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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
CYNTHIA POTTER-MAXWELL,)
LBSW # 3109)
_____)

Case No. 13-BS-0069

Pursuant to K.S.A. 77-537

SUMMARY PROCEEDING ORDER OF SUSPENSION

NOW, on this 8 day of April, 2013, the above-captioned complaint comes before the Complaint Review Committee (the "Committee") of the Kansas Behavioral Sciences Regulatory Board (the "Board").

FINDINGS OF FACT

The Board finds that the following facts have been established by a preponderance of clear and convincing evidence:

1. Cynthia Potter-Maxwell ("Licensee") is a Licensed Bachelor Social Worker, License #3109, which was issued by the Kansas Behavioral Sciences Regulatory Board.
2. At all times relevant to the complaint herein, Licensee was practicing as a Licensed Bachelor Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto.
3. On or about February 4, 2013, the Board received a Report of Alleged Violation ("RAV"). The report alleged Licensee, while employed by the Kansas Department of Children and Families ("DCF"), violated DCF policies regarding background checks and supervision of staff members assigned to her.

4. Licensee's employment with DCF was terminated January 5, 2013. Licensee failed to notify the Board of her termination from employment.

5. Licensee was informed about the complaint on February 7, 2013, and was requested to respond in writing by March 8, 2013. Licensee failed to respond by the requested date, and Board staff members have been unable to locate Licensee.

6. As a result of the investigation, the Board found probable cause that the following facts were established by clear and convincing evidence:

- a. Licensee was terminated from her employment with DCF on January 5, 2013 because she provided inadequate supervision of an employee, which resulted in improper removal of a child from the child's home. She was also terminated because she failed to provide direction and supervision for other staff members assigned to her.
- b. According to the RAV filed with the Board, Licensee failed to ensure that a supervisee (1) assessed whether a child was related to other children in the home, (2) conducted a risk and safety assessment, (3) conducted and reviewed background checks on all caregivers, and (4) assessed potential protective factors. Licensee failed to review the file, failed to pay attention to details when sending the petition to the court, and made no reasonable effort to prevent removal of the child from the home.
- c. Also according to the RAV, Licensee allowed another social worker to access her email and send petitions to the court for her when she was not at work.
- d. Licensee has not disputed the allegations made in the RAV. The Board sent a letter to Licensee on February 7, 2013 to which Licensee has not responded to date—over six months. The Board has been unable to locate Licensee, and

Licensee has not updated her contact information with the Board.

- e. Licensee failed to notify the Board of her termination from employment with DCF and has not contacted the Board about her termination to date.

CONCLUSIONS OF LAW

The Board finds that probable cause exists to believe Licensee Cynthia Potter-Maxwell violated the following statutes and regulations:

K.A.R. 102-2-7 Unprofessional Conduct. Any of the following acts by a licensee or an applicant for a social work license shall constitute unprofessional conduct:

...

- (b) except when the information has been obtained in the context of a confidential relationship, failing to notify the board, within a reasonable period of time, that any of the following conditions apply to any person regulated by the board or applying for a license or registration, including oneself:

...

- (3) has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance;

...

- (i) failing or refusing to cooperate in a timely manner with any request from the board for a response, information that is not obtained in the context of a confidential relationship, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the board. Each person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person acted in a timely manner;

...

- (ll) making or filing a report that one knows to be distorted, erroneous, incomplete, or misleading;

...

- (rr) failing to exercise adequate supervision over anyone with whom the licensee has a supervisory or directory relationship;

...

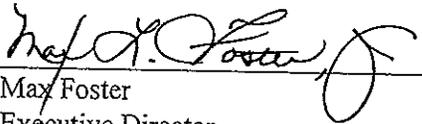
(xx) practicing social work in an incompetent manner;

SANCTION

Based on the above Findings of Fact and Conclusions of Law and pursuant to K.S.A. 65-6311(b) and K.S.A. 77-537, the Board finds that the Licensed Bachelor Social Worker license of Cynthia Potter-Maxwell should be and is hereby suspended until further order.

IT IS SO ORDERED.

Dated this 28th day of AUGUST, 2013.



Max Foster
Executive Director
Behavioral Sciences Regulatory Board

NOTICE OF RELIEF FROM SUMMARY PROCEEDING ORDER

Pursuant to K.S.A. 77-537 and K.S.A. 77-542, this Summary Proceeding Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for hearing to:

Max Foster, Executive Director
Behavioral Sciences Regulatory Board
700 SW Harrison St., Suite 420
Topeka, KS 66603-3929

Whitney L. Casement, Esq.
Kansas Office of the Attorney General
120 SW Tenth Ave., 2nd Floor
Topeka, KS 66612

Any such request must be filed within fifteen (15) days of service of this Notice. If a hearing is not requested in the time and manner stated, this Summary Proceeding Order becomes final and effective upon the expiration of the time for requesting a hearing and will be a Final Order of the Board.

CERTIFICATE OF SERVICE

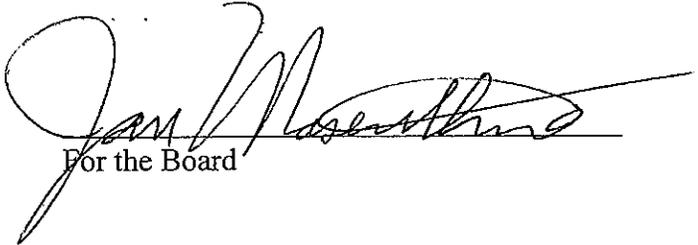
This is to certify that on this 4th day of October, 2013, a copy of the above and foregoing Summary Proceeding Order of Suspension was placed in the U.S. mail, first-class postage prepaid, addressed to:

Cynthia Potter-Maxwell



and a copy delivered by building mail to:

Whitney L. Casement
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612


For the Board