

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

712 SW Kansas Avenue
Topeka, Kansas 66603-3817

In the Matter)
)
 of)
)
 Michael D. Roberts)
 LSCSW # 0908)
 _____)

Case No. 02-CS-0032

CONSENT AGREEMENT AND ORDER

Now on this 12th day of May, 2003, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Michael D. Roberts (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Michael D. Roberts is currently, and at all times relevant has been, a licensed specialist clinical social worker within the meaning of the Kansas Social Workers Act, K.S.A. 65-6301 *et seq.*, and amendments thereto.
2. On or about November 19, 2001, the Board received a report of information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing the practice of social work.
3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations.
4. During the investigation, Licensee was informed of the reported information and was given the opportunity to respond to the allegations, and did respond to the allegations.
5. As a result of the investigation, the Board finds reasonable cause to believe the following

facts:

While employed as a counselor in a juvenile sex offender program, Licensee revealed confidential information about one client in a sex offender group to another client in that group.

Additionally, Licensee was terminated from his position with Family Consultation Service. Licensee in October 2001 and did not report this termination to the Board.

6. The Board finds that reasonable grounds exist to believe Licensee has been guilty of unprofessional conduct in violation of K.S.A. 2001 Supp. 65-6322(a)(4) as defined as follows:

(a) K.A.R. 102-2-7(s), revealing information, a confidence, or secret of any client, and

(b) K.A.R. 102-2-7(b)(3), failing to notify the board, within a reasonable period of time that he had been terminated from employment for some form of misfeasance, malfeasance or nonfeasance.

HOWEVER, Licensee and the Board mutually desire to enter into a Consent Agreement and Order 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 in relation to Case No. 02-CS-0032.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review in relation to Case No. 02-CS-0032.

WHEREFORE, Licensee consents to the continued licensed practice of clinical social work on the following conditions:

(a) Within 30 days from the date indicated in the below Certificate of Service, Licensee will provide medical verification of his disabilities that prevent him from complying with a program of supervised practice of social work. The verification shall be submitted to the Complaint Review

Committee, c/o Roger Scurlock, Special Investigator, Behavioral Sciences Regulatory Board, 712 SW Kansas Ave., Topeka, Kansas 66603.

(b) Within 90 days of the below Certificate of Service, Licensee shall research, write and submit a 10 page professional paper on the subject of confidentiality in the treatment of adolescent sex offenders in group and individual settings. The paper shall be double spaced, in APA format and contain at least 10 professional references integrated with the context of the paper.

(c) During the time this Consent Agreement and Order is in effect, Licensee shall not serve as a supervisor to any person licensed by the Board, any person attaining supervised experience in preparation for licensure by the Board, or any unlicensed person, including students or volunteers, who participate in the delivery of social work services.

(d) Licensee shall be responsible for any costs 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 conditions will result in a hearing, with notice and opportunity to be heard, to determine whether Licensee has in fact breached, violated or failed to comply with any conditions. Upon determination at such hearing that Licensee has breached, violated or failed to comply with any condition, Licensee understands and agrees that his clinical specialist social workers license shall be suspended for six (6) months.

(f) Licensee acknowledges that proof submitted to the Board by affidavit or other form of competent evidence that Licensee 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 breach, violation or non-compliance.

(g) 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.

(h) 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. In such event, a designee of the Board is authorized to modify or amend this Consent Agreement and Order in writing.

(i) This Consent Agreement and Order constitutes the entire agreement between the Licensee and may be modified or amended only by written agreement signed by Licensee and the Board or 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 of the Complaint Review Committee, this Consent Agreement and Order becomes a final order of the Board. The Board has authorized the Complaint Review Committee to approve this Consent Agreement and Order.

WHEREFORE, the Board agrees that so long as Licensee complies with the above conditions that the Board will not initiate further disciplinary action against Licensee in relation to violation of K.S.A. 2001 Supp. 65-6322(a)(4) as defined by K.A.R. 102-2-7(s) and K.A.R. 102-2-7(b)(3).

WHEREFORE, the Board further agrees that at the conclusion of the conditional licensure period, upon determination of Licensee's compliance with the conditions stated herein, Licensee shall be unconditionally licensed as a specialist clinical social worker.

WHEREFORE, the provisions above are consented to and are hereby made the final order of the Kansas Behavioral Sciences Regulatory Board which become effective on the date indicated in the below Certificate of Service.

IT IS SO ORDERED.

Wesley Jones, Ph.D.

Wesley Jones, Ph.D.
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:

Michael D. Roberts
Michael D. Roberts

3-18-03
Date

Certificate of Service

This is to certify that on the 13th day of May 2003, 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:

Michael D. Roberts



Roger Scurlock
For the Behavioral Sciences Regulatory Board