

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

SEP 29 AM 11:00

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

In the Matter of)
)
BRIAN K. JONES, LBSW)
License #7273,)
Respondent)
_____)

Case No. 10-BS-0077

CONSENT AGREEMENT AND ORDER

NOW, on this 28th day of September, 2010, 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 Brian K. Jones [Licensee] and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Brian K. Jones, at all times relevant, was a Licensed Bachelor 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 December 22, 2009, the Board received reports, including a self-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. On January 25, 2010, Licensee hand-delivered his response dated January 19, 2010.

4. On December 22, 2009, the Board received a complaint that Licensee, a social worker employed by the Prairie Band Potawatomi Social Service, was engaged in a dual relationship with the foster mother of a minor client, possibly resulting in undue influence over the minor client as well as boundary confusion.

5. In a written self-report dated December 18, 2009, Licensee disclosed the above situation and reported that he had asked that his former client's case be transferred to another social worker prior to initiating the relationship. The case was immediately transferred, and Licensee was advised by his supervisors that he could not see the foster mother while the child was present.

6. On January 21, 2010, Licensee was placed on paid administrative leave and, subsequently, his employment was terminated.

7. Licensee and the former foster mother are now married.

8. As a result of the investigation, a Preliminary Consent Agreement and Order was entered into between the Board and Licensee on June 1, 2010.

9. The Board finds that Licensee followed the requirements of the Preliminary Consent Agreement and Order in a timely manner.

10. The Complaint Review Committee of the Board finds that Licensee has violated the following regulations:

A. 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;

(6) has been found guilty of negligence or wrongful actions in the performance of duties;

B. K.A.R. 102-2-7. Unprofessional Conduct. Any of the following acts by . . . a licensee. . . shall constitute unprofessional conduct:

(h) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;

(tt) engaging in a dual relationship with a client, supervisee, or student.

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. 10-BS-0077.

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.10-BS-0077.

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

(a) Within six months from the date on the certificate of service of this Consent Agreement and Order, Licensee shall complete six (6) hours of continuing education on the subject of boundaries and dual relationships. Such training shall be in person, not via the internet, and shall be in addition to the continuing education requirements for licensure renewal. Licensee shall provide a copy of the certificates of attendance to Bruno Langer, Special Investigator for the Board, upon completion of each course.

(b) Licensee shall prepare a five-page professional quality paper on the importance of maintaining therapist-client boundaries and avoiding a dual relationship. The paper shall be in APA format, contain at least five professional references, and be submitted to the Board within 60 days of the effective date of this Consent Agreement.

(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 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 Bachelor Social Worker license may 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 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.

(f) 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.

(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.

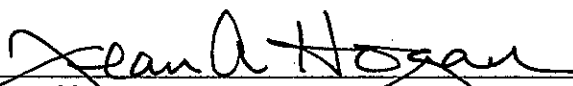
(h) This Consent Agreement and Order constitutes the entire agreement between the Licensee and the Behavioral Sciences Regulatory Board and may be modified or amended only by written agreement signed by Licensee and the Board or a designee of the Board.

WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval 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.



Jean Hogan
Chair, Complaint Review Committee

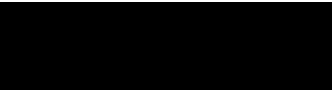
APPROVED AND CONSENTED TO:

Brian K. Jones
Brian K. Jones
Licensee

9-24-2010
Date

CERTIFICATE OF SERVICE

This is to certify that on this 30th day of September, 2010, 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:

Brian K. Jones


Marty M. Snyder
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612

Shawn Langer
For the Behavioral Sciences Regulatory Board

State of Kansas
Behavioral Sciences Regulatory Board

Sam Brownback
Governor

Phyllis Gilmore
Executive Director



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March 16, 2011

Brian K Jones
XXXXXXXXXX
XXXXXXXXXX

Re: Consent Agreement and Order: 10-BS-0077

Dear Mr. Jones:

The Board has determined that you have satisfied all conditions set forth in the Consent Agreement and Order (CAO) under which you have practiced since September 30, 2010. The CAO has been lifted and you are now unconditionally licensed as a Licensed Bachelors Social Worker.

Thank you for your cooperation in this matter.

Sincerely,

Bruno Langer
Special Investigator