

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

IN THE MATTER OF
ARLAN KAUFMAN,
LSCSW #1031
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CASE NO. 00-0024

EMERGENCY AGENCY ORDER

On August 9, 2001, upon considering evidence consisting of videotapes and records obtained pursuant to search warrant, and upon a finding of probable cause that violations of law have occurred, the Board enters the following emergency agency order pursuant to K.S.A. 77-536 and K.S.A. 65-6311:

FINDINGS OF FACT

1. Respondent is currently, and at all times relevant, has been, licensed as a Licensed Clinical Social Worker pursuant to K.S.A. 65-6302, et seq. with LSCSW license #1031.
2. The Board has received information that Respondent's conduct may have violated certain statutes and regulations governing the conduct and activities of Licensed Clinical Social Workers in the State of Kansas and that Respondent has engaged in unprofessional conduct pursuant to K.S.A. 65-6311 and, K.A.R. 102-2-7.
3. The Board has conducted an investigation concerning said materials, which said investigation is continuing.

4. As a result of the the investigation at the present time, the Board has reasonable cause to believe the following facts:

a. Respondent, while videotaping a client, encouraged the client to insert a paint-brush handle into his penis after being informed by that client that the client experienced infection in the penis when he previously performed such an act.

b. Respondent encouraged three of his clients to engage in nude swimming in a farm pond that could possibly contain sewage runoff from pastured cattle. Furthermore, he encouraged one client to swim in a pond that was "deeper," all without the presence of certified life-saving personnel. Farm ponds of this nature, in addition to having potential illness-producing bacteria in the water, can be treacherous in that unseen holes may be present which would cause a hazardous situation should one of the clients step off into a hole.

c. A female client who is diagnosed as suffering from Schizophrenia, Disorganized, Chronic, is living in the same home as a male client who is experiencing difficulties in the sexual area, such as public exhibitionism, and approaching males indiscriminately to engage in homosexual activity. Respondent criticized the female client for not wanting to observe the male client urinating.

d. The seized videotapes indicate numerous instances where Respondent condoned inappropriate behavior among the clients that are entrusted to his care and responsibility. For example, during one "group therapy session," a male client shaved the pubic hair from a female client, and then the female client shaved the male client's hair. This was performed in the presence of, and encouraged by, Respondent.

5. Videotape cassettes bear date labels, including 1996 and April 2001, and good cause exists, as demonstrated by said videotapes, that Respondent has engaged in such conduct for an extended period of time and that such conduct is continuing at present.

6. Respondent's activities performed under the auspices of his license present an immediate danger to his clients and emergency action is necessary to prevent him from posing a threat to current and future clients.

CONCLUSIONS OF LAW

1. Conduct disclosed on the videotapes demonstrate that Respondent is engaging in unprofessional conduct pursuant to K.A.R. 102-2-7(j)[offering to perform or performing services clearly inconsistent with training, education, and experience], thereby subjecting Respondent to discipline pursuant to K.S.A. 65-6311(a)(4).

2. As a result of the demonstrated acts of unprofessional conduct, Respondent presents, and continues to present, an immediate danger to the public health, safety and welfare requiring immediate state agency action.

3. The least restrictive way for the Board to prevent or avoid the immediate danger Respondent poses to the public health, safety and welfare is to suspend Respondent's license, and to do so on an ex parte order as permitted by K.S.A. 77-536.

EMERGENCY AGENCY ORDER

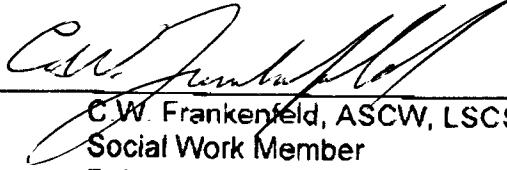
Pursuant to K.S.A. 77-536 and K.S.A. 65-6311, and based upon the evidence in the possession of the Board at the time of this Order, and the foregoing findings of fact and conclusions of law, Respondent's LSCSW license #1031 is hereby suspended until

further order of the Board, effective immediately.

Pursuant to K.S.A. 77-536(d), this Order is effective on the date indicated herein. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of this Emergency Agency Order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board, 712 S. Kansas Avenue, Topeka, Kansas 66603-3817.

IT IS SO ORDERED.

8/9/01
Date


C.W. Frankenfeld, ASCW, LSCSW
Social Work Member
Behavioral Sciences Regulatory Board