

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

IN THE MATTER OF)
Francisca Rae Price,)
LBSW #3431)
_____)
CASE NO. 00-0060

CONSENT AGREEMENT AND ORDER

Now on August 13, 2001, the above-captioned matter comes before the Behavioral Sciences Regulatory Board (Board) by agreement of Francisca Rae Price (Respondent) and the Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned matter.

Respondent hereby acknowledges the following:

1. Francisca Rae Price is currently, and at all times relevant, has been, licensed as a Licensed Baccalaureate Social Worker (LBSW) pursuant to 65-6301, et seq. with LBSW license #3431.

2. Respondent's address last known address is



3. The Board received information concerning Respondent's conduct alleging Respondent may have violated certain statutes and regulations governing the conduct and activities of Licensed Baccalaureate Social Workers in the State of Kansas pursuant to 65-6301, et seq., and specifically K.A.R. 102-2-7(12) [unprofessional

conduct - engaging in professional activities involving dishonesty, fraud, deceit or misrepresentation], K.A.R. 102-2-7(36) [unprofessional conduct - taking credit for work not personally performed whether by giving inaccurate information or failing to disclose accurate information], K.A.R. 102-2-7(38) [unprofessional conduct - knowingly reporting distorted, erroneous or misleading information], K.S.A. 65-6311(4) and (6).

4. The Board conducted an investigation concerning Respondent's alleged violation of statutes and regulations.

5. During the investigation, Respondent was informed of the reported information, and was given the opportunity to respond to the allegations, and did respond to the allegations by admitting to violations of the regulations and statutes herein cited.

6. As a result of the investigation, the Board finds reasonable cause to believe the following facts:

a. On or about May, 2000, while Respondent was employed as a Licensed Baccalaureate Social Worker by the State of Kansas Department of Social and Rehabilitation Services, Respondent informed a co-worker and a supervisor that she had intentionally prepared an official agency record that contained inaccurate information concerning an interview with an alleged perpetrator of sexual abuse, as well as interviews with persons who later were determined to be deceased.

b. Investigation of the matter revealed that the official agency record was in fact inaccurate, and Respondent has written and signed a letter sent to the Board in which she admitted making untrue statements in the official agency record.

7. As a result of the investigation, the Board through its investigative committee

determines that reasonable grounds exist to believe that Respondent has committed acts that constitute violations of K.A.R. 102-2-7(12) [unprofessional conduct - engaging in professional activities involving dishonesty, fraud, deceit or misrepresentation], K.A.R. 102-2-7(36) [unprofessional conduct - taking credit for work not personally performed whether by giving inaccurate information or failing to disclose accurate information], K.A.R. 102-2-7(38) [unprofessional conduct - knowingly reporting distorted, erroneous or misleading information], K.S.A. 65-6311(4) and (6).

HOWEVER, Respondent and the Board mutually desire to enter into a Consent Agreement and Order in lieu of adjudicative proceedings to resolve the alleged violation.

WHEREFORE, Respondent 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 the facts set forth herein.

WHEREFORE Respondent waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas act for judicial review in relation to the facts set forth herein.

WHEREFORE Respondent agrees that the Board has jurisdiction in this matter and Respondent voluntarily submits to said jurisdiction.

WHEREFORE Respondent consents and agrees to the following:

A. Voluntary Surrender of LBSW License #3431. Respondent hereby voluntarily surrenders her LBSW License #3431 to the Board, with said surrender effective the date of this Order. Respondent agrees to forthwith return to the Board any and all licenses and any official documentation of said licenses.

B. 5 Year Stay on Application for Licensure. Respondent acknowledges, accepts and agrees that she will not apply to the Board for licensure at any level for a period of five (5) years from the effective date of this Order.

C. Consideration of Admitted Facts in the Event of Application for Licensure. Respondent understands that the Board will terminate further proceedings in this matter, without prejudice. In the event Respondent applies to the Board for licensure at any level, it is acknowledged, understood and agreed that the Board may consider the facts admitted by Respondent in making a determination of whether to grant any such application for licensure.

D. Acknowledgments and Affirmations. Respondent acknowledges that she has read the Consent Agreement and Order in its entirety and affirms that she enters into it voluntarily, after the opportunity to consult with counsel and with full understanding of its legal consequences. Respondent executes and submits the Consent Agreement and Order to the Board with the acknowledgment that once it is accepted, approved and made an order of the Board, it shall be given the same force and effect as a Final Order entered as a result of a formal disciplinary proceeding, specifically the pending administrative petition on file with the Board in case number 00-0060. Respondent acknowledges that the Consent Agreement is not effective unless and until accepted by the Board as an order of the Board. If the Board does not accept the Consent Agreement and Order, Respondent waives any right she may have to object to the composition of any subsequent hearing panel due to the hearing panel members having knowledge of matters contained within the Consent Agreement and Order.

E. Violations Of The Consent Agreement and Order. It is the responsibility of Respondent to take all appropriate actions to comply fully with the Consent Agreement and Order. Respondent understands and agrees that any violation of the Consent Agreement and Order shall constitute a violation of a Board Order and thus constitute grounds for further disciplinary action. If the Board has reasonable grounds to believe that a violation of the Consent Agreement and Order has occurred, the Board may on its own motion initiate disciplinary action, including the issuance of a summary order lifting the stay of suspension and imposing actual suspension, or other appropriate discipline, as provided by K.S.A. 77-537. In the event of the issuance of a summary order, and subsequent timely request by Respondent for hearing on the summary order, the issues to be addressed at such hearing shall be limited solely to: (1) whether the Respondent committed the violations believed by the Board to have occurred, and (2) what disciplinary sanctions should be imposed in addition to the summary lifting of the stay of suspension. The pendency of any disciplinary action against Respondent shall not affect Respondent's obligation to comply with the terms of the Consent Agreement and Order.

F. Reporting to Other Jurisdictions. Respondent acknowledges that notification of the Consent Agreement and Order shall be provided to another state licensing board if Respondent is also licensed, registered or certified in another state or states, and the Board shall disclose the Consent Agreement and Order to another licensing board upon request.

G. Consent Agreement and Order Constitutes Entire Agreement. Respondent acknowledges that the Consent Agreement and Order constitutes the

entire agreement between Respondent and the Board, and may be modified or amended only by written agreement signed by Respondent and the Board or a designee of the Board, except as otherwise provided in the Consent Agreement and Order.

WHEREFORE Respondent consents and agrees that any violation of the consent agreement and order shall constitute a prima facie violation of K.S.A. 65-65-6311(a) (4) and K.A.R. 102-2-7(a).

WHEREFORE Respondent consents to the submission of the Consent Agreement and Order to the Behavioral Sciences Regulatory Board and understands that upon approval of the Board, the Consent Agreement and Order becomes a final order of the Board.

WHEREFORE the Board agrees that it will not initiate further disciplinary action against Respondent in relation to violation of K.S.A. 65-65-6311(a) (4) and K.A.R. 102-2-7(a) unless Respondent does any act or omission that violates the consent agreement and order in which case said violation shall constitute a prima facie violation of K.S.A. 65-65-6311(a) (4) and K.A.R. 102-2-7(a), as noted elsewhere herein.

WHEREFORE the provisions above are consented to and are hereby made the final order of the Behavioral Sciences Regulatory Board which becomes effective on the date indicated in the below Certificate of Service.

IT IS SO ORDERED.

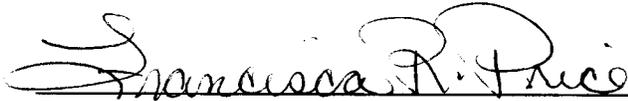
8/13/01

Dated



Member, Behavioral Sciences Regulatory Board

APPROVED AND CONSENTED TO:


Francisca Rae Price

8-6-01
(date)

CERTIFICATE OF SERVICE

This to certify that on the 14th day of August, 2001, a true and correct copy of the above and foregoing Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Francisca Rae Price



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


Roger Scurlock, Special Investigator
Behavioral Sciences Regulatory Board