

Marty M. Snyder, KS S. Ct. #11317
Assistant Attorney General
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)

AMANDA L. SHIELDS, LMSW)
License #9957, LMAC License)
#206,)

Respondent)

Case No. 18-MS-0078

CONSENT AGREEMENT AND ORDER

NOW, on this 10 day of ~~August~~ ^{September}, 2018, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [Board / BSRB], by and through Assistant Attorney General Marty M. Snyder, by agreement of Amanda L. Shields, LMSW [Respondent / Licensee], by and through counsel Brian L. Burge, Esq., and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Amanda Shields is, and was at all times relevant, a Licensed Masters Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto.
2. On January 16, 2018, the Board received a 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 Licensee's alleged violations of statutes and regulations. During the investigation, Licensee was informed of the reported information and was given the opportunity to respond to the allegations.

On March 27 and June 4, 2018, Licensee's written responses through counsel were received by the Board.

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

- a. Amanda Shields obtained her bachelor's degree in social work in 2014 and her master's degree in social work in 2016. She obtained her LBSW license in September of 2014, her LMSW license in May of 2016 and a LMAC license in October of 2016.

- b. Upon obtaining her master's degree, she joined Comcare Children's Services. There she conducted intake assessment screenings, performed treatment planning and provided therapy services for individuals and families. Concurrent with her work at Comcare, she joined Affiliated Family Counselors in December of 2016, where she provided individual, group and addiction therapy for adults and children and conducted crisis interventions.

- c. Respondent left Affiliated Family Counselors in December of 2017 and currently operates her own counseling center, A.T.P. Counseling. She is under supervision by Angie Lynn, LSCSW, and to complete her clinical social worker licensure requirements.

- d. EG sought treatment from Respondent at Affiliated Family Counselors in July of 2017 for post-divorce depression. At her recommendation, EG participated in weekly psychotherapy sessions.

- e. After several weeks of treatment, Respondent and EG discovered they had several mutual friends in the community. On at least one occasion, they attended a mutual friend's dinner where Respondent met EG's daughter.

f. Upon realizing that future social interactions were likely, Respondent consulted two colleagues and discussed the situation with her client. They agreed to discontinue the therapy, and Respondent referred EG to a different counselor on November 13, 2017.

g. However, EG continued to stop by the clinic unannounced to visit with Respondent on her lunch hours. On at least one occasion they did discuss how EG was feeling and his progress on reaching his goals, specifically smoking cessation. In late December of 2017, EG and his daughter stopped by the clinic to drop a few holiday gifts off for Respondent.

h. An office colleague observed these interactions, consulted other staff and filed a report of alleged violation due to her concern that therapist-client boundaries had been violated.

i. Respondent's March 27, 2018, response denied any inappropriate social contact and pointed out that the therapist-client relationship was terminated on November 13, 2017. However, a June 4, 2018, supplemental written response reported a change in circumstances. She disclosed the existence of a relationship with her former client that she intended to maintain going forward. This disclosure was made less than seven months after terminating the professional relationship.

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:

(z) making sexual advances toward, engaging in physical intimacies or sexual activities with or exercising undue influence over any person who, *within the past 24 months*, has been one's client.

C. K.S.A. 65-6615. Grounds for discipline (a)(9).

D. K.A.R. 102-7-11 – Unprofessional Conduct.

Each of the following acts shall be considered unprofessional conduct for a licensed addiction counselor:

(x)(1) making sexual advances toward or engaging in physical intimacies or sexual activities with any person who ... has been a client *within the past 24 months*.

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 Case No. 18-MS-0078.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and rights of appeal pursuant to the Kansas Judicial Review Act in Case No. 18-MS-0078.

WHEREFORE, the Board and Licensee agree and consent to the following terms and conditions of probation until she has completed two years of supervised practice:

(a) Licensee shall obtain six additional CEUs in Ethics / transference and counter-transference, dual relationships, professional boundaries and undue influence to be completed in person within one year of the effective date of this CAO with proof of completion provided to the Board's Special Investigator.

(b) Licensee shall begin individual supervision with a Board-approved clinically-licensed supervisor (may use current supervisor but these supervision hours are in addition to clinical supervision hours and 1 hour per week will not count toward clinical licensure) within 30 days of the effective date of this CAO. Licensee shall meet with the supervisor one hour in person every week, with the focus of the supervision on professional ethics, transference and counter-transference, dual relationships, professional boundaries and undue influence. Licensee shall provide a copy of this Consent Agreement to the supervisor and authorize the supervisor to provide written quarterly reports to the Special Investigator for the Board, for a period of two years.

(c) Licensee shall continue therapy as long as appropriate as determined by her therapist. The therapist shall provide quarterly written reports to the Board's Special Investigator regarding progress toward goals.

(d) Licensee shall inform the Board's Special Investigator of any changes in her employment within five business days.

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

(f) Evidence of Licensee's breach, violation or failure to comply with any of the conditions could result in a determination that Licensee's Licensed Masters Social Worker license and her Licensed Masters Addiction Counselor license should be suspended 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.

(g) 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.

(h) Licensee acknowledges an affirmative duty to notify the Board within five 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 this Consent Agreement and Order in writing.


(i) 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, K.A.R. 102-2-7, K.S.A. 65-6615 and K.A.R. 102-7-11 as a result of this proceeding.

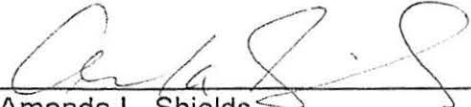
WHEREFORE, the foregoing provisions are consented to, are hereby made the final Order of the Kansas Behavioral Sciences Regulatory Board and become effective on the date indicated in the Certificate of Service below.

IT IS SO ORDERED this 5th day of September, 2018.



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

APPROVED AND CONSENTED TO:


Amanda L. Shields
Licensee / Respondent

8/22/18
Date

APPROVED:


Brian L. Burge, Esq. KS S Ct #21531
Counsel for Licensee / Respondent

8/22/18
Date

CERTIFICATE OF SERVICE

This is to certify that on this 10th day of September, 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:

Amanda Shields, LMAC


Brian L. Burge, Esq.
Sanders, Warren Russell & Scheer
40 Corporate Woods
9401 Indian Creek Pkwy, Suite 1250
Overland Park, KS 66210

and a copy delivered via interoffice mail to:

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

Cindy D'Ercole
For the Behavioral Sciences Regulatory Board