

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

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
MARIA CHENEY, LSCSW,)
License #2131,)
Respondent)
_____)

Case No. 15-CS-0039
Case No. 15-CS-0070

CONSENT AGREEMENT AND ORDER

NOW, on this 12 day of January, 2016, 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 Maria Cheney, LSCSW [Respondent / Licensee], by and through counsel Robert A. Martin, Esq., and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Maria Cheney is, and was at all times relevant, a Licensed Specialist Clinical Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto.
2. In September and October of 2014, the Board received three reports, including Licensee's 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 the alleged violations of statutes and regulations. During the investigation, Licensee was informed of the reported information and was given the opportunity to respond further to the allegations. In addition to her September 12 self-report, additional responses were received on October 14 and October 30. Also, Licensee and her attorney met with the Complaint Review Committee of the Board in December of 2014.
4. As a result of the investigation, the Board finds that the following facts have been established by a preponderance of the evidence:
 - a. Licensee provided therapeutic services to AS and to her mother MS.
 - b. Licensee had extensive contact with AS outside of the therapeutic relationship. She learned AS, who worked an evening shift, was having great difficulty arranging child care for her two-year-old son and recommended several child care sources. When none worked, she offered to have her own son babysit at \$2.50 / hour in their home until another arrangement was made.
 - c. Everything went well for a week until the child developed an abrasion or rash on his bottom. Licensee and her son accompanied the child, AS and MS to the hospital emergency room for examination and treatment. Licensee and her son went home to await results of the tests. It later was determined that the mark was likely a friction burn from the slippery slide.
 - d. However, AS became concerned that her child might have been abused by Licensee's son and/or his teenage friends and reported possible abuse. Conversations between AS and Licensee took place by text message that were far beyond the scope of an appropriate therapist – client relationship.

e. Licensee admits to entering a dual relationship with these clients and committing boundary and possible confidentiality violations. She was temporarily placed on leave from the hospital where she works but returned to work under supervision.

5. The Complaint Review Committee of the Board finds probable cause that Licensee has 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 ... shall constitute unprofessional conduct:

(s) revealing or failing to protect ... information contained in a client's records;

(aa) exercising undue influence over any client ... in a manner that will exploit the client ... for the financial gain ... or advantage of ... a third party;

(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. 15-CS-0039 and 15-CS-0070.

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.15-CS-0039 and 15-CS-0070.

WHEREFORE, Licensee consents to the suspension of her Licensed Specialist Clinical Social Worker license for a period of twelve months commencing on the effective date of this Consent Agreement and Order. However, such suspension shall be stayed subject to the following terms and conditions:

- (a) Licensee shall obtain three additional CEU hours in Ethics, focusing on dual relationships, therapist – client boundaries, undue influence and confidentiality to be accomplished in person within six months of the effective date of this CAO.
- (b) Licensee shall begin individual supervision with a Board-approved supervisor within 30 days of the effective date of this CAO or prior to the effective date. Licensee shall meet with her supervisor one hour every week for twelve months, with the focus of the supervision on ethical practices including recognition of therapist – client boundaries and confidentiality risks when treating multiple individuals in the same family. Licensee shall provide a copy of this Consent Agreement to the supervisor and authorize the supervisor to provide written quarterly reports to the Board’s Special Investigator for one year.
- (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 could result in a determination that Licensee’s LSCSW license should be suspended until such time as Licensee can demonstrate compliance with all terms of this Consent Agreement and Order to the satisfaction of the Board.

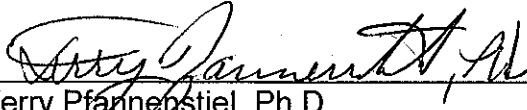
- (e) Licensee understands that a notification of this Consent Agreement and Order shall be provided to any other state licensing board if Licensee is also licensed, registered or certified in another state and as otherwise required by law.
- (f) Licensee acknowledges an affirmative duty to notify the 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.
- (g) 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 this 5th day of January, 2016.


Terry Pfannenstiel, Ph.D.
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:

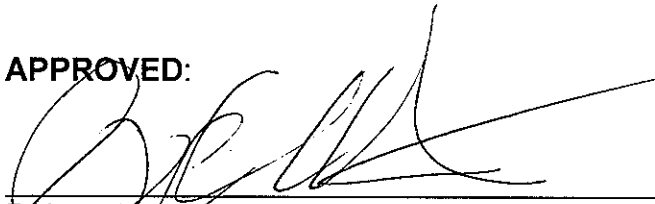


Maria Cheney, Licensee / Respondent

12-22-15

Date

APPROVED:




Robert A. Martin, Esq., KS S Ct #16546
Counsel for Licensee / Respondent

12/22/15

Date

CERTIFICATE OF SERVICE

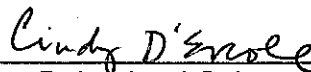
This is to certify that on this 12 day of January, 2016, a true and correct copy of the above Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Maria Cheney


Robert A. Martin, Esq.
Norton, Wasserman, Jones & Kelly, LLC
PO Box 2388
Salina, KS 67402-2388

and a copy delivered via interoffice mail to:

Marty M. Snyder, Esq.
Assistant Attorney General



For the Behavioral Sciences Regulatory Board