

Marty M. Snyder, Supreme Court #11317
Kansas Attorney General's Office
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BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD
712 South Kansas Avenue
Topeka, Kansas 66603-3817

In the Matter of)
)
Cathy A. Calasanti, LMSW #3641)
_____)

Case No. 02-MS-0008

CONSENT AGREEMENT AND ORDER

NOW on this 4th day of August, 2005, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Cathy A. Calasanti (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Cathy A. Calasanti is currently, and at all times relevant has been, a Licensed Masters Social Worker within the meaning of the Kansas Social Workers Act, K.S.A. 65-6301 *et seq.*, and amendments thereto.

2. On or about August 6, 2001, the Board received a report of information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing her practice as a Licensed Masters Social Worker.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations.

4. During the investigation, Licensee was informed of the reported information, was given the opportunity to respond to the allegations and did respond to the allegations.

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

(a) In October of 1999, Licensee was seeking licensure as a specialist clinical social worker and provided Supervisory Attestation Forms to two supervisors for release of information on her qualifications to the Board.

(b) After completion of the form, each supervisor is requested as follows: "Please mail this completed attestation form, along with other required supportive [sic] documentation directly to me in the large self-addressed stamped envelope enclosed herein. Be certain to seal the envelope and sign over the seal. I am responsible to [sic] for submitting to the Behavioral Sciences Regulatory Board the completed reference in its sealed envelope as part of my application packet." [Exhibit 1]

(c) The two supervisors contacted by Licensee were Matt Atteberry, LSCSW, and Gia Reve Bates, LSCSW. Both completed the forms and provided them in sealed and signed envelopes to Licensee.

(d) Subsequently, it was determined that the sealed attestation envelopes had been tampered with before they were submitted to the BSRB.

(e) Ms. [REDACTED] a co-worker, states (i) that Licensee took the contents from the previously sealed envelopes and gave them to her to read, and (ii) that at that

time, Licensee “voiced her ideas of changing these recommendations.” [Exhibit 2]

(f) The forms prepared by Mr. Atteberry were replaced in the envelope, which was resealed, and sent to the Board in the application packet. The envelope reveals evidence of tampering. However, there is no evidence as to the identity of the person who broke the seal. [Exhibit 3]

(g) Ms. [REDACTED] states that the forms and original typed notes for Section IV prepared by Ms. Bates [Exhibit 4] were removed by Licensee.

(h) A different set of typed notes, changing the information to show Licensee in a better light, was prepared and sent to the Board. Seven (7) “unacceptable” ratings were changed to “acceptable” or “acceptable with reservations.” Ironically, two of the altered items described Licensee’s Honesty and Integrity. [Exhibit 5]

(i) Ms. Bates confirms (i) that the information provided by Licensee in her application packet to the Board contains typed notes with her “signature” that are significantly different in content from the typed notes she prepared, signed and provided, (ii) that the notes she prepared were created using computer word-processing and a printer, whereas the notes sent in the packet were created using a typewriter by someone with poor typing skills and (iii) that the purported signature on the notes is not hers but is a forgery.

(j) The Kansas Bureau of Investigation confirms that Ms. Bates’s “signature” on the notes does “not appear to be a genuine signature but rather the product of a tracing.” [Exhibit 6]

(k) In responding to the complaint in Case Number 02-MS-0008, Licensee provided misleading and irrelevant information to the Board.

6. The Board finds that reasonable grounds exist to believe Licensee has committed unprofessional conduct in violation of K.S.A. 65-6310(a), (b) and (c) and K.S.A. 65-6311(a)(2) and (4) as defined as follows: K.A.R. 102-2-7(a) "Any of the following acts by a licensee or an applicant for a social work license shall constitute unprofessional conduct: (a) Obtaining or attempting to obtain licensure for oneself or another by means of fraud, bribery, deceit, misrepresentation or concealment of a material fact."

However, Licensee and the Board mutually desire to enter into 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. 02-MS-0008.

WHEREFORE, Licensee 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 Case No. 02-MS-0008.

WHEREFORE, Licensee consents to the stayed suspension of her license for a period of twelve (12) months (reportable) but that the suspension shall be stayed during a period of supervision. During the period of the stay, Licensee consents to the following conditions on her practice as a Licensed Masters Social Worker:

(a) Supervised practice for a total of twenty-four (24) months. In consideration of the fact that Licensee has already worked under supervision for at least twelve (12)

months during the past three years, there shall be an additional supervision period of twelve (12) months, or fifty (50) weeks, from the effective date of this Consent Agreement and Order. Licensee's practice as a Licensed Masters Social Worker shall be supervised by a Board-approved Licensed Masters Social Worker or Licensed Specialist Clinical Social Worker who is not in a subordinate, familial or other dual relationship with Licensee.

(b) The focus of this additional supervision shall be on Licensee's competence to practice social work and her honesty.

(c) Licensee shall meet with her supervisor for at least a one-hour supervisory session every week, for a total of fifty (50) weeks.

(d) Written reports to the Board from Licensee's supervisor are expected every three (3) months regarding Licensee's compliance with the supervision process and the focus of supervision. Licensee will request and make every effort to ensure that the supervisor provides these status reports to the Board. Any material non-compliance by Licensee shall be reported by the supervisor to the Board immediately.

(e) Licensee shall furnish a copy of the Consent Agreement and Order to her supervisor and shall cooperate with her supervisor to enable the supervisor to discharge his or her duties in a responsible manner.

(f) Licensee shall be responsible for any costs 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 these 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 of this Consent Agreement and Order. Upon determination at such hearing that Licensee has breached, violated or failed to comply with any condition, Licensee understands and agrees that her Masters Social Worker license shall be revoked.

(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) If the Board does not approve this Consent Agreement and Order, Licensee waives any right she may have to object to the composition of any subsequent hearing panel due to hearing panel members having knowledge of matters contained within this Consent Agreement and Order.

(l) 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 its designee.

WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval of 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. 65-6310 (a), (b) and (c) and K.S.A. 65-6311(a)(2) and (4) as defined by K.A.R. 102-2-7(a) as a result of this proceeding, nor will the Board or any of its representatives refer this matter for other action by any regulatory or law enforcement agency.

WHEREFORE, the Board further agrees that, at the conclusion of the conditional licensure period, upon determination of Licensee's compliance with the conditions stated herein and upon Board receipt of an acceptable reference from Licensee's supervisor on a Board-approved form, Licensee shall be unconditionally licensed as a Licensed Masters Social Worker.

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 this 4th day of August, 2005.

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

APPROVED AND CONSENTED TO:

Cathy A. Calasanti, LMSW
Cathy A. Calasanti, LMSW #3641

7-7-05
Date

REVIEWED AND APPROVED BY:

Cynthia J. Sheppard
Cynthia J. Sheppard
Counsel for Licensee

July 19, 2005
Date

Certificate of Service

This is to certify that on this 9th day of August, 2005, 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:

Cathy A. Calasanti, LMSW #3641



Cynthia J. Sheppard
Weathers & Riley
4848 SW 21st St.
Topeka, KS 66604-4415
Counsel for Licensee

Roger Scumlock
For the Behavioral Sciences Regulatory Board