

Marty M. Snyder, Supreme Court #11317
Kansas Attorney General's Office
120 SW 10th St, Second Floor
Topeka, KS 66612-1597
(785) 296-2215

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD
712 South Kansas Avenue
Topeka, Kansas 66603-3817

In the Matter of)
)
RANDALL L. GILLISPIE, LMSW)
License #6482)
Respondent)
_____)

Case No. 07-MS-101

ORDER TERMINATING CONSENT AGREEMENT AND ORDER

NOW, on this 5 day of May, 2009, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Randall L. Gillispie (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

FACTS

Licensee hereby acknowledges the following facts:

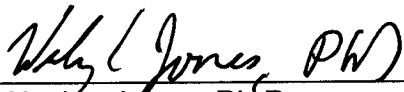
1. On July 14, 2008, the Board and Licensee entered a Consent Agreement and Order.
2. On February 20, 2009, Licensee wrote to the Board requesting termination of his Consent Agreement and Order as he has successfully completed the clinical evaluation, workshop on ethical boundaries and weekly individual clinical supervision focusing on ethical boundaries and dual relationships.

3. In response to this request, the Committee reviewed the December 23, 2008, report of Gail Coburn, LSCSW and Licensee's letter.

4. Licensee's progress was reviewed by the Complaint Review Committee of the Board. The Committee unanimously determined to terminate the Consent Agreement and Order, to discharge Licensee from its terms and to commend Licensee for his insight and progress in the areas identified in the complaint in this matter.

WHEREFORE, the Board determines that Licensee has successfully completed the terms of the Consent Agreement and Order in this matter; that Licensee shall be and is hereby discharged from the Order; and that the Consent Agreement and Order entered on July 14, 2008, is hereby terminated.

IT IS SO ORDERED.



Wesley Jones, Ph.D.
Chair, Complaint Review Committee

NOTICE OF RELIEF FROM THIS FINAL ORDER

Pursuant to K.S.A. 77-537, this Final Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for hearing to:

Phyllis Gilmore, Executive Director
Kansas Behavioral Sciences Regulatory Board
712 South Kansas Avenue
Topeka, KS 66603

This written request must be filed within fifteen (15) days from the date indicated above. If a hearing is not requested in the time and manner stated, this order becomes final and effective upon the expiration of the time for requesting a hearing and will be a Final Order of the Board.

CERTIFICATE OF SERVICE

This is to certify that on this 8th day of May, 2009, a true and correct copy of the above and foregoing Order Terminating Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Randall L. Gillispie



Roger Scurlock
For the Behavioral Sciences Regulatory Board

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In the Matter of)
)
RANDALL L. GILLISPIE, LMSW)
License #6482)
Respondent)
_____)

Case No. 07-MS-101

CONSENT AGREEMENT AND ORDER

NOW on this 14 day of July, 2008, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Randall L. Gillispie (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Randall L. Gillispie is currently, and at all times relevant has been, 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 or about April 17, 2007, the Board received a report of information concerning Licensee's conduct, alleging Licensee engaged in inappropriate dual relationships with two inmates for whom he was providing social work services at the El Dorado Correctional Facility.

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

statutes and regulations.

4. During the investigation, Licensee was informed of the reported information, was given the opportunity to respond to the allegations and did respond to the allegations in his letters received on July 12, 2007 and February 22, 2008 [although it's dated 2-22-07].

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

a. While employed at the El Dorado Correctional Facility, Licensee allowed a group of inmates to befriend him based on his sexual orientation. He engaged in inappropriate conversations of a sexual nature and had inappropriate contact with two of the inmates who were clients. He brought items considered to be contraband into the prison for them - colored pens, a glue stick and a book on Nazi Germany. He created a false identity and mailbox address for correspondence with these inmates and sent one inmate \$140.00 using that identity and address.

b. When the situation was discovered and investigated by the correctional facility, Licensee was terminated from his employment but failed to report the termination to the Board.

c. Licensee admits that his conduct lacked professional objectivity and that the outside contact with his clients was a lapse in judgement. He concluded that working in a correctional facility was not a good place for him. Since leaving EDCF, he has been in psychotherapy,

6. The Board finds that reasonable grounds exist to believe Licensee has engaged in dual relationships and committed unprofessional conduct in violation of K.S.A. 65-6311(a)(4) and (6) as defined as follows:

(a) K.A.R. 102-2-7(b)(3) - failing to notify the board within a reasonable period of time ... that licensee ... has been terminated ... asked to resign from employment for some form of misfeasance, malfeasance or nonfeasance,

(b) K.A.R. 102-2-7(y) - making sexual advances toward or engaging in physical intimacies or sexual activities with any client ...,

(c) K.A.R. 102-2-7(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. 07-MS-101.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions in relation to Case No. 07-MS-101.

WHEREFORE, Licensee consents to a twelve-month suspension of his license, but the suspension stayed on the following terms and conditions:

(a) If his current employment requires a social worker license, Licensee shall have twelve (12) months of supervised practice by a board-approved LSCSW supervisor who is not in a subordinate, familial or other dual relationship with the Licensee. The focus of the supervision shall be on dual relationships and incompetent practice. There shall be at least one one-hour supervision session for each forty (40) hours worked.

(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 supervisor to enable the supervisor to discharge these duties in a responsible manner.

(c) Licensee shall obtain an evaluation of his mental state by a licensed psychologist (other than his current therapist or anyone in the same office) and written recommendations for his continued practice of social work. The evaluation report shall be submitted to the Board within sixty (60) days from the date shown on the Certificate of Service. Upon review of the report, the Complaint Review Committee may consider imposing different or additional conditions of practice in consultation with Licensee.

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

(e) 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 Kansas Licensed Masters Social Worker 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.

(f) 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.

(g) 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.

(h) 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.

(i) 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.

(j) 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 as defined by K.A.R. 102-2-7 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, Licensee shall be unconditionally licensed as a Licensed Masters 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.
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:




Randall L. Gillispie
Respondent Licensee

5-19-08
Date

Certificate of Service

This is to certify that on this 15th day of July, 2008, 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:

Randall L. Gillispie



For the Behavioral Sciences Regulatory Board