

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

712 S. Kansas Avenue
Topeka, Kansas 66603-3240

In the Matter of)
)
)
 Kathleen R. Cobb,)
 Applicant for Licensure as)
 Masters Social Worker)

CONSENT AGREEMENT AND ORDER

Now on this 12th day of July 2010, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board), by agreement of Kathleen R. Cobb (Applicant) and the Board for settling the above-captioned matter.

Applicant knowingly and voluntarily acknowledges and agrees to the following:

I. On or about January 6, 2010, Applicant submitted to the Board an application for licensure as a masters social worker (MSW) that indicated she had criminal convictions as an adult.

II. An investigation of Applicant's criminal history revealed the following:

(A) In March 1977, Applicant was convicted of theft, a felony, as defined in K.S.A. 21-3701 (Furse) in the District Court of Douglas County, Kansas. Applicant received probation.

(B) In June 1977, Applicant was convicted of two felony offenses, burglary as defined in K.S.A. 21-3715 (Furse) and attempted theft as defined in K.S.A. 21-3701 (Furse), in the District Court of Douglas County, Kansas. Applicant was incarcerated at the Department of Corrections for these offenses from July 11, 1977, to May 1, 1978.

(C) In June 1980, Applicant was convicted of two felonies, unlawful possession of a firearm as defined in K.S.A. 21-4204 (Furse) and first-degree murder as defined in K.S.A. 21-3401 (Furse), in the Third Judicial District, District Court of Shawnee County, Kansas.

III. Applicant's defense for the first-degree murder charge was that she assisted a suicide and acted without malice. *State v. Cobb*, 229 Kan. 522, 524 (1981).

IV. Applicant was sentenced to the custody of the Secretary of Corrections for a term of life imprisonment for the offense of first-degree murder and an indeterminate term of one (1) year to ten (10) years for the offense of unlawful possession of a firearm. On June 15, 1998, Applicant was discharged from sentence and parole for these convictions.

V. In May 2009, Applicant was charged with possession of marijuana and drug paraphernalia in the District Court of Fremont County, Wyoming. Applicant denied ownership of both items. The charges were dismissed on September 22, 2009.

VI. In her letter to the Board, Applicant stated she had abused alcohol and drugs prior to and during the years of her criminal convictions and such behavior contributed to her decision that ultimately led to her conviction of first-degree murder.

VII. Applicant has completed her education requirement for licensure as a masters social worker as required by K.S.A. 65-6306(b)(1), but has not yet taken and passed the examination as required by K.S.A. 65-6306(b)(2).

VIII. Due to Applicant's criminal convictions, specifically for first-degree murder, the remaining requirement for Applicant's licensure is whether the Board is satisfied that Applicant has been sufficiently rehabilitated to merit the public trust. See K.S.A. 65-6306(b)(3).

IX. Based upon Applicant's conviction of first-degree murder and her defense of assisting a suicide, the Board finds that reasonable cause exists to believe that Applicant does not unconditionally merit the public trust, a qualification for licensure as a masters level social worker pursuant to K.S.A. 65-6306(b)(3).

X. The Board has authority pursuant to K.S.A. 65-6311(a)(1) to deny an applicant a license as a masters social worker or to place conditions on a masters social worker license if the Board is not satisfied that an applicant merits the public trust.

THEREFORE, Applicant and the Board mutually desire to enter into this Consent Agreement and Order in lieu of any proceeding that Applicant may be entitled to on the issue of whether Applicant merits the public trust. Applicant hereby waives all rights to a proceeding for

an adjudication of facts and law by the Board. Applicant further waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review.

WHEREFORE, the Board hereby grants Applicant a masters social worker license subject to the terms and conditions set forth below:

1. Applicant will hold the license as a masters social worker with the supervision and conditions imposed herein for a minimum of twenty-four (24) months. Any period of time that Applicant is not employed as or engaged in the practice of masters social work shall not count towards this requirement of supervised practice.

2. Upon employment as a licensed masters social worker, Applicant's practice as a masters social worker shall be supervised by a Board-approved licensed masters social worker (LMSW) or a licensed specialist clinical social worker (LSCSW) who has a minimum of five (5) years practice as a LMSW or LSCWS and is not in a subordinate, familial, or other dual relationship with Applicant.

3. During the period of supervised practice, Applicant's practice supervisor shall provide the Board with written reports at the end of each three (3) month period of supervision. If Applicant's practice supervisor is not her employer, Applicant's employer shall also provide the Board with written reports at the end of each three (3) month period of supervision.

4. Applicant shall bear any expense of supervision if an acceptable practice supervisor is not available at Applicant's employment site.

5. Within thirty (30) days of the date of this Consent Agreement and Order, Applicant shall submit for approval by the Board members of the Social Work Advisory Committee a list of mental health professionals who have been licensed a minimum of five (5) years to provide mental health services as an independent practitioner and to diagnosis and treat mental disorders. Within 60 days of the date of approval of a therapist, Applicant shall complete an evaluation for further mental health services by the approved therapist. Applicant shall comply with and follow all recommendations made in the evaluation. By signing this Consent Agreement and Order, Applicant hereby consents to the release of a copy of her evaluation to the Board and her practice supervisor.

6. Applicant's approved therapist shall provide to the Board and Applicant's supervisor written reports at the end of each three (3) month period. By signing this Consent Agreement and Order, Applicant hereby consents to her therapist providing that report to the Board and Applicant's practice supervisor.

7. Applicant shall receive from the Board-approved practice supervisor at least one (1) hour of supervision each week. Such supervision should explicitly focus upon the following:

- (a) establishing and maintaining professional boundaries with clients,
- (b) understanding the impact of Applicant's own values and beliefs on clients who exhibit severe depression or suicidal ideation; and
- (c) addressing any concerns or recommendations that were made in Applicant's mental health evaluation.

8. Applicant's practice supervisor, employer, and therapist shall be provided a copy of this Consent Agreement and Order and agree to abide by its terms.

9. Applicant shall take and pass the Board-approved examination for licensure as a masters social worker as required by K.S.A. 65-6306(b)(2).

10. Applicant shall take and complete at her own expense random tests as directed by the Board for alcohol and drug use at least once every three (3) months for the entirety of her supervised practice period. Applicant hereby agrees and consents to the results of these tests being sent to the Board, her practice supervisor and her therapist.

11. Applicant agrees to refer to another professional licensed by the Board within twenty-four (24) hours any client who presents severe depression or suicidal ideation until Applicant's practice supervisor approves Applicant to work with such clients with supervision.

12. During the period of supervised practice, Applicant shall not engage in the supervision of any licensed social worker or of any licensed person, including students and volunteers, who participate in the delivery of social work services.

13. Applicant agrees that if she should apply for a specialist clinical social worker license, the supervised practice pursuant to this Consent Agreement and Order shall not apply towards the LSCWS supervised experience eligibility requirement.

14. Evidence of Applicant's breach, violation, or failure to comply with any condition of this Consent Agreement and Order will result in a hearing, with notice to Applicant and opportunity to be heard, to determine whether Applicant has in fact breached, violated, or failed to comply with any term or condition. Upon determination at such hearing that Applicant has breached, violated, or failed to comply with any term or condition of this Consent Agreement and Order, Applicant understands and agrees that her masters social work license shall be revoked.

15. Applicant acknowledges that proof submitted to the Board by affidavit or other form of competent evidence that Applicant has breached, violated, or failed to meet the conditions of this Consent Agreement and Order shall be good and sufficient evidence to support an alleged violation of non-compliance.

16. Applicant must give written notice to the Board within five (5) calendar days of any changes in her personal or professional status that would inhibit compliance with any of the above terms and conditions. In such event, a Board member serving on the Social Work Advisory Committee is hereby authorized to modify or amend this Consent Agreement and Order, provided any such modification or amendment is in writing and signed by Applicant and the Board member.

17. Applicant is responsible for any costs incurred in satisfying the terms of this Consent Agreement and Order.

18. If the Board does not approve this Consent Agreement and Order, Applicant waives any right that she may have to object to the composition of any subsequent hearing panel due to members having knowledge of matters contained within this Consent Agreement and Order.

19. At the end of the supervised practice period, Applicant's supervisor must submit a written report to the Board addressing whether Applicant has been sufficiently rehabilitated to merit the public trust and whether Applicant is competent to counsel a client who presents

severe depression or suicidal ideation. If Applicant's practice supervisor responds unfavorably on either issue, Applicant's licensure as a MSW shall continue on the above terms and conditions for an additional twelve (12) months.

20. Applicant acknowledges that she has read this Consent Agreement and Order and fully accepts and understands its contents.

WHEREFORE, Applicant consents to the submission of this Consent Agreement and Order to the Kansas Behavioral Sciences Regulatory Board, and understands that upon approval by the Board, this Consent Agreement and Order becomes a Final Order of the Board.

FURTHER, Applicant understands and agrees that at the conclusion of the supervised practice period, if Applicant passed the licensure examination for a masters social worker and the Board received from Applicant's practice supervisor an acceptable report, Applicant shall be licensed unconditionally as a masters social worker.

IT IS SO ORDERED.



Gary Price, Chair
Behavioral Sciences Regulatory Board

CONSENTED TO AND APPROVED BY:

KATHLEEN R. COBB
Kathleen R. Cobb, Applicant

8.16.10
Date

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 16 day of LA August 2010, a true and correct copy of the above and foregoing CONSENT AGREEMENT AND ORDER was deposited in the U. S. mail, first-class postage prepaid, addressed to:

Kathie R. Cobb




For the Behavioral Sciences Regulatory Board