

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

**BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD
714 South Kansas Avenue
Topeka, KS 66603-3817**

In the Matter of)
)
RACHEL A. TILLMAN, LMSW)
License #5350,)
Respondent)
_____)

Case No. 10-MS-0087

CONSENT AGREEMENT AND ORDER

NOW on this 14 day of June, 2010, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [Board], by and through Assistant Attorney General Marty M. Snyder, by agreement of Rachel A. Tillman [Licensee] and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Rachel A. Tillman, at all times relevant, was a Licensed Masters 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 January 13, 2010, the Board received a report concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing the practice of social work related to her job as a Licensed Masters Social Worker.

3. On or about January 15, 2010, Licensee self-reported possible violations over the telephone.

4. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations. During the investigation, Licensee was given the opportunity to respond in writing to the possible violations. Licensee did respond by letter dated January 26, 2010, with an update dated April 29, 2010.

5. As a result of the investigation, the Board finds probable cause that the following facts have been established by clear and convincing evidence:

a. Upon becoming employed as a school social worker in August 2009, Licensee was assigned a caseload of 65 children receiving social work services through their IEPs. One of her clients was the sister of a friend. Licensee had previously assisted the friend, who was his sister's guardian, in obtaining services for his sister, before she was Licensee's client.

b. While the client, her brother and Licensee were at Licensee's home during the 2009 Christmas break, the client reported to Licensee that she had been sexually abused by the husband of a teacher in whose home she resided.

c. Licensee and the client's brother immediately removed the client from the teacher's home to ensure no further contact by the perpetrator. Licensee did not promptly report the sexual abuse of a child to the proper authorities.

d. When Licensee returned home after the holidays, she again discussed the situation with the client's brother, the client, and the teacher in whose home the client had resided. Licensee advised that she would be reporting the abuse to SRS and did call the Child Abuse and Neglect Center.

e. Due to increased personal contact between the Licensee and her client's guardian, the client was removed from Licensee's caseload at the guardian's request.

f. Licensee's current employment contract was not renewed due to budget cuts. Licensee is currently unemployed but is in the process of relocating to Wichita and seeking new employment.

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

A. K.A.R. 102-2-7. Unprofessional Conduct. Any of the following acts by a licensee . . . shall constitute unprofessional conduct:

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

B. 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;

C. K.S.A. 38-2223. Reporting of certain abuse or neglect of children; persons reporting; reports, made to whom; penalties; immunity from liability. (a) *Persons making reports.* (1) When any of the following persons has reason to suspect that a child had been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsections (b) and (c);

(B) . . . licensed social workers . . .

(C) . . . other employees of an educational institution which the child is attending . . .

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. 10-MS-87.

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. 10-MS-87.

WHEREFORE, the Board and Licensee agree that Licensee's Masters Social Worker license shall be suspended for two years. However, the suspension shall be stayed under the following terms and conditions:

(a) Licensee shall notify the Board within five (5) days of such time as she is re-employed.

(b) Licensee shall advise her employer that she is under a Consent Agreement and Order and shall provide a copy of the Order to her employer.

(c) Licensee shall provide a copy of her job description to Bruno Langer, Special Investigator for the Board, within 30 days of her employment.

(d) Licensee shall begin individual supervision with a Board-approved supervisor within 30 days of employment. Licensee shall meet with her supervisor one hour for every 40 hours of clinical practice, with the focus of the supervision on truthfulness, dual relationships, and the responsibilities of mandatory child abuse reports. Licensee shall provide a copy of the Consent Agreement to the supervisor and authorize the supervisor to provide written quarterly reports to Bruno Langer, Special Investigator for the Board, for a period of two years.

(e) Upon employment as a social worker, Licensee shall attend a Board-approved one semester college course, in person, on ethics in social work (or a related

field), which shall be in addition to the continuing education requirements for her license. Licensee shall provide a certificate of attendance/completion or transcript to the Board upon completion of the course. Licensee shall obtain approval by the Board of the course within 30 days of the date of her employment.

(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 her Kansas Licensed Masters Social Worker license may 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.

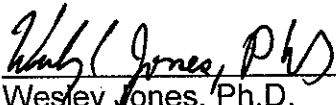
(k) This Consent Agreement and Order constitutes the entire agreement between the Licensee and the Behavioral Sciences Regulatory Board and may be modified or amended only by written agreement signed by Licensee and the Board or a designee of the Board.

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. 38-2223 or K.S.A. 65-6311 as defined by K.A.R. 102-2-7 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.



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

APPROVED AND CONSENTED TO:

Rachel A. Tillman LMSW
Rachel A. Tillman, LMSW
Licensee

06-06-10
Date

CERTIFICATE OF SERVICE

This is to certify that on this 14th day of June, 2010, 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:

Rachel A. Tillman



Marty M. Snyder
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612

Bruce Langer
For the Behavioral Sciences Regulatory Board