

Marty M. Snyder, Supreme Court #11317
Kansas Attorney General's Office
120 SW 10th 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)
)
Heather L. Cafferty, LSCSW)
License No. 1668)
Respondent)

Case No. 02-CS-0084

CONSENT AGREEMENT AND ORDER

NOW on this 8th day of March, 2004, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Heather L. Cafferty (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Heather L. Cafferty 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 June 3, 2002, 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 Specialist Clinical 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 on November 4, 2002 after missing the first deadline for her response.

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

(a) Licensee was terminated from her employment with Valeo Behavioral Health Center for failing to complete her job responsibilities.

(b) Specifically, when the employment was terminated in February of 2002, it was learned that Licensee had failed to complete progress notes on her client appointments including 7 from November 2001, 31 from December 2001, 34 from January 2002 and 2 from February 2002.

(c) Licensee failed to report complete social work information.

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

(a) K.A.R. 102-2-7(h) - failing to recognize, seek intervention and otherwise appropriately respond when one's own personal problems, psychosocial distress or mental health difficulties interfere with or negatively impact ... professional performance and functioning; and

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

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-CS-0084.

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-CS-0084.

WHEREFORE, Licensee consents to

(a) Research and write a ten (10) page professional paper on the subject of Self Care and the necessity for the timely completion of paperwork and professional duties. At least ten (10) professional resources should be referenced in the paper..

(b) For twelve (12) months from the date indicated in the below Certificate of Service, Licensee's practice as a Licensed Specialist Clinical Social Worker shall be supervised by a Board-approved Qualified Mental Health Professional who is not in a subordinate, familial or other dual relationship with Licensee. Licensee is to submit names of three (3) potential supervisors willing to serve in this capacity and to comply with the reporting requirement. Focus of the supervision is "Self Care and the timely completion of paperwork and professional duties." The supervision schedule is a one-hour supervisory session per week.

(c) Licensee shall furnish a copy of the Consent Agreement and Order to her supervisor and shall cooperate to enable the supervisor to discharge his or her duties in a responsible manner. Written reports are due quarterly (every three months) from the supervisor 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 provide this status report to the Board.

(d) During the time this Consent Agreement and Order is in effect, Licensee shall not serve as a supervisor to any person licensed by the Board, any person attaining supervised experience in preparation for licensure by the Board or any unlicensed person, including students or volunteers, who participates in the delivery of social work services.

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

(f) 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 her Specialist Clinical Social Work license shall be suspended for three (3) months (reportable).

(g) 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.

(h) 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.

(i) 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.

(j) 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.

(k) 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.

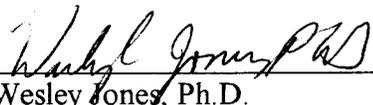
WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval of the Complaint Review Committee, this Consent Agreement and Order will become a Final Order of the Board. The Board has authorized the Complaint 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(h) and (l) as a result of this proceeding.

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 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.



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

APPROVED AND CONSENTED TO:



Heather L. Cafferty, LSCSW

3/5/04
Date

Certificate of Service

This is to certify that on this 12th day of March, 2004, 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:

Heather L. Cafferty



Roger Skurlock
For the Behavioral Sciences Regulatory Board