

Jane E. Weiler, #25276
Assistant Attorney General
Office of the Kansas Attorney General
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD
700 SW Harrison Street, Suite 420
Topeka, Kansas 66603-3929

In the Matter of)	
JENNIFER M. KEANE, LMSW)	
LMSW License No. 5105)	Case No. 19-MS-0155
)	
<u>Respondent/Licensee.</u>)	

CONSENT AGREEMENT AND FINAL ORDER

NOW on this 26 day of November, 2019, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board ("Board") by and through Assistant Attorney General Jane E. Weiler on behalf of the Board, and by agreement of Jennifer M. Keane, ("Licensee"), for the purposes of resolving the above-captioned matter.

The parties knowingly and voluntarily agree as follows:

1. On May 10, 2013, the Board issued Licensee an original Licensed Master Social Worker ("LMSW") No. 5105. This license expires on May 31, 2121. Licensee is currently, and was at all times relevant to this Consent Agreement and Final Order, an LMSW within the meaning of the laws relating to regulation of social workers, K.S.A. 65-6301 *et seq.*

CASE NO. 19-MS-0155

2. On or about April 17, 2019, the Board received a Report of Alleged Violation alleging Licensee may have violated certain statutes and regulations governing the practice of licensed master social workers in the State of Kansas.

3. From on or about September 2018, through April 15, 2019, Licensee provided clinical social work with the context of a private practice setting. During this time,

Licensee was under the supervision of a clinical supervisor while obtaining her clinical hours.

4. On or about April 17, 2019, Licensee's clinical supervisor notified the Board of concerns related to Licensee. These concerns included:

- a. Not informing her clinical supervisor of past complaints made to the Board, which resulted in the issuing cautionary letters. These complaints related to dual relationships.
- b. Licensee failed to prepare appropriately for her sessions with her clinical supervisor.
- c. Difficulties in completion of documentation and billing practices. Licensee failed to complete progress notes for services reportedly provided to clients.
- d. Not putting forth the appropriate effort within the clinical supervision process.

5. On April 15, 2019, Licensee's clinical supervisor suspended their supervision services, and subsequently terminated the clinical supervision services.

6. In her response to the Board, Licensee reported that she carries the diagnosis of [REDACTED] Further, that she struggles with organization that is more difficult when [REDACTED]

APPLICABLE LAW

7. K.S.A. 65-6302(b): "Social work practice" means the professional activity of helping individuals, groups or communities enhance or restore their capacity for physical, social and economic functioning and the professional application of social work values, principles and techniques in areas such as psychotherapy, social service administration, social planning, social work consultation and social work research to one or more of the following ends: Helping people obtain tangible services; counseling with individuals, families and groups; helping communities or groups provide or improve social and health services; and participating in relevant social action. The practice of social work requires knowledge of human development and behavior; of social, economic and cultural institutions and forces; and of the interaction of all these factors. Social work practice includes the teaching of practicum courses in social work and includes the diagnosis and treatment of mental disorders as authorized under K.S.A. 65-6306 and 65-6319, and amendments thereto.

8. K.S.A. 65-6311(a)(9): 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 has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the Board. Specifically:

- a. K.A.R. 102-2-7(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 judgment, professional performance and functioning, or the ability to act in the client's best interests.
- b. K.A.R. 102-2-7(ii): if the social worker is the owner of the records, failing to maintain for each client a record that conforms to the following minimal standards: (1) Contains adequate identification of the client; (2) indicates the client's initial reason for seeking the licensee's services; (3) contains pertinent and significant information concerning the client's condition; (4) summarizes the interventions, treatments, tests, procedures, and services that were obtained, performed, ordered, or recommended and the findings and results of each; (5) documents the client's progress during the course of intervention or treatment provided by the licensee; (6) is legible; (7) contains only those terms and abbreviations that are comprehensible to similar professional practitioners; (8) indicates the date and nature of any professional service that was provided; and (9) describes the manner and process by which the professional relationship terminated.

9. Licensee and the Board mutually desire to enter into this Consent Agreement and Final Order in lieu of further summary and adjudicative proceedings.

10. Licensee understands that by entering into this Consent Agreement and Final Order Licensee waives all rights to further adjudication of facts and law that could be determined pursuant to summary proceedings or a hearing conducted in accordance with the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.* in relation to Case No. 19-MS-0155.

11. Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review, K.S.A. 77-601 *et seq.* in relation to Case No. 19-MS-0155.

12. The Board accepts Licensee's waiver of rights and stipulations.

13. A protective order is hereby entered to protect all confidential information under 42 CFR Part II.

ORDER

WHEREFORE, the Board finds that the above facts have been established by clear and convincing evidence; and further finds that Licensee was in violation of K.S.A. 65-6311(a)(9), as defined in K.A.R. 102-2-7(h), in that Licensee failed to

appropriately respond to her mental health issues, which then negatively impacted her professional performance and function during her clinical supervision.

Additionally, the Board finds Licensee was in violation of K.S.A. 65-6311(a)(9), as defined in K.A.R. 102-2-7(ii), in that Licensee failed to complete progress notes for services reportedly provided to clients.

AND WHEREAS Licensee and the Board mutually desire to enter into a Consent Agreement and Final Order in lieu of further adjudicative proceedings to resolve the reported violations.

NOW THEREFORE, Licensee consents to the following terms and conditions, and the Board orders that:

14. Licensee shall practice only under individual supervision by an independent clinical-level supervisor to be approved by the Board if employed using her LMSW license. There shall be no dual relationship with the supervisor. Licensee shall have weekly one (1) hour meetings with the supervisor in a face to face manner. The focus shall include, but not limited to, clinical documentation, and what are Licensee's responsibility with supervision. This requirement shall continue for two (2) years.

15. Within thirty (30) days of the effective date of this Consent Agreement and Final Order; or if Licensee is not currently working using her social work license and prior to the beginning of using her social work license, Licensee shall submit to the Board's investigator the name of her proposed supervisor

16. Licensee shall provide a copy of this Consent Agreement and Final Order to the supervisor and authorize the supervisor to provide written quarterly reports to the Board's Investigator for two (2) year term of supervision. There shall be a minimum of eight (8) quarterly reports (every three [3] months) submitted to the Board's investigator during this two (2) year supervision timeframe.

17. During the time this Consent Agreement and Final Order is in effect, Licensee shall not serve as a supervisor to any person licensed by the Board, any person attaining supervised experienced in preparation for licensure by the Board, or any unlicensed person, including students or volunteers, who participate in the delivery of social work services.

18. Hours of supervision attained by Licensee pursuant to this Consent Agreement and Final Order shall not count toward any supervised experience hours required for a higher level of licensure.

Dual Rel? 104 Sessions

19. Licensee shall receive individual therapy until the therapist concludes the process is complete or that therapy is no longer needed. Licensee shall provide the

name of her therapist to the Board within thirty (30) days of the effect date of the Consent Agreement and Final Order, along with a release from the therapist for reports. Licensee shall ensure that her therapists submits to the Board's investigator quarterly reports until the therapist deems therapy is no longer needed.

20. Additionally, Licensee shall obtain four (4) extra continuing education hours in Ethics beyond the biennial requirement, taken in-person or on-line within ninety (90) days of the effective date of this Consent Agreement and Final Order. These additional continuing education hours shall include, but not limited to, clinical documentation, and what are Licensee's responsibility with supervision.

21. These hours shall be in addition to those continuing education hours required for renewal of license.

22. All foreseen and unforeseen expenses to complete the aforementioned course(s) including travel, lodging, program fee, meals, etc., shall be at Licensee's own expense.

23. Licensee must notify the Board's Investigator within ten (10) days of a change in her employment and/or change of address.

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

25. Licensee shall submit to the Board's investigator at its offices located at 700 SW Harrison St, Suite 420, Topeka, Kansas, 66603, any and all documents evidencing compliance with the terms and conditions required by this Consent Agreement and Final Order.

26. After completion of the actions set out in the Consent Agreement and Final Order, Licensee will have no remaining obligations to the Board in relation to this case. However, Licensee may be subject to further enforcement action if Licensee fails to comply with the terms, conditions, and requirements imposed by this Consent Agreement and Final Order.

27. The matters referred to in this Consent Agreement and Final Order shall not be grounds for future action against Licensee, except the extent that that such matters may be relevant for future disciplinary or licensure proceedings in the Board's consideration of the factors identified in K.S.A. 65-6313 [Licenses; effective and expiration dates; renewal; continuing education; safety awareness training; reinstatement; duplicate; notice of change of address], K.S.A. 65-6311 [Grounds for suspension, limitation, condition revocation or refusal to issue or renew license; procedure; licensure of applicant with felony conviction, requirements].

28. Except as provided in paragraph 27, this Consent Agreement and Final Order shall operate as a complete release of all claims the parties may have against each other pending before the Board and arising out of the Board's investigation of these matters. Licensee agrees not to file, or cause to be filed, any litigation or claims in any federal or state court of law or federal or state administrative agency against the Board, its agents, Board members, or employees, individually or in their official capacity. Such litigation or claims include, but are not limited to, any K.S.A. Chapter 60 or Chapter 61 civil action regarding negligence and/or a 42 United States Code action and/or any administrative petition for redress. Licensee agrees that all actions in this matter were a bona fide use of administrative discretion on the part of the Board, its members, and employees, which is a statutory exception to liability within the Kansas Tort Claims Act, K.S.A. 75-6104(b), (c) or (e).

29. Licensee agrees that this Consent Agreement and Final Order conforms to Kansas and federal law and that the Board has jurisdiction to enter into it and enter the Final Order provided for herein.

30. Licensee understands that a notification of this Consent Agreement and Final Order shall be provided to any other state licensing board or entity if Licensee is also licensed, registered or certified in another state.

31. This Consent Agreement and Final Order shall be a public record in the custody of the Board.

32. This Consent Agreement and Final Order constitutes the entire agreement of the parties and may only be modified by order of the Board or by a subsequent writing signed by the parties. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

33. This Consent Agreement and Final Order shall become effective on the date indicated in the Certificate of Service.

WHEREFORE, the parties consent to these provisions, which are hereby made the Final Order of the Kansas Behavioral Sciences Regulatory Board in the above-captioned case.

IT IS SO ORDERED.

Dated this 25th day of November 2019.

Terry Pennington, PhD

Chairperson, Complaint Review Committee
On behalf of Kansas Behavioral Sciences
Regulatory Board

AGREED AND CONSENTED TO BY:

Jennifer M. Keane, LMSW
Jennifer M. Keane, LMSW
Respondent/Licensee

11/15/2019
Date

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was served on this 26 day of November 2019, by depositing the same in the United States mail, postage prepaid, addressed to:

[REDACTED]

And a copy delivered via interoffice mail to:

Jane E. Weiler, Assistant Attorney General
Office of the Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612
Disciplinary Counsel for the Board

Cindy D'Ercole

For the Behavioral Sciences
Regulatory Board