

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD
712 Kansas Avenue
Topeka, Kansas 66603-3817
(913) 296-3240

In the Matter)
)
 of) Case No. 569
)
 Margaret H. McKee, LMSW)
)
 _____)

CONSENT AGREEMENT AND ORDER

Now on this 12 day of Feb., 199~~4~~⁶, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board, by agreement of Margaret H. McKee, LMSW. (licensee) and the Kansas Behavioral Sciences Regulatory Board (board) for the purpose of settling the above-captioned case.

Licensee hereby acknowledges the following:

1. Margaret H. McKee is a licensed masters social worker (LMSW) within the meaning of the Kansas social workers act, K.S.A. 65-6301 et seq., and amendments thereto.

2. On or about September 23, 1994, the board received a report of information concerning licensee's conduct alleging licensee may have violated the following: K.S.A. K.S.A. 65-6311(a)(4), unprofessional conduct, as defined by K.A.R. 102-2-7(b)(2)(C), failing to notify the board that the social worker has been terminated or suspended from employment for some form of misfeasance, malfeasance, or nonfeasance, and K.A.R. 102-2-7(b)(8), failing to notify the board within a reasonable period of time that another social worker is, in the judgment of the social worker, practicing social work in

violation of the laws or regulations regulating social work, unless the information was obtained in the context of confidentiality.

3. The board conducted an investigation concerning licensee's alleged violation of the above-referenced 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 determined that reasonable grounds exist to believe that licensee engaged in unprofessional conduct in violation of K.S.A. 65-6311(a)(4) as further defined in K.A.R. 102-2-7(b)(2)(C), failing to notify the board that the social worker has been suspended from employment for malfeasance (doing an act a social worker should not do), to wit: breach of confidentiality of a Hospice client.

6. The board's conclusion is based on the following factual determination:

During the summer of 1994 Social worker Teresa A. Scheckel was employed by Hospice of Reno/Rice Counties; Licensee was Scheckel's supervisor. Scheckel disclosed information to the police department concerning a Hospice client who at the time presented a threat to herself and others. During the conversation the police office discussed his concerns about the client and disclosed that the department intended to file a mental illness petition seeking

involuntary commitment of the client. Based on this interaction between Scheckel and the officer Licensee concluded that Scheckel breached confidentiality, and consequently suspended Scheckel from work for one day and placed Scheckel on three months probation. Licensee did not notify the Board that Scheckel had been suspended from employment for a breach of confidentiality, a form of malfeasance (doing an act a social worker should not do.)

7. Licensee disputes that the foregoing factual determinations establish violation of K.S.A. 65-6311(a)(4) as further defined in K.A.R. 102-2-7(b)(2)(C).

HOWEVER, licensee and the board mutually desire to enter into this Consent Agreement and Order in lieu of adjudicative proceedings to resolve the report of alleged violations.

WHEREFORE licensee hereby consents and agrees to the following terms and conditions:

A. 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. 569.

B. 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. 569.

C. Licensee consents to the following conditions on her continued licensed practice as a masters social worker in the state of Kansas:

(1) Licensee shall write a 20 page double spaced original paper in the format required for term papers during graduate study on the topic of "Kansas mandatory reporting law on children and adults" including the penalties for failure to report. The paper is due in the Board office 30 days after the date indicated on the attached Certificate of Service (following Board approval of this Consent Agreement and Order).

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

D. Notification of this Consent Agreement and Order shall be provided to another state licensing board if the licensee is licensed or applies for licensure in another state.

E. This Consent Agreement and Order constitutes the entire agreement between licensee and the board and may be modified or amended only by written agreement signed by the parties.

F. Licensee understands and agrees that continued board approval of this Consent Agreement and Order is conditioned on her satisfactory compliance with the terms of this Consent Agreement and Order.

G. Licensee consents to the submission of this Consent Agreement and Order to the Kansas Behavioral Sciences Regulatory Board, and understands that upon approval of the Kansas Behavioral Sciences Regulatory Board, this Consent Agreement and Order becomes a final order of the board.

WHEREFORE the board agrees that so long as licensee complies with the above terms and conditions that the board will not initiate further disciplinary action against licensee in relation to violation of K.S.A. 65-6311(a)(4) as further defined by K.A.R. 102-2-7(b)(2(C) and (8).

WHEREFORE the provisions above are consented to and are hereby made the final order of the Kansas Behavioral Sciences Regulatory Board.

IT IS SO ORDERED.

Dated this 12 day of Feb, 1995.

[Signature]
Ronald Reinert, Chairman
Behavioral Sciences Regulatory Board
JOHN S. HENNING, PH.D.

APPROVED AND CONSENTED TO:

Margaret H. McKee
Margaret H. McKee, LMSW

12-20-95
(date)

Certificate of Service

This is to certify that on the 26 day of February 1996 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:

Margaret H. McKee LMSW


Tracey J. [Signature]
for the Behavioral Sciences
Regulatory Board