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Marty M. Snyder, Supreme Court #11317  
Kansas Attorney General's Office  
120 SW 10<sup>th</sup> St, Second Floor  
Topeka, KS 66612-1597

**BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD**  
712 South Kansas Avenue  
Topeka, Kansas 66603-3817

In the Matter of )  
 )  
Sally Gerlach, LSCSW )  
License #3592 )  
Respondent )  
\_\_\_\_\_ )

**Case No. 06-CS-24**

**CONSENT AGREEMENT AND ORDER**

NOW on this 25 day of July, 2006, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Sally Gerlach (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

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

2. On or about November 4, 2005, the Board received a report of information concerning Licensee's conduct, alleging Licensee's employment was terminated for failure to turn in timely and complete documentation on her social work clients.

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 in her letter received on February 28, 2006.

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

a. While employed at Family Consultation Service, Licensee failed to complete 56 Intake Summaries on open cases, failed to develop treatment plans with 63 clients and more than 40 chart notes were missing for services she provided.

b. Licensee failed to refer a client appropriately who had just been released from the hospital and was reporting suicidal ideation.

c. After repeated attempts at corrective action on the paperwork problem failed, Licensee was given a choice between resigning her employment or being fired. She chose to resign.

d. Licensee failed to report to the Board her employment termination for some form of misfeasance, malfeasance or nonfeasance.

6. The Board finds that reasonable grounds exist to believe Licensee has committed unprofessional conduct in violation of K.S.A. 65-6311(a)(4) and (6) as defined as follows:

(a) K.A.R. 102-2-7(II) - reporting ... incomplete ... social work information,

(b) K.A.R. 102-2-7(xx) - practicing social work in an incompetent manner, and

(c) K.A.R. 102-2-7(b)(3) - failing to notify the Board that she has been asked to resign for some form of misfeasance, malfeasance or nonfeasance.

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. 06- CS-24.

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. 06- CS-24.

WHEREFORE, Licensee consents to continuation of her license to practice on the following terms and conditions:

(a) If her current employment involves clinical practice requiring a social worker license, Licensee shall have twenty-four (24) months of supervised practice by a board-approved LSCSW supervisor who is not in a subordinate, familial or other dual relationship with the Licensee. The focus of the supervision shall be on the importance of completeness and timeliness in clinical paperwork. There shall be at least one one-hour supervision session for each forty (40) hours worked.

(b) The supervisor shall provide written progress reports to the Board every three (3) months regarding Licensee's compliance with the supervision process. In the event of non-compliance, the supervisor shall report to the Board immediately. Licensee shall provide the supervisor with a copy of this Consent Agreement and Order and shall make every effort to ensure that all conditions of the Agreement are met. Licensee shall cooperate with her supervisor to enable the supervisor to discharge these duties in a responsible manner.

(c) Licensee shall submit to the Board a five-page professional quality paper, APA format, on the importance of time management and complete and timely documentation. The paper is due within sixty (60) days from the date shown on the Certificate of Service.

(d) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.

(e) Evidence of Licensee's breach, violation or failure to comply with any of the 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. Upon determination at such hearing that Licensee has breached, violated or failed to comply with any condition, Licensee understands and agrees that his Kansas Licensed Psychologist license shall be suspended until such time as Licensee can demonstrate compliance with all terms and conditions of this Consent Agreement and Order to the satisfaction of the Board.

(f) 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.

(g) 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.

(h) 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.

(i) 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.

(j) 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 a designee of the Board.

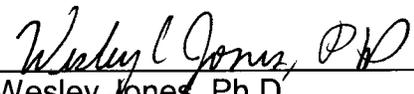
WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval of the Complaint Review Committee, this Consent Agreement and Order will become a Final Order of the Board. The Board has authorized the Complaint 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. 65-6311 as defined by K.A.R. 102-2-7 as a result of this proceeding.

WHEREFORE, the Board further agrees that, at the conclusion of the twenty-four-month supervision 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 Specialist Clinical 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.

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

**APPROVED AND CONSENTED TO:**

Sally Gerlach, LSCSW  
Sally Gerlach, LSCSW  
Respondent Licensee

7-19-06  
Date

**APPROVED BY:**

\_\_\_\_\_  
Counsel for Respondent

\_\_\_\_\_  
Date

**Certificate of Service**

This is to certify that on this 28<sup>th</sup> day of July, 2006, 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:

Sally Gerlach  


Roger Scurlock  
For the Behavioral Sciences Regulatory Board