

Consent Agreement between David J. Kelner and the State of Ohio Counselor, Social Worker, Marriage and Family Therapist Board

Terms of this consent agreement were revised 11/1/18: -2 years of mandated supervision from an IMFT-S licensed in Ohio

**CONSENT AGREEMENT
BETWEEN
DAVID J. KELNER
AND THE
STATE OF OHIO COUNSELOR, SOCIAL WORKER, MARRIAGE AND
FAMILY THERAPIST BOARD**

This **CONSENT AGREEMENT** is entered into by and between **DAVID J. KELNER**, hereinafter, "**KELNER**" and the **STATE OF OHIO COUNSELOR, SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST BOARD**, hereinafter "**BOARD**" the state agency charged with enforcing Chapter 4757 of the Ohio Revised Code and all rules promulgated therein.

KELNER hereby acknowledges that he has read and understands this **CONSENT AGREEMENT** and has voluntarily entered into it without threat or promise by the **BOARD** or any of its members, employees or agents. **KELNER** is fully aware of his rights, including his right to be advised by counsel and his right to a hearing pursuant to Chapter 119 of the Ohio Revised Code on the issues which are the subject of this **CONSENT AGREEMENT**.

This **CONSENT AGREEMENT** contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this **CONSENT AGREEMENT**.

This **CONSENT AGREEMENT** is entered into on the basis of the following stipulations and, understandings:

1. **KELNER** is an independent marriage and family therapist (F-0700001) licensed to practice marriage and family therapy in the State of Ohio, and is subject to the laws and rules of Ohio regulating the practice of marriage and family therapy as outlined in Ohio Revised Code Section 4757 and Ohio Administrative Code Chapter 4757. **KELNER** received his independent marriage and therapy license on March 16, 2007.
2. Beginning in October, 2013, **KELNER**, while employed at a private practice in Beachwood, entered into a multiple relationship with a client by texting excessively. **KELNER** terminated client treatment in November, 2013, and began taking the client to dinner, and visiting the client at home on multiple occasions. This action constitutes a violation of O.R.C. 4757.36 (C) (1), and O.A.C 4757-3-03 (A)(4) (a) and (c), and (B).
3. **KELNER** admits the allegations referenced in paragraphs 2.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any other formal disciplinary proceedings, **KELNER** knowingly and voluntarily agrees with the **BOARD** to the following terms and conditions:

Consent Agreement between David J. Kelner and the State of Ohio Counselor, Social Worker, Marriage and Family Therapist Board

1. **KELNER must be clinically supervised in all aspects of his practice of marriage and family therapy and receive face-to-face supervision by an AMFT approved supervisor at the rate of one hour per every forty hours of work for a four (4) year period. KELNER'S supervisor must be pre-approved by the BOARD, have full access to client records, hold an independent level license and should not have a prior relationship with KELNER. If a previous relationship exists, KELNER must provide full disclosure of such a relationship in the request for supervisor approval. All cost associated with supervision will be at KELNER'S expense. The request for supervisor approval must be made in writing include a copy of the supervisor's vita, and be submitted to the Board no later than September 26, 2014. KELNER shall start the supervision no later than 15 days after the BOARD approves his supervisor. Supervision should focus on, but not be limited to, ethical decision making, confidentiality, multiple relationships and standards of care. Supervision should be considered training in nature and should not be limited to simply approving and denying case plans. KELNER'S supervisor must submit quarterly reports to the BOARD for the entire period detailing topics discussed during supervision sessions, areas of concern, areas of improvement and make a recommendation with regards to KELNER'S suitability to practice. However, if KELNER'S supervisor is concerned with KELNER'S practice at any time during the probationary period the BOARD should be notified immediately, reports of concerns will extend the length of supervision period based on the supervisor's recommendations. It is KELNER'S responsibility to ensure that the BOARD receives all monitoring reports.**
2. **KELNER must take continuing education in the area of professional ethics, he shall select from: Vanderbilt University Medical Center, "Maintaining Proper Boundaries" or the FBI "Professional Boundaries Course". These hours must be pre-approved in writing by the Board's Deputy Director or his designee. After KELNER completes these hours, he must submit a copy of his attendance certificate(s) to verify his attendance for these hours. These hours must be completed and verification submitted no later than one year after this consent agreement is signed. All costs associated with the CEUs are at the expense of KELNER.**

It is hereby agreed by and between both parties that this **CONSENT AGREEMENT** hereby settles all issues concerning this matter.

By his signature on this **CONSENT AGREEMENT**, **KELNER** acknowledges that in the event the **BOARD**, in its discretion, does not approve this **CONSENT AGREEMENT**, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. **KELNER** agrees that should the **BOARD** reject this **CONSENT AGREEMENT** and if this case proceeds to hearing, he will assert no claim that the **BOARD** was prejudiced by its review and discussion of this **CONSENT AGREEMENT** or of any information relating thereto.

Consent Agreement between David J. Kelner and the State of Ohio Counselor, Social Worker, Marriage and Family Therapist Board

KELNER hereby releases the members of the BOARD, its officers and employees, jointly and severally, from any and all liability arising from the matter within.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43 of the Ohio Revised Code. All parties to this Consent Agreement understand that this information will be sent to the United States Department of Health and Human Services' National Practitioner Data Bank (NPDB), pursuant to Title IV of Public Law 99-660, the Healthcare Quality Improvement Act of 1986, as amended; Section 1921 of the Social Security Act; and Section 1125E of the Social Security Act, as amended by Section 221(a) of the Health Insurance Portability and Accountability Act of 1996. The BOARD shall incorporate this CONSENT AGREEMENT into a formal journal entry at its Sept 2014 meeting.

This CONSENT AGREEMENT shall take effect upon the date of the Board Chair's signature below:



David J. Kelner, IMFT

8/20/14

Date



Mary J. Vannata, LSW, LPC
Chair, Counselor, Social Worker,
Marriage and Family Therapist Board

Steven Polovick, L:

8/18/14

Date



David A. Valent, Esq.

8-25-14

Date

Consent Agreement between David J. Kelner and the State of Ohio Counselor, Social Worker, Marriage and Family Therapist Board

**CONSENT AGREEMENT
BETWEEN
DAVID J. KELNER
AND THE
STATE OF OHIO COUNSELOR, SOCIAL WORKER, MARRIAGE AND
FAMILY THERAPIST BOARD**

This **CONSENT AGREEMENT** is entered into by and between **DAVID J. KELNER**, hereinafter, "**KELNER**," and the **STATE OF OHIO COUNSELOR, SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST BOARD**, hereinafter "**BOARD**," the state agency charged with enforcing Chapter 4757 of the Ohio Revised Code and all rules promulgated therein.

KELNER hereby acknowledges that he has read and understands this **CONSENT AGREEMENT** and has voluntarily entered into it without threat or promise by the **BOARD** or any of its members, employees or agents.

KELNER is fully aware of his rights, including his right to be advised by counsel and his right to a hearing pursuant to Chapter 119 of the Ohio Revised Code on the issues which are the subject of this **CONSENT AGREEMENT**.

This **CONSENT AGREEMENT** contains the entire agreement between the parties, based on the Board's investigation, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this **CONSENT AGREEMENT**.

This **CONSENT AGREEMENT** is entered into on the basis of the following stipulations, admissions and understandings:

1. **KELNER** is an independent marriage and family therapist (R-0700001) licensed to practice marriage and family therapy in the State of Ohio, and is subject to the laws and rules of Ohio regulating the practice of marriage and family therapy as outlined in Ohio Revised Code Chapter 4757 and Ohio Administrative Code Chapter 4757. **ANDERSON** received his independent marriage and family therapist license on March 16, 2007.
2. On September 16, 2014, **KELNER** and the Board entered into a Consent Agreement where **KELNER** was required to complete specific continuing education in the area of professional ethics. **KELNER** had until September 16, 2015, to complete this requirement and did not do so. **KELNER'S** actions constitute a violation of ORC 4757.56(C)(1) and OAC 4757-11-01(C)(21).
3. **KELNER** admits the statements referenced in paragraph 2 referenced above.

Consent Agreement between David J. Kelner and the State of Ohio Counselor, Social Worker, Marriage and Family Therapist Board

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any other formal disciplinary proceedings, KELNER knowingly and voluntarily agrees with the BOARD to the following terms and conditions:

1. KELNER'S license to practice as an independent marriage and family therapist is indefinitely suspended until he completes the required continuing education referenced in the September 18, 2014, consent agreement. Once KELNER completes the course, he must forward proof of this completion to the Board's Investigation Unit. The Board will lift the suspension upon certifying this requirement is completed. All other conditions of the September 18, 2014, consent agreement remain in place. KELNER will have to renew his license under normal Board procedures for him to be able to return to practice.

It is hereby agreed by and between both parties that this CONSENT AGREEMENT hereby settles all issues concerning this matter.


By his signature on this CONSENT AGREEMENT, KELNER acknowledges that in the event the BOARD, in its discretion, does not approve this CONSENT AGREEMENT, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. KELNER agrees that should the BOARD reject this CONSENT AGREEMENT and if this case proceeds to hearing, he will assert no claim that the BOARD was prejudiced by its review and discussion of this CONSENT AGREEMENT or of any information relating thereto. KELNER hereby releases the members of the BOARD, its officers and employees, jointly and severally, from any and all liability arising from the matter within.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43 of the Ohio Revised Code. All parties to this Consent Agreement understand that this information will be sent to the United States Department of Health and Human Services' National Practitioner Data Bank (NPDB), pursuant to Title IV of Public Law 99-660, the Healthcare Quality Improvement Act of 1986, as amended; Section 1921 of the Social Security Act; and Section 1128E of the Social Security Act, as amended by Section 221(a) of the Health Insurance Portability and Accountability Act of 1996. The BOARD shall incorporate this CONSENT AGREEMENT into a formal journal entry at its September 2015, meeting.

This CONSENT AGREEMENT shall take effect upon the date of the Board Chair's signature below:



David J. Kelner



Margaret A. Kneer, IMFT-S
Chair, Counselor, Social Worker, Marriage and Family Therapist Board

9/21/2015

Date

9-25-15

Date

Consent Agreement between David Kelner and the State of Ohio Counselor, Social Worker, Marriage and Family Therapist Board

CS\W\FTB

2005 MAR 16 P 1:14

**CONSENT AGREEMENT
BETWEEN
DAVID KELNER
AND THE
STATE OF OHIO COUNSELOR, SOCIAL WORKER, MARRIAGE AND
FAMILY THERAPIST BOARD**

This CONSENT AGREEMENT is entered into by and between DAVID KELNER, hereinafter, "KELNER", and the STATE OF OHIO COUNSELOR, SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST BOARD, hereinafter "BOARD", the state agency charged with enforcing Chapter 4757 of the Ohio Revised Code and all rules promulgated therein.

KELNER hereby acknowledges that he has read and understands this CONSENT AGREEMENT and has voluntarily entered into it without threat or promise by the BOARD or any of its members, employees or agents.

KELNER is fully aware of his rights, including his right to be advised by counsel and his right to a hearing pursuant to Chapter 119 of the Ohio Revised Code on the issues which are the subject of this CONSENT AGREEMENT. Should KELNER fail to comply with any provisions of this CONSENT AGREEMENT, KELNER knowingly waives his rights under ORC Chapter 119.

This CONSENT AGREEMENT contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this CONSENT AGREEMENT.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

1. KELNER is a marriage and family therapist (M-0600008) licensed to practice marriage and family therapy in the State of Ohio, and is subject to the laws and rules of Ohio regulating the practice of marriage and family therapy as outlined in Ohio Revised Code Chapter 4757 and Ohio Administrative Code Chapter 4757. KELNER received his marriage and family therapist license September, 17, 2004.
2. KELNER entered into a consent agreement with the Board, under which he was required to receive supervision and have supervision reports submitted to the Board, on September 17, 2004. KELNER did not comply with the consent agreement, a violation of Ohio Revised Code Section 4757.26(A) (1) and Ohio Administrative Code Section 4757-11-04 (C) (1) (j).

Consent Agreement between David Kelner and the State of Ohio Counselor, Social Worker, Marriage and Family
Therapist Board

3. **KELNER ADMITS** the allegations referenced in paragraphs 2 above.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal disciplinary proceedings, **KELNER** knowingly and voluntarily agrees with the **BOARD** to the following terms and conditions:

1. **KELNER'S** license to practice marriage and family therapy (M-0000008) is **REPRIMANDED**.
2. **KELNER** must pass the examination for marriage and family therapist licensure prior to applying for his **IMFT** license. **KELNER** must work under supervision while meeting the requirements for **IMFT** licensure, with a minimum of one hour of face-to-face supervision per week. The supervisor must be pre-approved by the Board Deputy Director or his designee. The supervisor must submit quarterly reports regarding the supervision. Supervision should focus on, but not be limited to, areas of concern, areas for improvement, record keeping practices, and ethical decision making. Quarters consist of the following dates: Jan-Mar, Apr-Jun, Jul-Sept, and Oct-Dec. In order to meet the requirements of this agreement, the reports must be received for each quarter. If **KELNER'S** supervisor is concerned with **KELNER'S** practice at any time the Board should be notified immediately. All cost associated with the supervision is the responsibility of **KELNER**. Once **KELNER** passes the examination, **KELNER** is responsible for the submission of the license application and materials to the Board.

It is hereby agreed by and between both parties that this **CONSENT AGREEMENT** hereby settles all issues concerning this matter.

By his signature on this **CONSENT AGREEMENT**, **KELNER** acknowledges that in the event the **BOARD**, in its discretion, does not approve this **CONSENT AGREEMENT**, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. **KELNER** agrees that should the **BOARD** reject this **CONSENT AGREEMENT** and if this case proceeds to hearing, he will assert no claim that the **BOARD** was prejudiced by its review and discussion of this **CONSENT AGREEMENT** or of any information relating thereto.

KELNER hereby releases the members of the **BOARD**, its officers and employees, jointly and severally, from any and all liability arising from the matter within.

This **CONSENT AGREEMENT** shall be considered a public record as that term is used in Section 149.43 of the Ohio Revised Code. Pursuant to 42 USC Section 132a-73(b), 5 USC Section 552a, 45 CFR part 61, and Ohio Revised Code 3123.41 et seq., the **BOARD** may be required to provide **KELNER'S** social security number to requesting governmental agencies.

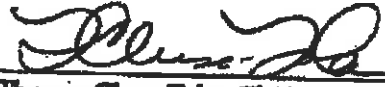
Consent Agreement between David Kelner and the State of Ohio Counselor, Social Worker, Marriage and Family Therapist Board

The BOARD shall incorporate this CONSENT AGREEMENT into a formal journal entry at its 3-17, 2006, meeting.


This CONSENT AGREEMENT shall take effect upon the date of the Board Chair's signature below:


David Kelner, MFT

2/1/06
Date


Theresa Chase-Tolar, Ph.D., LISW
Chair, Counselor, Social Worker, Marriage and Family Therapist Board

3/17/06
Date


Peter R. Casey IV, Esq.
Assistant Attorney General
Counselor, Social Worker, Marriage and Family Therapist Board

3-17-06
Date

Consent Agreement Between David J. Kelner and the State of Ohio Counselor, Social Worker, Marriage and Family
Therapist Board

CSWMFTB

2004 AUG 30 P 12:37

**CONSENT AGREEMENT
BETWEEN
DAVID J. KELNER
AND THE
STATE OF OHIO COUNSELOR, SOCIAL WORKER, MARRIAGE AND
FAMILY THERAPIST BOARD**

This **CONSENT AGREEMENT** is entered into by and between David J. Kelner, hereinafter, "**KELNER**," and the **STATE OF OHIO COUNSELOR, SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST BOARD**, hereinafter "**BOARD**", the state agency charged with enforcing Chapter 4757 of the Ohio Revised Code and all rules promulgated therein.

KELNER hereby acknowledges that he has read and understands this **CONSENT AGREEMENT** and has voluntarily entered into it without threat or promise by the **BOARD** or any of its members, employees or agents.

KELNER is fully aware of his rights, including his right to be advised by counsel and his right to a hearing pursuant to Chapter 119 of the Ohio Revised Code on the issues which are the subject of this **CONSENT AGREEMENT**. Should **KELNER** fail to comply with any provisions of this **CONSENT AGREEMENT**, **KELNER** knowingly waives his rights under ORC Chapter 119.

This **CONSENT AGREEMENT** contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this **CONSENT AGREEMENT**.

This **CONSENT AGREEMENT** is entered into on the basis of the following stipulations, admissions and understandings:

1. **KELNER** was a social worker licensed to practice social work in the State of Ohio, and was subject to the laws and rules of Ohio regulating the practice of social work as outlined in Ohio Revised Code Chapter 4757 and Ohio Administrative Code Chapter 4757. **KELNER** received his social work license on November 15, 1996.
2. **KELNER** allowed his social work license to lapse on November 16, 1998, and continued to practice social work without a license in Shaker Heights and Chagrin Falls, Ohio, in violation of Ohio Revised Code Section 4757.36(A)(1) and Ohio Administrative Code Section 4757-7-02.
3. On July 13, 2004, **KELNER** applied for licensure as an Independent Marriage and Family Therapist (IMFT).
4. On August 6, 2004, **KELNER** requested in writing and under notary seal

to have his IMFT application withdrawn and to have the application to be considered as an application for a Marriage and Family Therapist (MFT)

5. KELNER ADMITS the allegation and statements referenced above.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal disciplinary proceedings, KELNER knowingly and voluntarily agrees with the BOARD to the following terms and conditions:

1. KELNER will be licensed as a Marriage and Family Therapist at the BOARD'S September 17, 2004, meeting. KELNER must receive face-to-face supervision, by an individual pre-approved by the BOARD, one-hour every week for a period of 1 year. KELNER must disclose any previous relationship with the supervisor in the request for supervisor approval. The 1-year supervision period will not begin until KELNER'S supervisor is approved. Supervision should focus on, but not be limited to, KELNER'S role in professional relationships, ethical decision-making, and proper record keeping. KELNER'S supervisor is required to submit a report to the BOARD, quarterly, detailing topics discussed during supervision sessions, areas of concern, and areas for improvement. At the end of the 1-year supervised period, KELNER'S supervisor will make a final report encompassing the 1 year of supervision. If KELNER'S supervisor is concerned with KELNER'S practice at any time the BOARD should be notified immediately. It is KELNER'S responsibility to ensure that the BOARD receives the supervisor's reports. All costs associated with the supervision are at the expense of KELNER.
2. The BOARD will count the one-year of supervised experience that KELNER received in California. The BOARD also agrees to waive the AAMFT's examination if KELNER receives and completes the required supervision and applies for the Independent Marriage and Family Therapist license before October 1, 2005.

It is hereby agreed by and between both parties that this CONSENT AGREEMENT hereby settles all issues concerning this matter.

By his signature on this CONSENT AGREEMENT, KELNER acknowledges that in the event the BOARD, in its discretion, does not approve this CONSENT AGREEMENT, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. KELNER agrees that should the BOARD reject this CONSENT AGREEMENT and if his case proceeds to hearing, he will assert no claim that the BOARD was prejudiced by its review and discussion of this CONSENT AGREEMENT or of any information relating thereto.

KELNER hereby releases the members of the BOARD, its officers and employees, jointly and severally, from any and all liability arising from the matter within.

Consent Agreement between David J. Keiner and the State of Ohio Counselor, Social Worker, Marriage and Family
Therapist Board

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43 of the Ohio Revised Code. Pursuant to 42 USC Section 132a-73(b), 5 USC Section 552a, 45 CFR part 61, and Ohio Revised Code 3123.41 et seq., the BOARD may be required to provide KEBNER'S social security number to requesting governmental agencies.


The BOARD shall incorporate this CONSENT AGREEMENT into a formal journal entry at its September 17, 2004, meeting.

This CONSENT AGREEMENT shall take effect upon the date of the Board Chair's signature below:




David J. Keiner

8/26/04
Date



Rosa Quinones-DelValle, PCC
Chair, Counselor, Social Worker, Marriage and
Family Therapist Board

Date



Juliane E. Barone, Esq.
Assistant Attorney General
Counselor, Social Worker, Marriage and Family
Therapist Board

9-19-04
Date