

Marty M. Snyder, Supreme Court #11317  
Kansas Attorney General's Office  
120 SW 10<sup>th</sup> 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 )  
 )  
Gerald V. Epp, LSCSW ) **Case No. 07-CS-11**  
License No. 0567 )  
Respondent )  
\_\_\_\_\_ )

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**CONSENT AGREEMENT AND ORDER**

NOW on this 1<sup>st</sup> day of December, 2006, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Gerald V. Epp (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Gerald V. Epp 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 August 10, 2006, the Board received a report of information concerning Licensee's conduct that was self-reported by Licensee. The report revealed that Licensee engaged in inappropriate physical contact with a client.

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

4. Following the self-report and during the investigation, Licensee was given the opportunity to provide additional information and did cooperate in the investigation.

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

a. Both Licensee and his client experienced transference feelings during the process of counseling over an eighteen-month period of time.

b. On the date that was to be their last session, Licensee and his client engaged in a hug that lasted for several minutes, and each kissed the other on the cheek.

c. Licensee recognized his error and sought counseling and reported the incident to his supervisors at work. He further self-reported the incident to this Board.

d. There has been no further physical contact with this client. She did not file a complaint, and she expresses gratitude for the progress she made during counseling.

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) as defined as follows:

K.A.R. 102-2-7 (y) – engaging in physical intimacies with any client of that Licensee.

However, Licensee and the Board mutually desire to enter into 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. 07-CS-11.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review in relation to Case No. 07-CS-11.

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

(a) If Licensee has returned to work, twelve (12) months of supervised practice by a board approved supervisor who is not in a subordinate, familial or other dual relationship with the Licensee. The supervisor shall be licensed at the independent practice level. The focus of the supervision shall be on transference, boundaries and burnout. There shall be at least one one-hour supervision session per week.

(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 his practice supervisor to enable the supervisor to discharge his or her duties in a responsible manner.

(c) Licensee shall continue his therapy with Ms. Dullea.

(d) The above conditions will be reviewed for any needed adjustments six months from the effective date of this Consent Agreement.

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

(f) 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 his Specialist Clinical Social Work 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 .

(g) 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.

(h) 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.

(i) 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.

(j) If the Board does not approve this Consent Agreement and Order, Licensee waives any right he 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.

(k) 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(a)(4) as defined by K.A.R. 102-2-7(y) 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.  
Wesley Jones, Ph.D.  
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:

Gerald V. Epp  
Gerald V. Epp, LSCSW  
Respondent Licensee

November 24, 2006  
Date

APPROVED BY:

~~\_\_\_\_\_~~  
Counsel for Respondent

\_\_\_\_\_  
Date

Certificate of Service

This is to certify that on this 5<sup>th</sup> day of December, 2006, 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:

Gerald V. Epp  
[Redacted]

~~\_\_\_\_\_~~  
[counsel?]

Wesley Jones, Ph.D. Roger Scurlock  
For the Behavioral Sciences Regulatory Board

State of Kansas  
Behavioral Sciences Regulatory Board



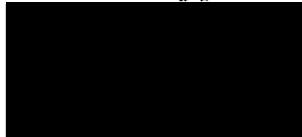
KATHLEEN SEBELIUS  
Governor

PHYLLIS GILMORE  
Executive Director

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February 6, 2008

Gerald V. Epp, LSCSW



Re: Consent Agreement and Order 07-CS-0011

Dear Mr. Epp,

You have successfully complied with the conditions of Consent Agreement and Order which you entered into with the Kansas Behavioral Sciences Regulatory Board. You are now unconditionally licensed as a Licensed Specialist Clinical Social Worker.

The order was effective on December 5, 2006 and could be adjusted six months from the effective date. The order consisted of two conditions. The first was supervision, from which you were released on June 11, 2007. The second condition was counseling, from which you were released on August 20, 2007.

I believe that the order was completed on August 20, 2007, the date on which you were released from the remaining condition of the order.

Sincerely,

A handwritten signature in cursive script that reads "Roger Scurlock".

Roger Scurlock  
Special Investigator