

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)
JANNA D. GRAHAM, LMSW)
LMSW License No. 10496) Case No. 21-MS-0084
Respondent/Licensee.)

CONSENT AGREEMENT AND FINAL ORDER

NOW on this 24 day of August, 2021, 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 Janna D. Graham, ("Licensee"), for the purposes of resolving the above-captioned matter.

The parties knowingly and voluntarily agree as follows:

1. On June 15, 2017, the Board issued Licensee an original Licensed Master Social Worker ("LMSW") No. 10496. This license expires on June 30, 2023. 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.*

2. On or about May 9, 2019, Licensee entered into a Consent Agreement and Final Order ("2019 Consent Agreement") with the Board in Case No. 19-MS-0082 for violations of K.S.A. 65-6311(a)(9) as defined in K.A.R. 102-2-7(b)(3), K.A.R. 102-2-7(j), K.A.R. 102-2-7(s), and K.A.R. 102-2-7(ii).

3. Pursuant to the terms and conditions contained in the 2019 Consent Agreement Licensee agreed to comply with the terms and conditions ordered by the 2019 Consent Agreement. In the 2019 Consent Agreement, Licensee agreed to practice only under individual supervision by an independent clinical-level supervisor

to be approved by the Board if employed using her LMSW license, and she agreed to have weekly one (1) hour meetings with her supervisor in a face to face manner. Licensee's disciplinary supervisor would provide to the Board monthly reports during this supervision period.

4. Additionally, Licensee agreed to practice under an employment supervisor. Licensee's employment supervisor would provide to the Board quarterly reports during this supervision period.

5. Licensee initiated the disciplinary supervision in August 2019. Licensee was in compliance until March 2020, when the COVID 19 pandemic affective her employment status.

6. Licensee regained employment in August 2020, and she utilized her previous disciplinary supervisor. Licensee was in compliance with her disciplinary supervision in September 2020.

7. However, Licensee failed to attend any disciplinary supervision sessions in October 2020. Further, Licensee only attended one weekly meeting with her disciplinary supervisor in November 2020. In December 2020, Licensee again only attended one weekly meeting with her disciplinary supervisor. Licensee was in violation of her 2019 Consent Agreement for each missed disciplinary session.

8. On or about December 28, 2020, the Board's investigator sent to Licensee a request to provide to the Board an explanation on why she was not in compliance with her 2019 Consent Agreement.

9. In addition, the Board's investigator reminded Licensee that her employment supervisor had failed to submit to the Board any employment quarterly reports required under the terms and conditions of the 2019 Consent Agreement. Licensee was asked to provide to the Board the requested documents by January 28, 2021.

10. On or about January 15, 2021, the Board's investigator emailed to Licensee the aforementioned notice.

11. Licensee did not submit to the Board any explanation or documents as requested by January 28, 2021.

APPLICABLE LAW

12. 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.

13. Pursuant 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, K.A.R. 102-2-7(i): failing or refusing to cooperate in a timely manner with any request from the board for a response, information that is not obtained in the context of a confidential relationship, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the board. Each person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person acted in a timely manner.

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

15. 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. 21-MS-0084.

16. 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. 21-MS-0084.

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

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(i), in that Licensee failed to submit

to the Board an explanation as to why she has failed to comply with the terms and conditions ordered pursuant to the Consent Agreement in Case No. 19-MS-0082, and the documents as requested by the Board's investigator.

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:

18. 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 her supervisor in a face to face manner. The focus shall include, but not limited to professional conduct and the importance of documentation. This requirement shall continue for two (2) years.

19. Licensee shall provide a copy of this Consent Agreement and Final Order to the supervisor and authorize the supervisor to provide written monthly reports to the Board's Investigator for two (2) year term of supervision. There shall be a minimum of twenty-four (24) monthly reports submitted to the Board's investigator during this two (2) year supervision timeframe.

20. In addition, Licensee shall practice under an employment/administration supervisor. The focus shall focus on documentation. This requirement shall continue for two (2) years.

21. Licensee shall provide a copy of this Consent Agreement and Final Order to the employment/administration 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 addressing that Licensee is completing documentation in compliance with the agency policy.

22. During this two (2) year supervision timeframe, Licensee shall not provide supervision to another licensee.

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.

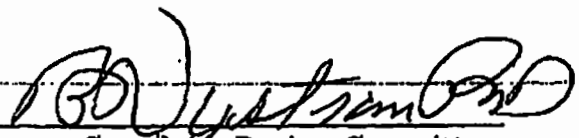
32. This Consent Agreement and Final Order constitutes the entire agreement of the parties and may only be modified by order of the Board or by a subsequent writing signed by the parties. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

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 20th day of August 2021.



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

AGREED AND CONSENTED TO BY:


Janna D. Graham, LMSW
Respondent/Licensee

8/9/21
Date

In the Matter of Janna D. Graham, Case No. 21-MB-0084
Consent Agreement and Final Order, page 6;

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was served on this 24 day of August 2021, by depositing the same in the United States mail, postage prepaid, addressed to:

Janna D. Graham, LMSW



And a copy delivered via email to:

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



For the Behavioral Sciences
Regulatory Board