

Marty M. Snyder, KS S.Ct. #11317
Assistant Attorney General
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597
(785) 296-2215

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
GLEN BRICE GILBERT,)
LMSW #4237, LAC #1206,)
Respondent)

Case No. 15-MS-112

CONSENT AGREEMENT AND ORDER

NOW, on this 15 day of April, 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 with G. Brice Gilbert [Respondent / Licensee] and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Glen Brice Gilbert, at all times relevant, has been a Licensed Masters Social Worker within the meaning of the Kansas Social Worker Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto. He has also, at all times relevant, been a Licensed Addictions Counselor within the meaning of the Addictions Counselor Licensure Act, K.S.A. 65-6601, *et seq.*, and amendments thereto.

2. On March 18, 2015, the Board received a report of information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing the practice of social work and / or addictions counseling in Kansas.

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. He provided timely written responses.

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 was employed by Heartland Regional Alcohol & Drug Assessment Center [HRADAC] as an Intensive Case Manager / Care Coordinator from March of 2013 through February of 2015 in Salina. He provided oversight for care coordination of clients with substance abuse, co-occurring mental health and/or homeless problems.

b. One client was Ms. CH. Licensee began taking over various aspects of his client's life. His supervisors discussed perceived boundary issues with him in February of 2014. In May of 2014, he was referred to the Employee Assistance Program for counseling, and CH was given a different HRADAC coordinator. Licensee was told to have no further contact with CH. However, additional reports were received that he continued to initiate inappropriate contact with his former client less than 24 months after their last therapeutic relationship.

c. Licensee engaged in multiple dual relationships with his client and her children which fostered a risky environment that created the appearance of impropriety and engaged in multiple boundary violations with his client and former client CH.

d. Licensee's employment was terminated for malfeasance on February 27, 2015, however, he failed to report the termination to the Board as required.

5. The Complaint Review Committee of the Board finds that probable cause exists to believe Licensee has violated the following statutes and regulations:

A. **K.S.A. 65-6311 (a) (4)** – social worker unprofessional conduct.

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

(b) (3) – failure to report termination for misfeasance, malfeasance or nonfeasance;

(z) - ... exercising undue influence over any person who, within the past 24 months, has been one's client;

(aa) – exercising undue influence over any client;

(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;

(tt) – engaging in a dual relationship with a client.

C. **K.S.A. 65-6615 (g)** – addiction counselor unprofessional conduct.

D. **K.A.R. 102-7-11**- Each of the following acts shall be considered unprofessional conduct for a licensed addiction counselor:

(a) (3) – failure to report termination for misfeasance, malfeasance or nonfeasance;

(v) – engaging in a harmful dual relationship or exercising undue influence;

(ll) – failing to terminate addiction counseling services if it is apparent that the relationship no longer serves the client's needs or best interests.

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-MS-112.

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-MS-112.

WHEREFORE, the Board and Licensee agree that Licensee's Licensed Masters Social Worker license shall be suspended for two years, but the suspension **stayed** while Licensee complies with the following terms and conditions:

1. Licensee's social work and addictions counseling practice shall be supervised by a Board-approved LSCSW supervisor. They shall meet in person for one hour per week and focus on dual relationships and maintaining boundaries with vulnerable clients. Licensee shall provide a copy of this Consent Agreement and Order to his supervisor, and the supervisor shall provide quarterly written progress reports to the Board's investigator with immediate reporting of problems.

2. Licensee shall complete six (6) extra CEUs on Ethics focusing on dual relationships and boundaries within six (6) months of the effective date of this Consent Agreement and report completion to his supervisor and to the Board's investigator.

3. Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.

4. Evidence of Licensee's breach, violation or failure to comply with any of the conditions may result in suspension of Licensee's social worker and addictions counselor licenses until such time as Licensee can demonstrate compliance with all terms and conditions of this Consent Agreement and Order to the Board's satisfaction.

5. 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.

6. 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.

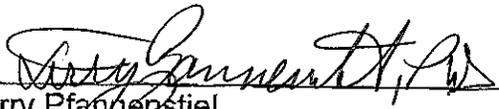
7. This Consent Agreement and Order constitutes the entire agreement between Licensee and the Board and may be modified or amended only by written agreement signed by Licensee and the Board or a designee of the Board.

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.

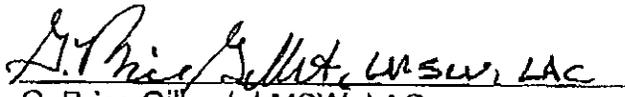
WHEREFORE, the Board agrees that, so long as Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.A.R. 102-2-7 or K.A.R. 102-7-11 as a result of this proceeding.

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.


Terry Pfannenstiel
Chair, Complaint Review Committee

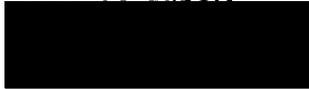
APPROVED AND CONSENTED TO:


G. Brice Gilbert, LMSW, LAC
Licensee / Respondent

4/8/2016
Date

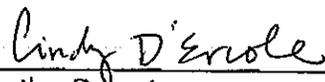
CERTIFICATE OF SERVICE

This is to certify that on this 15 day of April, 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:

G. Brice Gilbert


and a copy sent by building mail to:

Marty M. Snyder
Assistant Attorney General


For the Board