn't act because the others were handling the situation properly.

- 5. The Complaint Review Committee concluded there is probable cause to find that Respondent failed to take appropriate action to protect his clients in both situations and engaged in incompetent practice of social work. The Committee noted that Respondent reported he left that position with his employer and now is employed at a call center not using his social worker license.

6. The above facts state violations of the following statute and administrative regulation:

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 . . . shall constitute unprofessional conduct:

(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. 15-MS-099.

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.15-MS-099.

WHEREFORE, Licensee consents to the following terms and conditions:

- (a) Licensee shall obtain six additional CEU hours in Ethics to be completed in person within six months of the effective date of this CAO. Focus should be on balancing the safety needs of physically and mentally vulnerable clients with respect for their autonomy. If no in-person offerings are available, these hours may be completed online with **advance** approval of the Complaint Review

Committee Chair. Proof of completion shall be furnished to the Board's Investigator within thirty days of completion.

- (b) When Licensee is again employed in a position requiring his social worker license, he shall be supervised by a Board-approved supervisor licensed at the independent clinical level for a period of two years. They shall meet face-to-face for one hour for every twenty hours of client contact. The focus of the supervision shall be on the type of clients and work Licensee is handling at that time. Licensee shall provide a copy of this Consent Agreement to his supervisor, and the supervisor shall provide quarterly written update reports to the Board's Investigator during the term of supervision.
- (c) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.
- (d) Evidence of Licensee's breach, violation or failure to comply with any of the above conditions could result in a determination that Licensee's Kansas Licensed Masters 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.
- (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 and as otherwise required by law.
- (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.

(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 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.

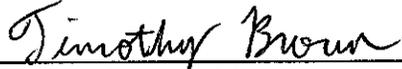
WHEREFORE, the Board agrees that, so long as Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 65-6311 and K.A.R. 102-2-7 as a result of this proceeding.

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 8th day of February, 2016.


Terry Pfannenstiel, Ph.D.
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:


Timothy Brown, Licensee / Respondent

2/2/16
Date

CERTIFICATE OF SERVICE

This is to certify that on this 9 day of February, 2016, 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:

Timothy Brown



and a copy delivered via interoffice mail to:

Marty M. Snyder, Esq.
Assistant Attorney General
Disciplinary Counsel for the Board

Cindy D'Ercole
For the Behavioral Sciences Regulatory Board