

Whitney L. Casement, KS S. Ct. #25466
Office of the Kansas Attorney General
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)	
)	
Philip Jones,)	
LSCSW License #0276,)	Case No. 12-CS-0086
LCAC License #275,)	
Licensee)	
_____)	

SUMMARY PROCEEDING ORDER

NOW, on this 27 day of February, 2015, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board (the "Board").

FINDINGS OF FACT

The Board finds that the following facts have been established by a preponderance of the evidence:

1. Philip Jones ("Licensee") was at all times relevant to this Summary Proceeding Order a Licensed Specialist Clinical Social Worker (LSCSW) within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, et seq., and amendments thereto, and a Licensed Clinical Addiction Counselor ("LCAC") within the meaning of the Kansas Addictions Counselor Licensure Act, K.S.A. 65-6607, et seq., and amendments thereto.

2. On February 29, 2012, the Board received a Report of Alleged Violation stating Licensee may have violated certain statutes and regulations governing unprofessional conduct.

3. Licensee was notified of the reported information and was given an opportunity to respond.

4. As a result of the report and subsequent investigation, the Board that the following facts have been established by a preponderance of the evidence:

- a. On February 7, 2012, Licensee's application to be a provider in Johnson County was denied by the district court chief judge due to poor quality and inaccurate reporting to the court, encouraging inconsistent attendance by clients, and failing to return calls or e-mails.
- b. On March 1, 2012, the Kansas Department of Social and Rehabilitation Services, now the Department for Children and Families, revoked Licensee's AAPS license for Early Intervention/Interim Services, Alcohol Drug Safety Action Program, Outpatient: Intensive, Outpatient: Counseling Treatment and Alcohol & Drug Assessment & Referral.
- c. In response to the Report of Alleged Violation, Licensee did not deny the allegations. However, he noted that several circumstances, including his mother's declining health and death and his own health, contributed to the conduct.

CONCLUSIONS OF LAW

5. Based on the allegations and subsequent investigation, the Complaint Review Committee of the Board finds that Licensee, while a LSCSW and LCAC, violated the following statutes and 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;

B. 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) except when the information has been obtained in the context of a confidential relationship, 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 or applying for a license or registration, including oneself:
 - (1) Had a professional license, certificate, permit, registration, certification, or professional membership granted by any jurisdiction, professional association, or professional organization that has been limited, conditioned, qualified, restricted, suspended, revoked, refused, voluntarily surrendered, or allowed to expire in lieu of or during investigatory or disciplinary proceedings;
- (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;

C. K.S.A. 65-6615. Refusal to grant licensure; other licensure actions; grounds. The board may refuse to grant licensure to, or may suspend, revoke, condition, limit, qualify or restrict the licensure issued under this act of any individual who the board, after the opportunity for a hearing, determines:

- (g) has been found guilty of unprofessional conduct as defined by rules and regulations established by the board;

D. K.A.R. 102-7-11. Unprofessional conduct.

- (a) Except when the information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that the licensee or applicant or any other person regulated by the board or applying for licensure or registration has met any of these conditions:

- (1) Has had a professional license, certificate, permit, registration, certification, or professional membership granted by any jurisdiction, professional association, or professional organization that has been limited, conditioned, qualified, restricted, suspended, revoked, refused, voluntarily surrendered, or allowed to expire in lieu of or during investigatory or disciplinary proceedings;

- (g) 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;

6. Proceedings under the Kansas Social Workers Licensure Act and Addiction

Counselor Licensure Act are subject to the Kansas Administrative Procedure Act (K.S.A. 77-

501, et seq.) ("KAPA"). K.S.A. 77-537 of KAPA provides that the Board may use summary proceedings when necessary and appropriate.

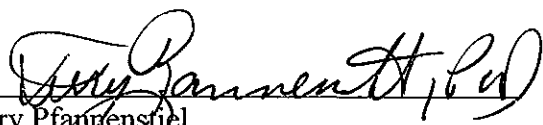
7. The Board is authorized to take disciplinary action against a LSCSW and LCAC pursuant to K.S.A. 65-6311 and K.S.A. 65-6615.

8. The Board has jurisdiction over Licensee because Licensee was at all times relevant hereto a LSCSW and LCAC. The Board has been charged by the Kansas Legislature with the responsibility to protect the public health, safety, and welfare by assuring the current competence to practice of its licensees.

SANCTION

Based on the above Findings of Fact and Conclusions of Law, Licensee Philip Jones's Kansas Licensed Specialist Clinical Social Worker and Licensed Clinical Addiction Counselor license should be and are hereby subject to the following condition: Any future reports to any court must be reviewed by the referring source prior to Licensee's submission of such report to the court.

IT IS SO ORDERED.


Terry Pfannenstiel
Chair, Complaint Review Committee

NOTICE OF RELIEF FROM SUMMARY PROCEEDING ORDER

Pursuant to K.S.A. 77-537 and K.S.A. 77-542, this Summary Proceeding Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for hearing to:

Max Foster, Executive Director
Behavioral Sciences Regulatory Board
700 SW Harrison St., Suite 420
Topeka, KS 66603-3929

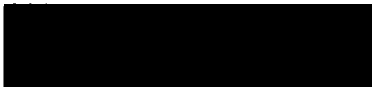
Whitney L. Casement, Esq.
Kansas Office of the Attorney General
120 SW Tenth Ave., 2nd Floor
Topeka, KS 66612

Any such request must be filed within fifteen (15) days of service of this Notice. If a hearing is not requested in the time and manner stated, this Summary Proceeding 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 21 day of February, 2015, a true and correct copy of the above Summary Proceeding Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Philip Jones



and a copy delivered via interoffice mail to:

Whitney L. Casement
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612
Disciplinary Counsel for the Board

Cindy D'Ercole
For the Behavioral Sciences Regulatory Board