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Marty M. Snyder, Supreme Court #11317
Kansas Attorney General's Office
120 SW 10th St, Second Floor
Topeka, KS 66612-1597

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BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD
712 South Kansas Avenue
Topeka, Kansas 66603-3817

In the Matter of)
)
JOHN D. STACEY, LSCSW)
License #2516)
Respondent)
_____)

Case No. 07-CS-06

CONSENT AGREEMENT AND ORDER

NOW on this 12 day of March, 2007, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of John D. Stacey (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. John D. Stacey is currently, and at all times relevant 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.*, and amendments thereto.

2. On or about July 19, 2006, the Board received a report of information concerning Licensee's conduct that alleged Licensee had engaged in a dual relationship with a former client.

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, was given the opportunity to respond to the allegations and did respond to the allegations in his letter received on December 8, 2006.

5. As a result of the investigation, the Board finds probable cause to believe the following facts:

a. Licensee, while employed as a counselor with LDS (Latter Day Saints) Family Services in Houston, Texas, developed an inappropriate physical and emotional attraction to a married female client.

b. Following termination of the counseling relationship, Licensee moved to another state but maintained a personal relationship with his former client through emails, telephone calls, text messages and four arranged face-to-face meetings.

c. Licensee pressured his former client to keep their relationship a secret from her husband by opening a separate private email address, deleting his messages after reading them and disabling her "sent" file. He states that no physical intimacy occurred between him and his former client at any time.

6. The Board finds that reasonable grounds exist to believe Licensee has committed unprofessional conduct in violation of K.S.A. 65-6311(a)(4) and (6) as defined as follows:

(a) K.A.R. 102-2-7(w) - engaging in professional activities ... involving dishonesty, fraud, deceit or misrepresentation,

(b) K.A.R. 102-2-7(z) - making sexual advance toward ... or exercising undue influence over any person who, within the past 24 months, has been a client.

(c) K.A.R. 102-2-7(aa) - exercising undue influence on any client ... in a manner that will exploit the client ... for the ... personal gratification or advantage of the Licensee...,

(d) K.A.R. 102-2-7(tt) - engaging in a dual relationship with a client and

(e) K.A.R. 102-2-7(xx) - practicing social work in an incompetent manner.

However, Licensee and the Board mutually desire to enter 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. 07-CS-06.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions in relation to Case No. 07-CS-06.

WHEREFORE, Licensee consents to suspension of his license for twenty-four (24) months with the suspension stayed on the following terms and conditions:

(a) Twenty-four (24) months of supervised practice by a board-approved supervisor who is not in a subordinate or familial relationship with the Licensee. Licensee shall provide a list of qualified supervisor candidates to the Board for the Board's selection. The supervisor shall be licensed at the clinical level or licensed to practice independently. The focus of the supervision shall be on appropriate boundaries with clients. There shall be at least one one-hour supervision session per forty-hour work week so long as Licensee is employed in a position that requires his license.

(b) The supervisor shall provide written progress reports to the Board every three (3) months regarding Licensee's compliance with the supervision process. In the event of non-compliance, the supervisor shall report to the Board immediately. Licensee shall provide the supervisor with a copy of this Consent Agreement and shall make every effort to ensure

that all conditions of the Agreement are met. Licensee shall cooperate with his practice supervisor to enable the supervisor to discharge his or her duties in a responsible manner.

(c) Within sixty (60) days of the effective date of this Agreement, Licensee shall submit to the Board office a ten-page professional paper in APA format containing at least five professional references on the subject of appropriate boundaries with clients.

(d) Licensee shall obtain three hours of ethics continuing education hours in addition to the standard ethics requirement for licensure renewal to be completed within sixty (60) days of the effective date of this Agreement.

(e) Supervised hours will not count toward any supervised experience requirement for the next level of licensure.

(f) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.

(g) 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 license shall be suspended until such time as Licensee can demonstrate compliance with all terms and conditions of this Consent Agreement and Order to the satisfaction of the Board.

(h) 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.

(i) 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.

(j) 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.

(k) If the Board does not approve this Consent Agreement and Order, Licensee waives any right he may have to object to the composition of any subsequent hearing panel due to hearing panel members having knowledge of matters contained within this Consent Agreement and Order.

(l) 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 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 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 as defined by K.A.R. 102-2-7 as a result of this proceeding.

WHEREFORE, the Board further agrees that, at the conclusion of the twenty-four-month supervision period upon determination of Licensee's compliance with the conditions stated herein and upon Board receipt of an acceptable reference from Licensee's supervisor on a Board-approved form, Licensee shall be unconditionally licensed as a Licensed Specialized Clinical Social Worker.

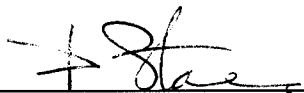
WHEREFORE, the foregoing provisions are consented to, are hereby made the final Order of the Kansas Behavioral Sciences Regulatory Board and become effective on the date indicated in the Certificate of Service below.

IT IS SO ORDERED.



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

APPROVED AND CONSENTED TO:



John D. Stacey, LSCSW
Respondent Licensee

3/5/07

Date

APPROVED BY:

Counsel for Respondent

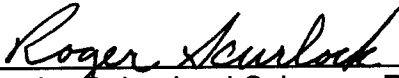
Date

Certificate of Service

This is to certify that on this 13th day of March, 2007, 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:

John D. Stacey





For the Behavioral Sciences Regulatory Board