

Whitney L. Casement, KS S. Ct. #25466
Office of the Kansas Attorney General
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Topeka, KS 66612-1597

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BY:-----

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
Gerald Riley, LMSW)
License #2576,)
Respondent)
_____)

Case No. 12-MS-0105

CONSENT AGREEMENT AND ORDER

NOW, on this 4 day of June, 2015, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board), by and through Assistant Attorney General Whitney L. Casement, by agreement of Gerald Riley (Licensee) and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Gerald Riley is currently, and was at all times relevant to this Consent Agreement and Order, a Licensed Master Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto.
2. The Board received a Report of Alleged Violation stating Licensee may have violated certain statutes and regulations governing unprofessional conduct on May 15, 2012.
3. Licensee was informed of the reported information in a letter dated May 24, 2012, and was given an opportunity to respond. The Board received Licensee's response to the reported information on June 5, 2012.
4. As a result of the report and subsequent investigation, the Board finds that the following facts have been established by a preponderance of the evidence:

- a. Starting in April 2011, Riley acted as the primary counselor for a client providing reintegration services.
- b. Starting in September 2011, Riley also acted as that same client's field instructor for a student internship.
- c. Riley did not discharge the client from services until October 2011.

5. The Complaint Review Committee of the Board finds that Licensee has violated the following statute and regulations:

A. 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:
 - (4) has been found guilty of unprofessional conduct as defined by rules established by the board;

B. K.A.R. 102-2-7. Unprofessional Conduct. Any of the following acts by a licensee or an applicant for a social work license shall constitute unprofessional conduct:

- (tt) engaging in a dual relationship with a client, supervisee, or student;

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

- (j) "Dual relationship" means a professional relationship with a client, student or supervisee in which the objectivity of the licensee is impaired or compromised because of any of the following present or previous relationships:
 - (6) supervisory;

However, Licensee and the Board mutually desire to enter a Consent Agreement and Order in lieu of adjudicative proceedings to resolve the reported 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. 12-MS-0105.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all

rights of appeal pursuant to the Kansas Judicial Review Act in relation to Case No.12-MS-0105.

WHEREFORE, Licensee consents to the following terms and conditions:

(a) Licensee shall not supervise any intern for a period of one year from the effective date of this Consent Agreement and Order.

(b) Licensee shall complete six hours of continuing education in ethics, focusing on dual relationships, that are in addition to the biennial requirement. The six additional hours of continuing education shall be conducted by Licensee in person within six months of the effective date of this Consent Agreement and Order. This condition shall be deemed satisfied upon the Board's receipt of Licensee's written proof of completion of the six extra hours of continuing education within six months of the effective date of this Consent Agreement and Order. Failure to provide the Board with written proof of completion of the extra continuing education hours by within six months is a violation of this Consent Agreement and Order and may result in further action by the Board.

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

(d) Licensee understands that a notification of this Consent Agreement and Order may be provided to any other state or federal agency with which Licensee is licensed, registered, or certified.

(e) Licensee acknowledges an affirmative duty to notify the Board within ten 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.

(f) 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 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, K.A.R. 102-2-7, and K.A.R. 102-2-1a as a result of this proceeding.

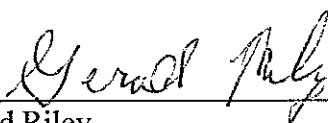
WHEREFORE, the foregoing provisions are consented to, are hereby made the Final Order of the Kansas Behavioral Sciences Regulatory Board, and become effective on the date indicated in the Certificate of Service below.

IT IS SO ORDERED.



Terry Pfannenstiel
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:



Gerald Riley
Licensee

05/20/2015
Date

CERTIFICATE OF SERVICE

This is to certify that on this 4 day of June, 2015, 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:

Gerald Riley



and a copy delivered via interoffice mail to:

Whitney L. Casement
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612
Disciplinary Counsel for the Board

Cindy D'Ercole
For the Behavioral Sciences Regulatory Board