

**Sam Brownback**  
Governor

**Max L. Foster, Jr.**  
Executive Director



700 SW Harrison St. Suite 420  
Topeka, KS 66603-3929  
(785) 296-3240  
Fax (785)296-3112  
[www.ksbsrb.org](http://www.ksbsrb.org)

August 28, 2014

Michael Keller  


Re: Report of Alleged Violation 12-CS-0077

Dear Mr. Keller:

This letter is to confirm that you satisfied all of the conditions set forth in the Consent Agreement and Order effective August 28, 2014. The matter is now closed.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Cindy D'Ercole".

Cindy D'Ercole  
Special Investigator



3. The material facts are not in dispute. The Board and Licensee recognize that some allegations of fact are disputed, but those disputed facts do not impact the ultimate conclusion of this matter.

4. In approximately 2005, Licensee became engaged in a professional relationship with a female client. That professional relationship spanned several years. The last treatment session was in July 2010.

5. In approximately May 2009, the client and Licensee began an intimate and romantic relationship.

6. Licensee has sought, and is currently engaged in psychotherapy with Larry L. Lee, LCSW. He has engaged Elsie Steelberg, MD, and Cathy Weitzel, APRN, to manage medications for symptoms of a mood disorder. Medication monitoring is regularly scheduled. Mr. Keller does not have a dual relationship with Mr. Lee, Dr. Steelberg, or Ms. Weitzel.

#### **STIPULATED VIOLATIONS**

7. The parties agree that violations of the following statute and regulation could be established by a preponderance of clear and convincing evidence:

a. K.S.A. 65-6311(a)(4) unprofessional conduct and (6) negligence or wrongful actions; and

b. K.A.R. 102-2-7 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;

- (y) making sexual advances toward or engaging in physical intimacies or sexual activities with one's client, supervisee, or student;
- (z) making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been one's client;
- (aa) exercising undue influence over any client ... in a manner that will exploit the client ... for the financial gain, personal gratification, or advantage of oneself or a third party;
- (pp) failing to terminate the social work services when it is apparent that the relationship no longer serves the client's needs or best interests; and
- (tt) engaging in a dual relationship with a client.

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. 12-CS-77.

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. 12-CS-77.

WHEREFORE, Licensee's Kansas Licensed Specialist Clinical Social Worker license is hereby suspended for two years; however, the suspension is stayed while Licensee complies with the following terms, conditions and limitations:

1. For six months following the date of this Consent Agreement and Order, Licensee shall not conduct individual psychotherapy with female clients unless at least one other person is

present. After six months, this condition shall be reviewed by the Complaint Review Committee.

2. Licensee will continue to meet with Larry L. Lee, LSCSW for therapy as long as necessary. At any time Mr. Lee determines that further therapy would not benefit Licensee, Licensee will notify the Board in writing.

3. Licensee will continue in his medical regimen as determined by Dr. Steelberg and Cathy Weitzel. If termination of the medical regimen is recommended by Dr. Steelberg or Ms. Weitzel, Licensee will notify the Board in writing. This Consent Agreement and Order shall not require a prescription or administration of medication unless recommended and ordered by a person who, by licensure and professional competence, is qualified to practice medicine and surgery in this state.

4. Licensee will attend the Professional Boundary program offered by Vanderbilt University within 6 months following approval of this Consent Order and Agreement. Further, Licensee will provide the Board with proof of successful completion of the program.

5. As a condition to resuming individual therapy to clients, Licensee will obtain social work supervision, as described by K.A.R. 102-2-1a(aa), from a qualified person approved by the Board. The supervisor must be licensed in Kansas at an independent clinical level, but need not be a social worker. Weekly in-person meetings between Licensee and the approved supervisor will commence upon Licensee's return to clinical practice. In the event Licensee does not see at least 10 patients per week, the supervisor may determine that meetings should be less frequent and shall report to the Board a recommendation for a meeting schedule. The supervisor shall provide monthly written reports to the Board verifying that regular supervision has occurred and indicating Licensee's professional development. Licensee understands that the

supervisor has a duty to report the discovery of unprofessional conduct by Licensee immediately to the Board. After six months of Licensee's compliance with supervision, written reports to the Board may be made quarterly.

6. Licensee currently conducts mental health workshops for certification and provides consultation to attendees of those workshops. These professional activities do not involve direct psychotherapy to clients. Post-workshop consultation is required for the attendees' certification. This consultation by the Licensee to workshop trainees does not constitute supervision. The Board further understands that Licensee anticipates working with client groups using Dialectic Behavior Therapy. This group contact requires potential clients to be screened individually and directly by Licensee prior to their participation. The activities in this paragraph are not conditioned upon supervision as set forth in paragraph 5.

7. Licensee may conduct marital and family psychotherapy while participating in Board-approved supervision with the limitation set forth in paragraph 1 above. At such time as he prepares to include individual therapy as part of his professional practice, Licensee agrees to notify the Board in writing with a practice plan that describes his return to individual therapy practice, the client population, the practice setting and client safeguards. However, Licensee may not supervise others for at least twelve months.

8. Evidence of Licensee's breach, violation or failure to comply with any of the conditions will result in an order to appear and show cause why Licensee's license should not be suspended temporarily pending full compliance with this Consent Agreement and Order. At such show cause hearing, the issues will be limited to whether this Consent Agreement and Order has been violated and the appropriate sanction for such violation.

9. 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.

10. 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 and to the HIPDB if required. This Order is an Open Record pursuant to the Kansas Open Records Act.

11. Licensee acknowledges the affirmative duty to notify the Board within five business days of any change in personal or professional status which would inhibit compliance with any condition of this Order.

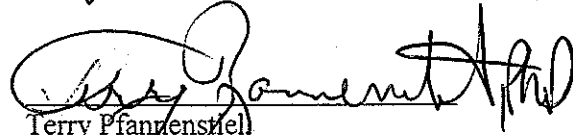
12. Licensee shall bear all costs necessary for his compliance with this Consent Order and Agreement.

13. This Consent Agreement and Order constitute the entire agreement between Licensee and the Board. This Consent Agreement and Order may be modified only by written agreement signed by Licensee and by a designee of the Board or upon further order of the Board following notice and an opportunity to be heard.

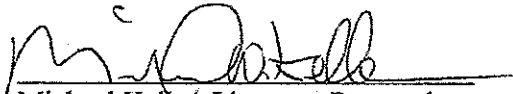
**WHEREFORE**, Licensee and the Board agree to the provisions contained in this Consent Agreement and Order, and by his signature, consents to this Consent Order and Agreement being entered as the final order of the Board. This Consent Agreement and Order shall become effective as the final order of the Board, without further proceedings, on the date indicated in the Certificate of Service, attached hereto; and,

WHEREFORE, the Board agrees that, so long as Licensee complies with the duties imposed by this Consent Agreement and Order, the Board will not initiate further disciplinary proceedings against Licensee in matters related to Case No. 12-CS-77.

IT IS SO ORDERED this 27 day of August, 2012.

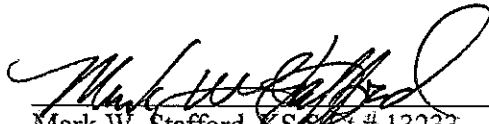
  
Terry Pfanzenstiel  
Chair, Complaint Review Committee  
Behavioral Sciences Regulatory Board

CONSENTED TO:

  
Michael Keller, Licensee, Respondent

07/16/2012  
Date

PREPARED AND APPROVED BY:

  
Mark W. Stafford, KS Ct # 13233  
Holbrook & Osborn, P.A.  
*Attorney for Licensee*

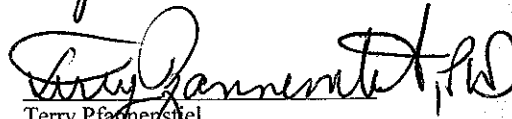
July 16, 2012  
Date




WHEREFORE, Licensee and the Board agree to the provisions contained in this Consent Agreement and Order, and by his signature, consents to this Consent Order and Agreement being entered as the final order of the Board. This Consent Agreement and Order shall become effective as the final order of the Board, without further proceedings, on the date indicated in the Certificate of Service, attached hereto; and,

WHEREFORE, the Board agrees that, so long as Licensee complies with the duties imposed by this Consent Agreement and Order, the Board will not initiate further disciplinary proceedings against Licensee in matters related to Case No. 12-CS-77.

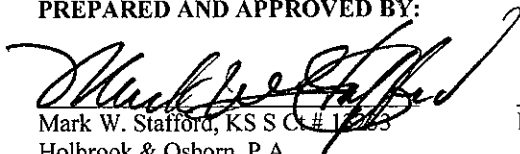
IT IS SO ORDERED this 27 day of August, 2012.

  
Terry Pfannenstiel,  
Chair, Complaint Review Committee  
Behavioral Sciences Regulatory Board

CONSENTED TO:

 07/16/2012  
Michael Keller, Licensee, Respondent Date

PREPARED AND APPROVED BY:

 7/20/12  
Mark W. Stafford, KS S Ct # 1223 Date  
Holbrook & Osborn, P.A.  
Attorney for Licensee

**CERTIFICATE OF SERVICE**

This is to certify that on the 28<sup>th</sup> day of August, 2012, 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:

Michael Keller



Mark W. Stafford, Esq.  
Holbrook & Osborn, P.A.  
107 SW 6<sup>th</sup> Avenue, Suite 210  
Topeka, KS 66603

And a copy sent by building mail to:

Marty M. Snyder, Assistant Attorney General

  
\_\_\_\_\_  
For the Board