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BY: \_\_\_\_\_

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of )  
 )  
AMY BREASHEARS, )  
LMSW License #5710 )  
Respondent )  
\_\_\_\_\_ )

Case No. 17-MS-097

CONSENT AGREEMENT AND ORDER

NOW, on this 28 day of 2017 December, 2017, 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 Amy Breashears [Licensee / Respondent] and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Amy Breashears has been a Licensed Masters Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, at all times relevant.
2. On April 3, 2017, the Board received two reports 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 did respond to the Special Investigator's letter requesting a written response in an email on May 17, 2017.

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

- a. Respondent was employed by a temporary employment agency and placed part-time at Kansas City CARE Clinic as a HIV medical case manager.
- b. On or about March 15, 2017, Respondent was found unresponsive at her desk at work, slumped over her chair. A nurse was called for assistance, and 911 was called for hospital transport.
- c. While waiting for EMS, staff did a brief examination. A nurse reported slurred speech by Respondent. When they checked her purse and desk for medications and insurance information, they found six eight-ounce bottles of wine, with the four in her purse being empty. She admitted drinking the wine that day but denied taking other medications. Later, she stated she had Klonopin, one-half tablet. The Clinic terminated its contract with Respondent.
- d. Respondent admits that this incident occurred as reported. She had a two-year problem with alcohol and was in a facility for three months of treatment in September of 2016. She had personal problems and relapsed on March 14, 2017.
- e. Respondent states that she has gone to AA every day since the March 15, 2017, incident and has not had a drink since that date. This is her first

complaint since becoming licensed 23 years ago, and she plans to stay with her addiction program.

5. The Complaint Review Committee concludes there is probable cause to find the following violations based upon the above facts.

**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:
  - (9) has been found guilty of unprofessional conduct as defined by rules established by the board;

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

- (b) failing to notify the Board that licensee
  - (3) has been demoted, terminated, suspended or reassigned from employment due to some form of misfeasance, malfeasance or nonfeasance;
- (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 judgement, professional performance and functioning or the ability to act in the client's best interests;
- (x) using alcohol ... while performing the duties or services of a licensee.

However, Licensee and the Board mutually desire to enter a Consent Agreement and Order [CAO] 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 [KAPA] in relation to Case No. 17-MS-097.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act [KJRA] in relation to Case No.17-MS-097.

WHEREFORE, the Board and Licensee consent and agree to enter a Consent Agreement and Order [CAO] for a period of two years so long as Licensee meets the following terms and conditions:

- (a) Licensee shall notify the Board's Investigator within two business days of becoming employed using her LMSW license.
- (b) Upon becoming employed using her LMSW license, Licensee shall practice under the supervision of an employment supervisor for two years. Licensee shall provide a copy of this CAO to the supervisor. Weekly supervision meetings shall be for at least one hour face to face. The supervisor shall provide monthly written progress reports to the Board's Special Investigator.
- (c) Licensee shall maintain her sobriety and participate in substance abuse treatment with quarterly written verification of continued participation in treatment provided to the Investigator.
- (d) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.

- (e) Evidence of Licensee's breach, violation or failure to comply with any of the above conditions could result in a determination that Licensee's Kansas Licensed Masters Social Worker license should be suspended or revoked.
- (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 and as otherwise required by law, including but not limited to the Kansas Open Records Act.
- (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.
- (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 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.

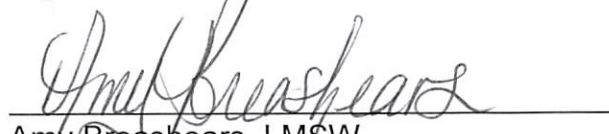
WHEREFORE, the foregoing provisions are consented to, are hereby made the final Order of the Kansas Behavioral Sciences Regulatory Board and become effective on the date indicated in the Certificate of Service below.

IT IS SO ORDERED this 24<sup>th</sup> day of December, 2017.



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

**APPROVED AND CONSENTED TO:**



Amy Breashears, LMSW  
Licensee / Respondent

12/18/17  
Date

**APPROVED BY:**

**CERTIFICATE OF SERVICE**

This is to certify that on this 28 day of December, 2017, 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:

Amy Breashears



and a copy delivered via interoffice mail to:

Marty M. Snyder, Esq.  
Assistant Attorney General  
*Disciplinary Counsel for the Board*



For the Behavioral Sciences Regulatory Board