

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)
)
Betsy VanderVelde)
License No. 0481)
Respondent)
_____)

Case No. 05-CS-54

CONSENT AGREEMENT AND ORDER

NOW on this 12th day of September, 2005, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Betsy VanderVelde (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Betsy VanderVelde 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 29, 2004, the Board received a license renewal application from Licensee. With the application form was a Social Work Continuing Education Reporting Form on which Ms. VanderVelde circled "Yes" when asked "Was Ethics Requirement Completed in above claimed CEU hours?" [Exhibit A]

3. Licensee was randomly selected for a CEU audit. On January 6, 2005, the Board received the audit form submitted by Licensee listing January 26, 2005 as the date she planned to complete her Ethics requirement for the prior period. However, her license had expired December 31, 2004.
[Exhibit B]

4. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations. 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 January 28, 2005. In May, Licensee submitted an application for reinstatement of her license.

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

a. Licensee filed an application for renewal of her license that contained false information regarding her Ethics CEUs, and

b. Licensee took no steps to complete her Ethics CEUs or file corrected information with the Board until after she was audited for CEU compliance.

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 (a) by obtaining or attempting to obtain licensure for oneself ... by means of ... misrepresentation or concealment of a material fact.

However, Licensee and the Board mutually desire to enter a Consent Agreement and Order in lieu of adjudicative proceedings to resolve the 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. 05-CS-54.

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. 05-CS-54.

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

(a) Limitation on license to practice for six (6) months. During the time this Consent Agreement and Order is in effect, Licensee shall not serve as a clinical 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 and volunteers, who participates in the delivery of behavioral sciences services. Administrative supervision is permitted.

(b) Research and write a 20-page professional paper on the subject of Ethics. The paper will identify the actions in which Licensee engaged that were in violation of the Board's statutes and regulations. The paper must also be signed with an original signature by the chair or president of Ms. VanderVelde's agency's Board of Directors. The paper must be double-spaced, APA format and contain at least ten professional references integrated within the context of the paper. The paper must be submitted within three months of the date on the Certificate of Service below.

(c) During the period of limited practice, Licensee shall take an *additional* (beyond the biennial requirements) three hours of Ethics CEUs.

(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 her Specialist Clinical Social Worker 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

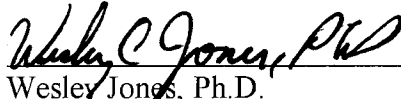
Review Committee, this Consent Agreement and Order will become a Final Order of the Board. The Board has authorized the Complaint Review Committee to determine approval of this Consent Agreement and Order.

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. 65-6310 or K.S.A. 65-6311 as defined by K.A.R. 102-2-7(a) in case number 05-CS-54.

WHEREFORE, the Board further agrees that, at the conclusion of the six-month conditional licensure period upon determination of Licensee's compliance with the conditions stated herein, Licensee shall be unconditionally licensed as a Licensed Specialist Clinical Social Worker.

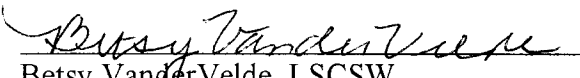
WHEREFORE, the foregoing provisions are consented to, are hereby made the final Order of the Kansas Behavioral Sciences Regulatory Board and become effective on the date indicated in the Certificate of Service below.

IT IS SO ORDERED.

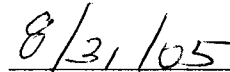


Wesley Jones, Ph.D.
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:



Betsy VanderVelde, LSCSW
Respondent Licensee



Date

APPROVED BY:

Counsel for Respondent

Date

Certificate of Service

This is to certify that on this 13th day of September, 2005, 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:

Betsy VanderVelde



Roger Scullock
For the Behavioral Sciences Regulatory Board