

**BEFORE THE KANSAS STATE BOARD OF NURSING**

Landon State Office Building, 900 S.W. Jackson # 1051  
Topeka, Kansas 66612-1230

Filed  
FEB 18 2004  
Board of Nursing

In The Matter Of

**LINDA KAUFMAN**

LICENSE NO. 14-027321-041

CASE NO. 00-032-4

**EMERGENCY ORDER OF SUSPENSION**

On this 18<sup>th</sup> day of February, 2004, the Board reviews the agency record on the case of the nursing license of Linda Kaufman, hereinafter referred to as Licensee.

Being duly advised in the matter, the Board finds that:

**FINDINGS OF FACT**

1. Licensee is licensed to practice nursing in Kansas as an RN through 4/30/2005.
2. Licensee's address of record is 1416 Grandview, Newton, Kansas 67114.
3. As a result of an investigation the board has reasonable cause to believe the licensee committed many violations of the nurse practice act. As a result of the violations a Petition for revocation and administrative fines was filed on January 9, 2004. A prehearing was scheduled, and a phone conference was held on February 4, 2004 with the Licensee present by telephone. The Licensee requested a continuance and stated that she continues to practice nursing and currently has six patients who suffer from mental disorders. A copy of the Journal Entry of February 4, 2004 is attached and incorporated within.
4. The licensee has knowledge of and stated that her husband's social worker license was suspended without a hearing. A certified copy of the Behavioral Sciences Regulatory Board Emergency Agency Order issued August 9, 2001 suspending the Clinical Social Worker license of Arlan Kaufman is attached and incorporated within.
5. The prehearing conference on the Petition was continued to March 18, 2004 at 9:00 a.m. The case is proceeding independently of the suspension order.
6. As a result of the investigation, and due to the fact that patients are currently in her care, the Board has reasonable cause to believe the following facts:

- a. Licensee has knowledge that dependent adults who have been paying room and board to her and her husband for years and have also been their patients have been sexually exploited by her husband.
- b. Licensee had in her possession in her bedroom over 30 videotapes that were seized by authorities under a search warrant that depict hours of group sessions that her husband and herself characterize as nude therapy. In the sessions, Arlan Kaufman, is shown as encouraging the dependent adults to masturbate before the group, to shave one another's pubic hair before the group, and to massage one another while nude. These acts were performed in the presence of licensee's husband, these acts were encouraged by him, and the sessions were videotaped by him.
- c. Licensee states that the patients are "social nudists" however, admits that the patients have mental disorders.
- d. The seized videotapes and pictures indicate numerous instances in which inappropriate sexual behavior among dependent adults is encouraged and condoned by licensee's husband. Her knowledge of these activities and failure to protect her patients and report sexual exploitation are violations of the nurse practice act.
- e. The seized videotapes depict instances in which her husband is seen touching the genitals of both male and female patients. As a social worker, such actions are unethical, inappropriate and exploitive acts, harmful to the welfare of his clients and her patients.
- f. Licensee's current knowledge of these activities, condoned and allowed under the auspices of a nursing license present an immediate danger to her patients so that emergency action is necessary to protect the health and welfare of her current and future patients.

### CONCLUSIONS OF LAW

7. Due to the facts contained in paragraphs (a) through (f) above the Board has determined immediate suspension of licensee's license is necessary to protect patients in the licensee's care from sexual misconduct and a substantial threat to their mental health and welfare.

8. The least restrictive way for the Board to prevent or avoid the immediate danger Licensee poses to the public health, safety and welfare is to suspend Licensee's license and to do so on an *ex parte* order as permitted by K.S.A 77-536.

### POLICY STATEMENT

9. The role of the Kansas State Board of Nursing is to protect the health and welfare of the citizens of Kansas.

**WHEREUPON**, the Board hereby suspends Licensee's license to practice nursing, effective immediately, thereby prohibiting Licensee from practicing nursing. This Emergency Order of Suspension remains in effect until the issuance of an order rescinding this order.

This Order of Suspension is issued as an Emergency Adjudicative Proceeding under K.S.A. 77-536 of the Kansas Administrative Procedure Act. The mailing of this Order shall be notice of its issuance and is given to comply with K.S.A. 77-536(d) of the Act.

### RIGHT TO A HEARING

Licensee has a right to request a hearing on the above issues and order in accordance with the provisions of the Kansas Administrative Procedure Act. To obtain a hearing, you must file a written request for a hearing within 15 days of the date this notice was mailed, which date is indicated by the Certificate of Service below. To request a hearing, send a written request for a hearing to:

Kansas State Board of Nursing  
Legal Division  
900 SW Jackson, Suite 1051  
Topeka, Kansas 66612-1230  
(785) 296-4325

If a request for a hearing is filed, please indicate a telephone number where you can be contacted during business hours.

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Kelly Arpin, L.P.N.  
Board Member

CERTIFICATE OF SERVICE

I hereby certify that on this 18<sup>th</sup> day of February, 2004, a true and correct copy of the above and foregoing Emergency Order of Suspension was deposited in the U.S. Mail, postage prepaid, addressed to:

Linda Kaufman  
1416 Grandview  
Newton, KS 67114-1423

Betty Wright, Assistant Attorney General

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**FILED**  
AUG 09 2001

**BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD**

IN THE MATTER OF  
ARLAN KAUFMAN,  
LSCSW #1031

CASE NO. 00-0024

**EMERGENCY AGENCY ORDER**

On August 9, 2001, upon considering evidence consisting of videotapes and records obtained pursuant to search warrant, and upon a finding of probable cause that violations of law have occurred, the Board enters the following emergency agency order pursuant to K.S.A. 77-536 and K.S.A. 65-6311:

**FINDINGS OF FACT**

1. Respondent is currently, and at all times relevant, has been, licensed as a Licensed Clinical Social Worker pursuant to K.S.A. 65-6302, et seq. with LSCSW license #1031.
2. The Board has received information that Respondent's conduct may have violated certain statutes and regulations governing the conduct and activities of Licensed Clinical Social Workers in the State of Kansas and that Respondent has engaged in unprofessional conduct pursuant to K.S.A. 65-6311 and, K.A.R. 102-2-7.
3. The Board has conducted an investigation concerning said materials, which said investigation is continuing.

**BEHAVIORAL SCIENCES  
REGULATORY BOARD**  
712 S. Kansas Ave  
Topeka, Kansas 66603-3817

I CERTIFY THIS IS A TRUE  
COPY OF THE RECORD ON FILE.

4. As a result of the the investigation at the present time, the Board has reasonable cause to believe the following facts:

a. Respondent, while videotaping a client, encouraged the client to insert a paint-brush handle into his penis after being informed by that client that the client experienced infection in the penis when he previously performed such an act.

b. Respondent encouraged three of his clients to engage in nude swimming in a farm pond that could possibly contain sewage runoff from pastured cattle. Furthermore, he encouraged one client to swim in a pond that was "deeper," all without the presence of certified life-saving personnel. Farm ponds of this nature, in addition to having potential illness-producing bacteria in the water, can be treacherous in that unseen holes may be present which would cause a hazardous situation should one of the clients step off into a hole.

c. A female client who is diagnosed as suffering from Schizophrenia, Disorganized, Chronic, is living in the same home as a male client who is experiencing difficulties in the sexual area, such as public exhibitionism, and approaching males indiscriminately to engage in homosexual activity. Respondent criticized the female client for not wanting to observe the male client urinating.

d. The seized videotapes indicate numerous instances where Respondent condoned inappropriate behavior among the clients that are entrusted to his care and responsibility. For example, during one "group therapy session," a male client shaved the pubic hair from a female client, and then the female client shaved the male client's hair. This was performed in the presence of, and encouraged by, Respondent.

5. Videntape cassettes bear date labels, including 1996 and April 2001, and good cause exists, as demonstrated by said videotapes, that Respondent has engaged in such conduct for an extended period of time and that such conduct is continuing at present.

6. Respondent's activities performed under the auspices of his license present an immediate danger to his clients and emergency action is necessary to prevent him from posing a threat to current and future clients.

#### CONCLUSIONS OF LAW

1. Conduct disclosed on the videotapes demonstrate that Respondent is engaging in unprofessional conduct pursuant to K.A.R. 102-2-7(j)[offering to perform or performing services clearly inconsistent with training, education, and experience], thereby subjecting Respondent to discipline pursuant to K.S.A. 65-6311(a)(4).

2. As a result of the demonstrated acts of unprofessional conduct, Respondent presents, and continues to present, an immediate danger to the public health, safety and welfare requiring immediate state agency action.

3. The least restrictive way for the Board to prevent or avoid the immediate danger Respondent poses to the public health, safety and welfare is to suspend Respondent's license, and to do so on an ex parte order as permitted by K.S.A. 77-536.

#### EMERGENCY AGENCY ORDER


Pursuant to K.S.A. 77-536 and K.S.A. 65-6311, and based upon the evidence in the possession of the Board at the time of this Order, and the foregoing findings of fact and conclusions of law, Respondent's LSCSW license #1031 is hereby suspended until

further order of the Board, effective immediately.

Pursuant to K.S.A. 77-536(d), this Order is effective on the date indicated herein. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of this Emergency Agency Order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board, 712 S. Kansas Avenue, Topeka, Kansas 66603-3817.

IT IS SO ORDERED.

8/9/01  
Date

  
C.W. Frankentfeld, ASCW, LSCSW  
Social Work Member  
Behavioral Sciences Regulatory Board

**BEHAVIORAL SCIENCES  
REGULATORY BOARD**  
712 S. Kansas Ave  
Topeka, Kansas 66603-3817



CERTIFICATE OF SERVICE

This to certify that on the 9<sup>th</sup> day of August, 2001, a true and correct copy of the above and foregoing Emergency Agency Order was deposited in the U.S. mail, certified, return receipt requested, postage prepaid, addressed to:

Arlan Kaufman, LSCSW  
1416 Grandview Ave.  
Newton, KS 67114-1423

and via building mail to:

Alan Varner  
Assistant Attorney General  
120 S.W. 10<sup>th</sup> Street, Second Floor  
Topeka, Kansas 66612-1597

  
Phyllis Gilmore, Executive Director  
Behavioral Sciences Regulatory Board