

**BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**

712 S. Kansas Ave., Topeka, KS 66603-3817  
785-296-3240

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IN THE MATTER OF THE LICENSE OF )  
 )  
 LISA JO SUTHERLAND )  
 )  
 LSCSW NO. 2136 )  
 \_\_\_\_\_ )

**CASE NO. 02 CS 10**

**CONSENT AGREEMENT  
AND FINAL ORDER**

Now on this 18<sup>th</sup> day of November, 2002, the Behavioral Sciences Regulatory Board (the "board"), represented by litigation counsel, Michelle Davis, Assistant Attorney General, and the "licensee", Lisa Jo Sutherland, hereby resolve this case as follows.

**NATURE OF THE CASE**

1. Licensee is currently, and at all times relevant, has been, licensed as a Licensed Specialist Clinical Social Worker (LSCSW), #2136, pursuant to 65-6301, et seq.
2. The board received a complaint regarding licensee and conducted an investigation. Licensee was informed of the reported information and was given the opportunity to respond, and did respond to the allegations.
3. As a result of the investigation, the board found probable cause to believe that licensee's conduct met the criteria set forth in K.S.A. 65-6311(a) for which the board may revoke, suspend, limit or deny a social worker's license.

4. In lieu of further proceedings, licensee and the board enter into this agreement and order to resolve this case, and thereby waive their right to an adjudicatory hearing conducted in accordance with the Kansas administrative procedure act and to seek reconsideration and appeal of the decision from that hearing in accordance with the Kansas act for judicial review.

5. In accordance with K.S.A. 65-6311(a)(4) and K.A.R. 102-2-7(z), licensee has engaged in unprofessional conduct, specifically, making sexual advances toward, engaging in sexual intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been the licensee's client; based upon the following facts:

In the summer of 2001, licensee was employed at an agency in Kansas as a therapist in the intensive outpatient program for at-risk individuals. Licensee stopped acting as the therapist for the client. Licensee became involved in a sexual relationship of at least two weeks duration with the former client. The former client reported the relationship to the agency. Licensee acknowledged the relationship to the agency and to the board investigator. Licensee's employment with the agency was terminated. The former client reported significant emotional difficulties and distrust with the therapeutic relationship as a result of licensee's violation.

Licensee expressed "deep remorse for her poor judgment," stating that the violation occurred during a family crisis, overwhelming work demands, and disappointment with unmet personal goals. Licensee participated in weekly individual and group psychotherapy since August of 2001; her therapist also performed psychological assessments and provided a positive recommendation to the board for continued practice by licensee. According to licensee, she has not been employed as a LCSW since December of 2001 because of this case pending before the board.

**DISPOSITION**

6. Licensee's license shall be subject to the following conditions:

**A. Suspension.**

*MAD lj 11-18-02 [initials]  
deemed to have been*

Licensee's license #2136 shall be suspended for 6 months, from March 1, 2002, through August 31, 2002. By her signature on this document, licensee hereby states and avers that she did not practice as a LSCSW in Kansas during that period of time. Licensee shall provide a copy of her 2002 income tax return and W-2 statement(s) to the board by June 1, 2003.

**B. Practice Supervision.**

Once licensee resumes her practice as a LSCSW, licensee shall be supervised for ~~24~~ <sup>24</sup> ~~(thirty)~~ <sup>twenty-four</sup> months of active practice by a social worker licensed to practice in Kansas at the level of LSCSW or higher who has been approved by the board. The supervisor may not be in a subordinate, familial or other dual relationship with licensee. The supervisor shall monitor licensee's professional activities in at least one (1) supervisory session per 20 hours of clinical work. The focus of supervision shall be comprehensive - all aspects of clinical practice. The supervisor shall submit a written report to the board every three months and upon the conclusion of the supervisor's services regarding licensee's compliance with the supervision process and focus of supervision. The supervisor shall notify the board in writing if, at any time, the supervisor believes licensee is not in compliance with this order, is unable to practice with skill and safety to clients, is practicing negligently, or has violated the Social Work Act of Kansas.

*[initials]  
24 twenty-four MAD  
11-18-02*

Licensee shall submit in writing to the board a resume and a commitment letter from a proposed supervisor stating that he or she has read this order and understands and agrees to perform the obligations set forth herein. The board shall review the supervisor for approval based on his or her

qualifications. If a proposed supervisor is rejected, licensee shall repeat this process until one is approved. If in the board's judgment, the supervisor fails to adequately perform the functions required by this order, then the board may direct licensee to obtain a new supervisor. If the board so directs, or licensee otherwise becomes aware that the supervisor has ceased to adequately perform the functions specified in this document, licensee shall immediately recommence the process to appoint a new supervisor as set forth herein. Licensee shall cooperate so that the supervisor may discharge his/her duties responsibly. Licensee shall authorize any release of information necessary for the supervisor to execute his/her duties and communicate with the board. The board shall provide a copy of this order to the supervisor.

*The board, may at its discretion, release licensee from this requirement after 12 months of satisfactory supervision upon the written request of the licensee.*

*MND  
PP  
ASU*

**C. Notification of Practice.**

Licensee shall notify the board in writing of all locations where she is practicing social work, setting forth the name of any employer and the address and telephone number for each such location, and of any change of location or in personal or professional status which would inhibit compliance with this agreement within 5 days of such change. In such event, a designee of the board is authorized to modify or amend this order in writing to address or remedy said change.

**D. Education.**

Licensee shall obtain 7 hours of continuing education on the topic of social work ethics and client boundaries and submit verification of said completed hours to the board within 6 months. These hours may not be used to satisfy license requirements.

**E. Therapy.**

Licensee shall continue in her current course of therapy or with an equivalent Ph.D. level, licensed therapist, for twelve (12) months or until the therapist provides a written statement that

licensee has attained the maximum therapeutic benefit. Licensee shall authorize a release of information to the board and her therapist shall submit a written report to the board every three months regarding licensee's compliance with the therapy process.

**F. Law.** Licensee shall not violate any rule or regulation governing a Licensed Specialist Clinical Social Worker (LSCSW). Licensee shall not serve as a supervisor to any person who participates in the delivery of behavioral science services.

7. Evidence of licensee's failure to comply with any condition may result in a hearing, with notice an opportunity to be heard, to determine whether licensee has willfully failed to comply with any condition, and upon such a determination, further disciplinary action may be taken against licensee's license. Proof submitted to the board by affidavit or other form of competent evidence shall be sufficient to support a finding of non-compliance.

8. At the conclusion of the supervision period and a determination that licensee has complied with all conditions, including board receipt of an acceptable reference from licensee's supervisor, licensee shall be unconditionally licensed and this agreement will terminate.

#### **MISCELLANEOUS**


9. The word license as used in this document means a current license and any future licenses issued to or applied for by licensee.

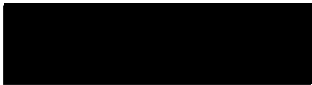
10. Licensee enters into this document voluntarily, after the opportunity to consult with counsel and with full understanding of its contents. This document is effective if and when it is accepted by the board as its order. If the board does not accept it, then licensee waives any right she may have to object to the composition of any subsequent hearing panel due to the members having knowledge of matters contained within this document.

11. This is a disciplinary action and notice of this order shall be provided to any other state licensing board where licensee is licensed, registered or certified. This order is subject to disclosure upon request as an "open record."

12. Licensee shall be responsible for any costs incurred in satisfying the terms of this order.

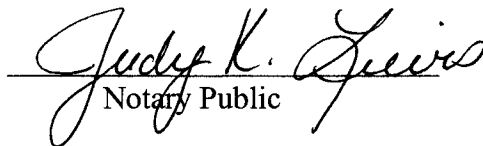
This is the entire agreement between licensee and the board and may be modified or amended only by written agreement unless otherwise provided. By their signatures, the parties acknowledge this agreement and consent to its provisions which are hereby made the final order of the Behavioral Sciences Regulatory Board effective upon the date distributed per the Certificate of Service below.

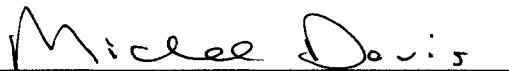
  
Lisa Jo Sutherland, LSCSW  
Licensee



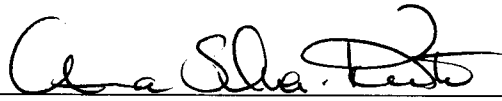
Subscribed and sworn to before me by Lisa Jo Sutherland on the 4 day of November, 2002.



  
Notary Public

*MAO*  
  
Michelle A. Davis  
Assistant Attorney General  
120 S.W. 10<sup>th</sup> Street, Second Floor  
Topeka, Kansas 66612-1597.  
785-368-8436

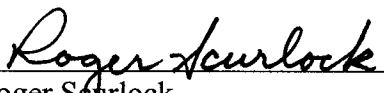
FOR THE BOARD

  
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Anna Silva-Keith, Chairperson  
Behavioral Sciences Regulatory Board

11/18/02  
Date

**CERTIFICATE OF SERVICE**

On the 19<sup>th</sup> day of November, 2002, I mailed, first-class postage prepaid, a true and correct copy of the above Consent Agreement and Final Order to Lisa Jo Sutherland and to Michelle Davis at their addresses listed above.

  
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Roger Scurlock  
Special Investigator  
Behavioral Sciences Regulatory Board