

Jane E. Weiler, KS S.Ct. #25276
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BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
JUSTIN NUTT,)
LSCSW #4531)
Respondent)

Case No. 18-CS-0040

CONSENT AGREEMENT AND ORDER

NOW, on this 17 day of July, 2018, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [Board], by and through Assistant Attorney General Jane E. Weiler, by agreement with Justin Nutt [Respondent / Licensee] and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Justin Nutt, at all times relevant, has been 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. On October 5, 2017, 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 related to his job as a Licensed Specialist Clinical Social Worker.
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 a timely written response.

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 counseling services at Ark Counseling Services, LLC (“Ark Counseling”) in Paola, Kansas.

b. From on or about December 30, 2015, to approximately October 19, 2016, Licensee provided counseling services to IC at Ark Counseling, the minor child of MC and JC.

c. On or about November 5, 2016, Licensee submitted to MC’s attorney, a letter regarding the mental health treatment he provided to IC.

d. In this aforementioned letter, Licensee wrote, “My professional opinion, if asked, and with the understanding that JC is not my patient and I have only had collateral interaction with him, would be that JC has a polypersonality disorder with narcissistic and dependent characteristics.”

e. At no time was JC a patient of Licensee. Licensee did not at any time complete an evaluation of JC or did he provide mental health treatment to JC.

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

K.S.A. 65-6311(a)(4): Grounds for suspension, limitation, condition, revocation or refusal to issue or renew license; licensure of applicant with felony conviction requirements.

(a) The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license:

(5) Has violated a provision of the Social Workers Licensure Act or one or more rules and regulations of the Board.

K.A.R. 102-7-11. Unprofessional Conduct. Any of the following acts by a licensee ... shall constitute unprofessional conduct:

(j) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, and experience and with accepted professional standards for social work.

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. 18-CS-0040.

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. 18-CS-0040.

WHEREFORE, Licensee consents to the following terms and conditions:

1. Licensee shall complete three (3) extra Continuing Education Units ("CEUs") on Ethics focusing on improper blending of evaluator and therapist, beyond the biennial requirement, within three (3) months of the effective date of this Consent Agreement and Order and report completion to the Board's investigator. These CEUs may be completed in-person or on-line.

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

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

4. 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.

5. 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.

6. 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. 102-7-11 as a result of this proceeding.

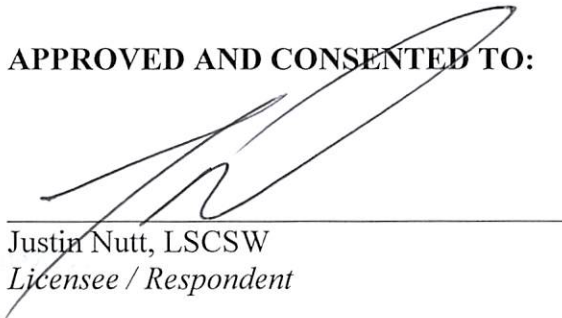
WHEREFORE, the foregoing provisions are consented to, are hereby made the final Order of the Kansas Behavioral Sciences Regulatory Board and become effective on the date indicated in the Certificate of Service below.


IT IS SO ORDERED.

w/ ADDITION THIS WAS
A REQUEST FROM A JUDGE


Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:


Justin Nutt, LSCSW
Licensee / Respondent


Date

CERTIFICATE OF SERVICE

This is to certify that on this 17 day of July, 2018, 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:



and a copy sent by building mail to:

Jane E. Weiler
Assistant Attorney General

Cindy D'Ercole
For the Board