

COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE
OF MARRIAGE AND FAMILY THERAPISTS

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DIV. OF OCCUPATIONS
& PROFESSIONS

**IN RE: MARRIAGE AND FAMILY THERAPIST LICENSE # 0107
HELD BY ROBERT CHARLES JENKINS, LMFT**

ROBERT CHARLES JENKINS, LMFT


AGREED ORDER

Parties

WHEREAS, the parties to this Agreed Order are the Kentucky Board of Licensure of Marriage and Family Therapists, hereinafter referred to as the “Board,” and Robert Charles Jenkins, LMFT, hereinafter referred to as the “Respondent.”

Jurisdiction

WHEREAS, the Board has jurisdiction over this matter pursuant to KRS Chapter 335. and the related administrative regulations.

History

WHEREAS, from on or about January 2005 to on or about October 2005, the Respondent treated patient M.G., who is known to the Respondent, and a professional relationship existed between the Respondent and M.G.; and

WHEREAS, on or about September 8, 2006, a letter of complaint was filed with the Board concerning allegations of a sexual relationship between the Respondent and M.G.; and

WHEREAS, the Board authorized and issued an administrative complaint against the Respondent on November 7, 2007, alleging, among other things, that Respondent was guilty of unethical conduct in the practice of Marriage and Family Therapy in violation of KRS

335.348(1)(g) and Administrative Regulation 201 KAR 32.050, Section 1(2)(c), by engaging in a sexual relationship with a current client; and

WHEREAS, the parties mutually desire to settle the issues in an expeditious manner, without the need for formal hearing.

Terms of Agreement

THEREFORE, it is hereby agreed between the undersigned parties that this matter shall be settled and resolved upon the following terms:

1) The Respondent has carefully reviewed this Agreed Order and enters into this Agreed Order knowingly, willingly and voluntarily and after having reviewed the due process rights afforded to him under KRS Chapter 335 and the accompanying regulations;

2) The Respondent, Robert Charles Jenkins, LMFT, admits violating KRS 335.348(1)(g) in Administrative Regulation 201 KAR 32.050(1)(2)(c) by engaging in a sexual relationship with a current client;

3) The Respondent agrees that his license to practice marriage and family therapy shall be suspended for a period of six (6) months all probated except one (1) day and subject to the following terms of probation:

- a) Respondent's license will be suspended for one (1) day, the first Wednesday in September, Wednesday, September 3, 2008;
- b) Respondent shall be prohibited from practicing marriage and family therapy or delivering drug and alcohol education, counseling, or treatment for a period of thirty (30) days from September 15, 2008 to October 15, 2008;
- c) Six (6) months less (1) one day of the licensure suspension shall be stayed subject to compliance by Respondent with this Agreed Order;

- d) Respondent shall submit himself to supervision by one of three individuals selected by the Board within (30) days from the date the Board approves the Settlement Agreement. Said Supervisor shall be a Board approved Supervisor or an American Association of Marriage and Family Therapist approved Supervisor.
- e) Respondent shall complete a Supervision Contract. Said Supervision Contract must be submitted for approval by the Board sixty (60) days from the date the Board approves the Settlement Agreement.
- f) Respondent shall submit to a review of all of his cases, including cases of clients receiving drug and alcohol services; the review shall be monthly or bi-monthly to be determined within the sole discretion of the person providing supervision to Respondent; Said supervision shall include one-hour face-to-face meetings with the Supervisor. Supervision shall encompass the practice of marriage and family therapy in general and boundary, ethical, competency, and record keeping issues. In the event of unscheduled illness and conflicting vacation schedules, the supervision sessions may be rescheduled by agreement of the Supervisor and the Respondent. It is the intention of the Board that this supervision shall be monthly or bi-monthly to be determined within the sole discretion of the person providing supervision to Respondent.
- g) During the aforementioned period of supervision, the Respondent shall not supervise any marriage and family therapist associate.

- h) The supervisor shall create and maintain clinically appropriate notes regarding each and every session with the Respondent. A summary supervision report shall be submitted quarterly to the Board, advising the Board of Respondent's progress, cooperation, and of any events that, in the professional opinion of the supervisor, should be reported to the Board; and
- i) The Respondent shall submit to a period of no less than one (1) year, but no more than two (2) years of supervision. The Respondent shall not terminate supervision until and unless the Board so approves in writing;

4) The Respondent shall pay fees and costs in the amount of \$3,052.50 covering costs for the investigation, legal services and mediation;

5) The Respondent shall pay M.G. the amount of \$360.00 by check payable to M.G. and delivered to the Board;

6) All payment of fees, costs and restitution shall be paid by Respondent within thirty (30) days of the entry of this Agreed Order in this matter;

7) Respondent's records in the drug and alcohol program he provides shall be protected from release to the Board only to the extent that federal law prohibits release. In the event of a dispute between the parties over the release of records, the Board shall be authorized to seek a court order from the Franklin Circuit Court, Frankfort, Kentucky, for the release of the records;

8) Supervision of the Respondent shall last one year unless the supervisor in their sole discretion does not release Respondent to practice marriage and family therapy on

unsupervised status, in which case, supervision shall continue until the supervisor releases Respondent, but no longer than two (2) years; and

9) A violation of this Agreement by Respondent or a violation of the laws relating and regulating the practice of marriage and family therapy shall authorize the Board to issue an emergency order suspending Respondent's license to practice marriage and family therapy without prior notice to Respondent and subject to Respondent's right under KRS 13B.125 to request an emergency hearing within ten (10) days.

Voluntary Waiver of Rights

No coercion has been exerted upon the Respondent, nor have any promises been made other than those reflected in this Agreed Order.

The Respondent is fully aware of his rights in an administrative proceeding. These rights include: representation by an attorney at the Respondent's own expense, the right to confront and cross-examine witnesses called to testify against the Respondent, the right to present evidence on the Respondent's own behalf, the right to testify on his own behalf, the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the accusation and the right to obtain judicial review of the Board's decision. All of these rights are being voluntarily waived by the Respondent in exchange for the Board's acceptance of this Agreed Order.

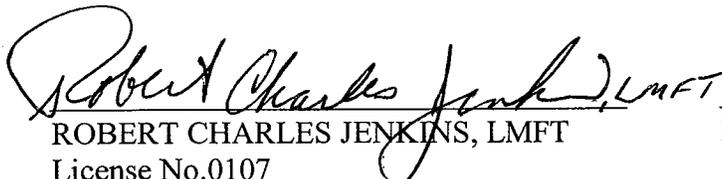
Publication of Settlement Agreement

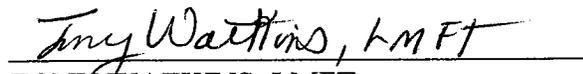
The Respondent acknowledges that, once adopted by the Board, this Agreed Order may be considered a public document, available for inspection at any time by any member of the public under the Kentucky Open Records Act, and may be reportable under federal law.

Complete Agreement

This Settlement Agreement consists of six (6) pages and embodies the entire agreement between the Kentucky Board of Licensure of Marriage and Family Therapists and Robert Charles Jenkins, LMFT. It may not be altered, amended or modified without the express written consent of both parties.

Have Seen, Understood and Approved:

 August 14, 2008
ROBERT CHARLES JENKINS, LMFT Date
License No.0107
Respondent

 August 21, 2008
TONY WATKINS, LMFT Date
Chair
Kentucky Board of Licensure of
Marriage and Family Therapists