

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations. During the investigation, Licensee was informed of the reported information and was given the opportunity to respond to the allegations. His response was received on March 31, 2009.

4. During Licensee's employment at TFI Family Services, he provided In-Home Family Therapy for a mother and her daughter, who had been removed from the home due to allegations of sexual abuse by the girl's step-father. In an attempt to help the daughter understand why her mother didn't believe her and to see the situation from her mother's viewpoint, Licensee commented on the daughter's body, pointed out the daughter's attire and asked her to imagine how her mother might feel seeing her in tight clothing, talking about how she had sex with the mother's husband.

5. Also during Licensee's employment at TFI Family Services, he was assigned to complete a parenting assessment involving a sexually abused four-year-old girl. During the first session, the girl isolated herself in a corner, playing with toys. Licensee told the child she could play with the toys if she talked about the abuse. When the girl would talk for a few minutes, Licensee would ask her to keep telling him more. The little girl curled up in the fetal position and would not interact after that. Licensee advised the mother, who was also a victim of sexual abuse, to tell her daughter about her abuse.

6. Licensee was assigned to provide court-ordered weekly family in-home therapy. Licensee indicated he could see the family during the mornings of certain days as his evening caseload was full. The supervisor advised that he needed to see the family in the evenings. Licensee decreased services to existing clients, without staffing the change with the treatment team, and noted in the clients' files, "This therapist has been asked to see another client during this time frame, so for awhile this client will be seen every other week."

7. Licensee admitted there were some billing mistakes but those were caught by the billing department and returned to Licensee, who made corrections and sent them back.

8. Licensee was terminated from employment on December 5, 2008, but failed to notify the Board.

9. Licensee currently lives and practices in Missouri and has not worked in Kansas since December 5, 2008. Licensee is licensed by the Missouri State Committee for Social Work.

10. The Board finds that probable cause exists to believe that Licensee, while a Licensed Masters Social Worker, violated the following regulations:

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:

(b) . . . failing to notify the board, within a reasonable period of time, that any of the following conditions apply to any person regulated by the board . . .

(3) has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance;

(xx) practicing social work in an incompetent manner.

However, Licensee and the Board mutually desire to enter a Consent Agreement and Order 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. 09-MS-0082.

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. 09-MS-0082.

WHEREFORE, Licensee consents to continuation of his Masters Social Worker license under the following terms and conditions:

(a) Until further order of the Board, Licensee will have no cases involving sexual abuse.

(b) At such time as Licensee is employed, Licensee's practice shall be supervised for a period of two years. Licensee shall meet with his supervisor a minimum of one hour for forty hours of client contact, with the focus on competent practice within his scope of knowledge. The supervisor shall be board-approved, licensed at the independent practice level, and not a member of Licensee's current practice group. Licensee will provide a copy of the Consent Agreement and Order to the supervisor and will authorize the supervisor to provide quarterly reports to Bruno Langer, Special Investigator for the Board.

(c) Licensee will attend nine (9) hours of continuing education on sexual abuse, six (6) hours of continuing education on sensitivity to women's issues, and three (3) hours of continuing education on record-keeping. The continuing education classes shall be in person, not via internet. Licensee shall provide a copy of his certificate(s) of attendance to the Board within one year of the effective date of this Agreement. Such continuing education shall be in addition to licensure requirements and shall be at Licensee's expense.

(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 could 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 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.

(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.

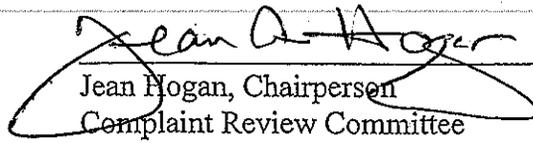
(i) This Consent Agreement and Order constitutes the entire agreement between Licensee and the Board and may be modified or amended only by written agreement signed by Licensee and the Board or a designee of the Board.

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.

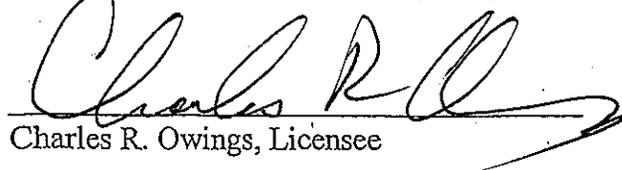
WHEREFORE, the Board agrees that, so long as Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.A.R. 102-2-7 as a result of this proceeding.

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.

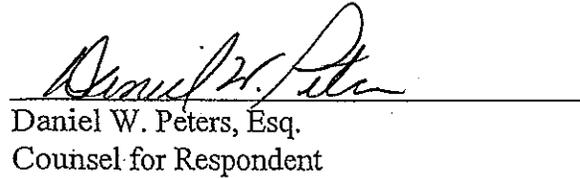

Jean Hogan, Chairperson
Complaint Review Committee

APPROVED AND CONSENTED TO:


Charles R. Owings, Licensee

12/28/10
Date

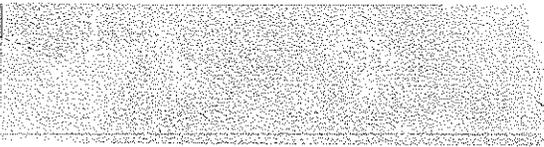
APPROVED:


Daniel W. Peters, Esq.
Counsel for Respondent

12/29/10
Date

CERTIFICATE OF SERVICE

This is to certify that on this 5th day of January, ^{2011 CB} 2010, 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:



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For the Behavioral Sciences Regulatory Board