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BY: ch

Marty M. Snyder, KS S Ct #11317  
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 )  
 )  
ANGELA HOLOUBEK, )  
LSCSW License #2485 )  
Respondent )  
\_\_\_\_\_ )

Case No. 17-CS-095

**CONSENT AGREEMENT AND ORDER**

NOW, on this 4 day of April, 2018, the above captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [Board], by and through Assistant Attorney General Marty M. Snyder, by agreement of Angela Holoubek [Licensee / Respondent] and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Angela Holoubek 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.*, at all times relevant.
2. On March 8, 2017, the Board received a self-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 in which additional information was provided at the Board investigator's request, and a second related complaint filed by Licensee's supervisee was received September 12, 2017.
4. As a result of the investigation, the Board found that the following facts have been established by a preponderance of the evidence:
  - a. Respondent entered a Clinical Supervision relationship with supervisee ENW on November 13, 2015. About three weeks later, the supervisee moved her office into rental space next door to Respondent's office.
  - b. Respondent suggested that they enter a business contract in which Respondent would receive a monthly percentage of the supervisee's income to cover marketing, advertising, referrals, computer software usage and wireless internet. Rent was not included.
  - c. The percentage was initially 18%, then Respondent raised it to 30% but they renegotiated it to 20%. The supervisee expressed concerns regarding the ethics of the arrangement after reviewing the controlling administrative regulations governing dual relationships and undue influence, but Respondent assured her she had done the research and their arrangement was proper.
  - d. Under the business contract, ENW paid Respondent more than \$2,000, but withheld further payments until her continuing concerns could be addressed. Respondent terminated the supervision relationship, and ENW had to find a new clinical supervisor.

e. ENW completed all payments for the supervision through February 7, 2017, on February 21, 2017.

5. The Complaint Review Committee concludes there is probable cause to find the following violations based upon the above facts.

**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:

(9) has been found guilty of unprofessional conduct as defined by rules established by the board;

**K.A.R. 102-2-7. Unprofessional Conduct.** Any of the following acts by a licensee . . . shall constitute unprofessional conduct:

(aa) exercising undue influence over any ... supervisee ..., including promoting sales of services or goods in a manner that will exploit the ... supervisee ... for the financial gain ... or advantage of oneself;

(tt) engaging in a dual relationship with a ... supervisee;

**K.A.R. 102-2-1a. Definitions.**

(j) "Dual relationship" means a professional relationship with a ... supervisee in which the objectivity of the licensee is impaired or compromised because of any of the following present or previous relationships: (5) financial, (6) supervisory or (7) administrative.

(dd) "Undue influence" means misusing one's professional position of confidence, trust or authority or taking advantage of the vulnerability or distress of a ... supervisee .. for either of the following purposes:

(1) to improperly influence or change the actions or decisions of a ... supervisee;

(2) to exploit a ... supervisee ... for the financial gain ... or advantage of the social worker.

However, Licensee and the Board mutually desire to enter a Consent Agreement and Order [CAO] 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 [KAPA] in relation to Case No. 17-CS-095.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act [KJRA] in relation to Case No.17-CS-095.

WHEREFORE, the Board and Licensee consent and agree to enter a Consent Agreement and Order [CAO] for a period of one year so long as Licensee meets the following terms and conditions:

- (a) Licensee shall practice under the supervision of a board approved clinical level supervisor not in a dual relationship with Licensee for six months. Licensee shall provide a copy of this CAO to the supervisor. Weekly supervision meetings shall be for at least one hour face to face. The supervisor shall provide quarterly written progress reports to the Board's Special Investigator. The focus of the supervision shall be on the ethics of the supervision relationship, boundaries and dual relationships.

- (b) Licensee may not supervise others for six months from the effective date of this Consent Agreement and Order.
- (c) Licensee shall obtain three (3) additional hours of Ethics CEUs in addition to the biennial requirement within six months of the effective date of this Consent Agreement and Order. The focus shall be on avoiding dual relationships.
- (d) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.
- (e) Evidence of Licensee's breach, violation or failure to comply with any of the above conditions could result in a determination that Licensee's Kansas Licensed Specialist Clinical Social Worker license should be suspended or revoked.
- (f) 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, including but not limited to the Kansas Open Records Act.
- (g) 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.
- (h) 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 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 and K.A.R. 102-2-7 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 31<sup>st</sup> day of March, 2018.

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

**APPROVED AND CONSENTED TO:**

Angela Holoubek, LSCSW  
Angela Holoubek, LSCSW  
Licensee / Respondent

03-23-2018  
Date

**CERTIFICATE OF SERVICE**

This is to certify that on this 4 day of April, 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:

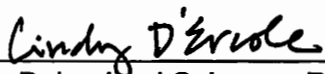
Angela Holoubek  
[Redacted]

Angela Holoubek, LSCSW  
[Redacted]

and emailed to: [Redacted]

and a copy delivered via interoffice mail to:

Marty M. Snyder, Esq.  
Assistant Attorney General

  
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For the Behavioral Sciences Regulatory Board