

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** )  
)  
**Lilyetta Diane Branning, LMSW** )  
**License #4234** )  
**Respondent** )  
\_\_\_\_\_ )

**Case No. 04-MS-0021**

**CONSENT AGREEMENT AND ORDER**

NOW on this 2nd day of December, 2004, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Lilyetta D. Branning (Licensee) and the Board, through counsel Marty M. Snyder, for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Lilyetta D. Branning is currently and at all times relevant has been a Licensed Masters 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 October 6, 2003 the Board received a report of information concerning Licensee's conduct, alleging Licensee was told April 8, 2003 that she must resign or have her employment terminated for incomplete social work records. Licensee chose to resign and was given additional time to complete her paperwork. On April 24, 2003, Licensee's employment was

terminated with much of the paperwork still incomplete. The employer later determined that Licensee had provided billing requests for more than 300 hours of services that were not documented in the client's records.

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 a written response received November 26, 2003.

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

(a) Licensee was terminated from her employment April 24, 2003 for failure to complete social work records. Licensee had previously agreed to continue to work on the paperwork and did so, but much was still incomplete on the date of termination.

(b) Licensee failed to report the resignation or termination to the Board.

(c) Following the termination, the employer found that Licensee had provided billing requests for more than 300 hours which were not documented.

(d) Licensee admits that she reported incomplete social work information.

(e) During the time Licensee fell behind in her paperwork, she was suffering from medical problems and family health and care issues.

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) as defined as follows:

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

(b) K.A.R. 102-2-7(b)(3) - failing to notify the Board that Licensee has been terminated from

employment for some form of misfeasance, malfeasance or nonfeasance.

(c) K.A.R. 102-2-7(h) - failing to recognize, seek intervention and otherwise appropriately respond when one's own personal problems ... negatively impact ... professional performance and functioning.

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. 04-MS-0021.

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. 04-MS-0021.

WHEREFORE,

(a) Licensee consents to accept a letter of reprimand to be issued by the Complaint Review Committee of the Behavioral Sciences Regulatory Board.

(b) Licensee agrees to write a ten-page professional paper on the subject of self-care / addressing personal issues and appropriate timeliness of completing social work records. This paper shall be submitted to the Board office within sixty (60) days of the date on the below Certificate of Service.

(c) 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.

(d) 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.

(e) Evidence of Licensee's breach, violation or failure to comply with any of the conditions stated herein will result in a hearing, with notice and opportunity to be heard, to determine whether Licensee has in fact failed to comply with any condition. Upon determination at the hearing that such failure has occurred, Licensee understands that her License shall be suspended for three (3) months (reportable).

(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 the Order.

(g) 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 an authorized 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 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:**

  
Lilyetta D. Branning, LMSW

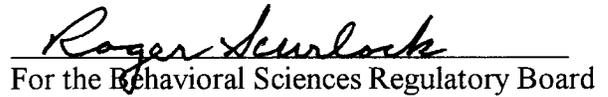
12-2-04  
Date

**Certificate of Service**

This is to certify that on this 15<sup>th</sup> day of December, 2004, a true and correct copy of the above and foregoing final Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Lilyetta D. Branning



  
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For the Behavioral Sciences Regulatory Board