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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)
)
JARVIS D. LEE, LMSW) Case No. 21-MS-0040
License #11358)
)
Respondent)
_____))
Pursuant to K.S.A. 77-536

SUMMARY PROCEEDING ORDER

NOW, on this 5 day of January, 2021, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board (Board).

FINDINGS OF FACT

The Board finds that the following facts have been established by a preponderance of the evidence:

1. Jarvis D. Lee (“Respondent”) was at all times relevant, a Licensed Master Social Worker (“LMSW”), having been issued LMSW License No. 11358. This license expires on June 30, 2021. Respondent is currently, and was at all times relevant an LMSW within the meaning of the laws relating to regulation of social workers, K.S.A. 65-6301 *et seq.*
2. On or about May 20, 2019, Respondent submitted to the Board a reciprocity LMSW application.

3. In this aforementioned application, Section VI asks, “Did you complete the national Examination for your profession?” In his application, Respondent responded “Yes” to this question. Respondent indicated this to be the ASWB examination.

4. Additional questions are contained in Section VI of the application regarding the national ASWB examination. Specifically, one questions asks, “What level of examination did you complete?” In his application, Respondent wrote, “Master” to this question.

5. Based upon Respondent’s application, the Board issued to Respondent an LMSW license.

6. In December 2019, Board staff determined that the only level of examination licensees in Virginia was either the bachelor level examination or the LSCSW examination. Virginia did not have the option to complete the master level examination at the time Respondent completed the national ASWB examination.

7. On or about September 17, 2020, Board staff ask Respondent to explain the discrepancy on his national ASWB examination that he wrote in his initial application.

8. In his reply, Respondent stated, “I was only allowed to take the bachelor exam because Virginia did not recognize LMSW.”

9. At this time, Respondent has not submitted to the Board documentation that he has successfully completed the master level national ASWB examination.

APPLICABLE LAW

10. Pursuant to K.S.A. 77-537(a) of the Kansas Administrative Procedure Act (“KAPA”), a state agency may use summary proceedings, subject to a party’s request for a hearing on the order, if:

- (1) The use of those proceedings in the circumstances does not violate any provision of law;

- (2) the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties;
- (3) based upon an investigation of the facts by the state agency, beyond receipt of the allegations, the state agency believes in good faith that the allegations will be supported to the applicable standard of proof, provided however that an alleged failure to meet the standards set forth in this subsection shall not be subject to immediate judicial review and shall not invalidate any later agency action that has been supported to the applicable standard of proof; and
- (4) the order does not take effect until after the time for requesting a hearing has expired.

11. Pursuant to 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.

12. K.S.A. 65-6306(a): The board shall issue a license as a baccalaureate social worker to an applicant who: (1) Has a baccalaureate degree from an accredited college or university, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board; (2) has passed an examination approved by the board for this purpose; and (3) has satisfied the board that the applicant is a person who merits the public trust.

13. K.S.A. 65-6306(b): The board shall issue a license as a master social worker to an applicant who: (1) Has a master's degree from an accredited college or university, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board; (2) has passed an examination approved by the board for this purpose; and (3) has satisfied the board that the applicant is a person who merits the public trust.

14. K.S.A. 65-6311(a)(6): 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 obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation.

CONCLUSIONS OF LAW

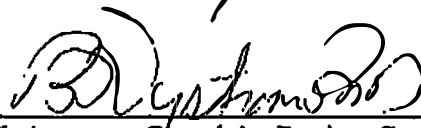
15. Respondent is in violation of K.S.A. 65-6311(a)(6), in that Respondent failed to be forthright and honest when he wrote "Master" for his level of examination completed for the national ASWB examination, which caused the Board to issue Respondent an LMSW license.

ORDER

WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 65-6311(a) and K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Kansas LMSW license of Respondent Jarvis D. Lee should be and is hereby **PUBLICALLY CENSORED** for her violations of the Kansas Social Workers Licensure Act.

Additionally, the Board amends Respondent's license status to LBSW, consistent with his licensure examination he completed at the time he submitted his application to the Board under K.S.A. 65-6306(a).

IT IS SO ORDERED ON THIS 4th DAY OF January 2021.


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

NOTICE OF RELIEF FROM SUMMARY PROCEEDING ORDER

Pursuant to K.S.A. 77-537 and K.S.A. 77-542, this Summary Proceeding Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for hearing to:

Max Foster, Executive Director
Behavioral Sciences Regulatory Board
700 SW Harrison St., Suite 420
Topeka, KS 66603-3929

This written request must be filed within fifteen (15) calendar days from the date indicated in the below Certificate of Service. Pursuant to K.S.A. 77-503(c), the 15-day period begins the day after the date indicated in the Certificate of Service and includes weekends and legal holidays. If the 15th day falls on a Saturday, Sunday, or legal holiday, then the 15-day period runs until 5:00 p.m. on the next day which is not a Saturday, Sunday, or legal holiday. A request is considered "filed" on the date it is received at the Board's office. If a hearing is not requested in the time and manner stated, this Summary Order becomes a final order subject to judicial review. A petition for judicial review should be directed to the above recipient.

CERTIFICATE OF SERVICE

This is to certify that on this 5 day of January, 2021, a true and correct copy of the above and foregoing Summary Proceeding Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Jarvis D. Lee, LMSW
[REDACTED]
[REDACTED]

and by email to: jane.weiler@ag.ks.gov

Jane E. Weiler, Esq.
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Disciplinary Counsel for the Board

Lindsay D'Ercole
For the Board