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BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

712 South Kansas Avenue
Topeka, Kansas 66603-3817

In the Matter)
)
 of) Case No. 06-BS-06
)
 Angelina C. Gonzalez, LBSW)
 License #1988)
 Respondent)
 _____)

FINAL ORDER OF SUSPENSION OF LICENSE

Now on this 31ST day of October, 2007, the above referenced matter comes before the Behavioral Sciences Regulatory Board's Hearing Panel in relation to the September 8, 2007 Summary Proceeding Order that issued on September 12, 2007. The Hearing Panel is comprised of Board members Gary Price, Sharon Stuewe and Amory Lovin, assisted by Assistant Attorney General Camille Nohe serving as general counsel to the Hearing Panel. Petitioner appears by Assistant Attorney General Marty Snyder serving as disciplinary counsel on behalf of the Board's Complaint Review Committee. Respondent Angelina C. Gonzalez appears in person and by her attorney Pantaleon Florez.

Petitioner and Respondent present testimony, statements and arguments in support of their respective positions. Respondent further addresses questions posed by members of the Hearing Panel.

Petitioner's Exhibits C and D are admitted.

Following closing arguments, the Hearing Panel then deliberates in private, following which the Hearing Panel makes the following Findings of Fact, Conclusions of Law and Order.

Findings of Fact and Conclusions of Law

1. On April 9, 2007, Respondent entered a Consent Agreement and Order in which she agreed to the following:

"(d) Licensee shall submit to the Board a five-page professional quality paper, APA format, on the care and treatment of social work clientele, professional responsibility and time management. The paper is due within sixty (60) days from the date shown on the Certificate of Service.

2. The date shown on the Certificate of Service of the Consent Agreement and Order is April 9, 2007.

3. The paper was thus due by June 8, 2007.

4. Respondent did not submit the paper by that date; nor has Respondent submitted the paper to date, although Respondent has prepared the paper and will submit it to the Board's Executive Director following close of the hearing.

5. In mitigation of not timely submitting the paper, Respondent had been working a full-time job at SRS and at the same time attempting to maintain her husband's bakery during the 4 months that he was incarcerated (approximately May through August 2007); consequently she was very stressed and frequently fatigued.

6. Additionally, adding to her stress was the fact that Respondent had not prepared any type of academic paper for 25 years, and thus was quite apprehensive about even beginning this task.

7. Nevertheless, in provision (i) of the Consent Agreement and Order, Respondent had acknowledged an affirmative duty to notify the Board of any changes in her personal status which would inhibit compliance with any condition of the Consent Agreement and

Order. In such event, a designee of the Board was authorized to modify and amend the Consent Agreement and Order in writing.

8. Respondent did not avail herself of this option.¹

9. Respondent failed to comply with paragraph (d) of the Consent Agreement and Order, *i.e.*, that she submit to the Board a five-page professional quality paper, APA format, on the care and treatment of social work clientele, professional responsibility and time management within sixty (60) days from April 9, 2007.

10. In provision (f) of the Consent Agreement and Order, Respondent agreed that upon a determination at a hearing that she had failed to comply with any condition therein, her license would be suspended until such time as she could demonstrate compliance with the condition to the satisfaction of the Board.

11. On September 12, 2007, a Summary Proceeding Order issued on behalf of the Complaint Review Committee that suspended indefinitely Respondent's license until she can demonstrate compliance with the Consent Agreement and Order.

Conclusions of Law

A. Pursuant to K.S.A. 77-537 and 77-542, the Summary Proceeding Order that issued on September 12, 2007 was subject to Respondent's request for a hearing within 15 days of the Order's issuance as stated in the Order's Notice of Relief.

B. The Notice of Relief contained the statement required by K.S.A. 77-537 that if a hearing is not timely requested, the Summary Proceeding Order becomes final and

¹Although Petitioner Ms. Snyder stated in her opening statement that Ms. Gonzalez sought and obtained a 30 day extension from the Complaint Review Committee, no corresponding testimony was presented nor was any written modification or amendment to the Consent Agreement and Order submitted into evidence.

effective upon expiration of the time for requesting a hearing and will become a Final Order of the Board.

C. Respondent timely submitted a Request for Hearing, received in the Board's office on September 28, 2007; thus, the Summary Proceeding Order did not become a Final Order by operation of law, and Respondent continued to be licensed pending outcome of the hearing.

D. Now, however, the Hearing Panel affirms the Summary Proceeding Order and determines that Respondent is not in compliance with paragraph (d) of the Consent Agreement and Order, *i.e.*, that she submit to the Board a five-page professional quality paper, APA format, on the care and treatment of social work clientele, professional responsibility and time management within sixty (60) days from April 9, 2007.

E. Accordingly, the Hearing Panel issues the following final order.

Order

IT IS THEREFORE ORDERED that Respondent's LBSW License #1988 be and hereby is suspended until such time as Respondent demonstrates compliance with paragraph (d) of the Consent Agreement and Order, *i.e.*, that Respondent submit to the Board a five-page professional quality paper, APA format, on the care and treatment of social work clientele, professional responsibility and time management which meets with the satisfaction of the Board's Complaint Review Committee.



Camille Nohe
Assistant Attorney General & General Counsel to the
Hearing Panel in Case No. 06-BS-06
On behalf of and as authorized by the Hearing Panel

NOTICE OF RELIEF FROM THIS ORDER

This is a Final Order. It is effective upon the date indicated in the below Certificate of Service unless a stay is granted pursuant to K.S.A. 77-528. Within 15 days after service of the Final Order, any party may file a petition for reconsideration with the Behavioral Sciences Regulatory Board. Such petition must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking judicial review. Judicial review may be had by filing a petition for judicial review with the appropriate district court as provided in the Kansas Act for Judicial Review, K.S.A. 77-601 et seq. The agency officer who may receive service of a petition for judicial review on behalf of the agency is Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board.

Certificate of Service

This is to certify that on the 5th day of November, 2007, a true and correct copy of the foregoing Order of Indefinite Suspension of License was deposited in the U.S. mail, first class postage prepaid addressed to:

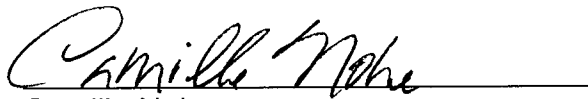
Angelina C. Gonzalez


and a copy hand-delivered to:

Pantaleon Florez
933 S. Kansas Avenue
topeka, Kansas 66612

and

Marty Snyder
Assistant Attorney General
Civil Litigation Division
120 SW 10th Avenue
Topeka, Kansas 66612



Camille Nohe
Assistant Attorney General & General Counsel to the
Hearing Panel in Case No. 06-BS-06
On behalf of and as authorized by the Hearing Panel

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)
)
Angelina C. Gonzalez, LBSW)
License #1988)
Respondent)
_____)

Case No. 06-BS-06

CONSENT AGREEMENT AND ORDER

NOW on this 9 day of April, 2007, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Angelina C. Gonzalez (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Angelina C. Gonzalez is currently, and at all times relevant has been, a Licensed Baccalaureate 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 July 18, 2005, the Board received a report of information concerning Licensee's conduct, alleging Licensee reported incomplete social work information, failed to make contact on assigned intakes, failed to make contact when a three-day response was required and practiced social work in an incompetent manner.

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 her letter received on March 6, 2006.

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

- a. Licensee paperwork lacked adequate documentation,
- b. Licensee failed to submit timely documentation, and
- c. Licensee neglected clients in need of professional care without making reasonable arrangements for that care.

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) and (6) as defined as follows:

- a. K.A.R. 102-2-7(II) - reporting ... incomplete ... social work information, and
- b. K.A.R. 102-2-7(nn) - abandoning or neglecting a client under or in need of professional care without making reasonable arrangements for that care.

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. 06- BS-06.

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 Case No. 06-BS-06.

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

(a) Licensee shall not work in protective services with children or adults for a period of twelve (12) months from the date on the Certificate of Service.

(b) If her current employment involves clinical practice requiring a social worker license, Licensee shall have twelve (12) months of supervised practice by a board-approved MSW supervisor who is not in a subordinate, familial or other dual relationship with the Licensee. The focus of the supervision shall be on the importance of completeness and timeliness in paperwork and documentation. There shall be at least one one-hour supervision session for each forty (40) hours worked.

(c) The supervisor shall provide written progress reports to the Board every three (3) months regarding Licensee's compliance with the supervision process. In the event of non-compliance, the supervisor shall report to the Board immediately. Licensee shall provide the supervisor with a copy of this Consent Agreement and Order and shall make every effort to ensure that all conditions of the Agreement are met. Licensee shall cooperate with her supervisor to enable the supervisor to discharge these duties in a responsible manner.

(d) Licensee shall submit to the Board a five-page professional quality paper, APA format, on the care and treatment of social work clientele, professional responsibility and time management. The paper is due within sixty (60) days from the date shown on the Certificate of Service.

(e) Licensee shall be responsible for any costs and expenses 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 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.

(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 as a result of this proceeding.

WHEREFORE, the Board further agrees that, at the conclusion of the twelve-month supervision 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 Baccalaureate 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:

Angelina C. Gonzalez
Angelina C. Gonzalez, LBSW
Respondent Licensee

4-4-07
Date

APPROVED BY:

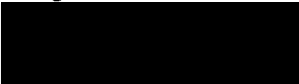
Pantaleon Florez, Jr., Esq.
Pantaleon Florez, Jr., Esq.
Counsel for Respondent

4-5-07
Date

Certificate of Service

This is to certify that on this 9th day of April, 2007, 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:

Angelina C. Gonzalez



Pantaleon Florez, Jr., Esq.
933 S. Kansas Ave.
Topeka, KS 66612

Misty M. Sayler
For the Behavioral Sciences Regulatory Board

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)
)
Angelina C. Gonzalez, LBSW)
License #1988)
Respondent)
_____)

Case No. 06-BS-06

SUMMARY PROCEEDING ORDER

NOW on this 8 day of September, 2007, the above-captioned complaint comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board [Board].

Findings of Fact

The Committee finds that the following findings of facts have been established by clear and convincing evidence:

1. Angelina C. Gonzalez is a Licensed Baccalaureate Social Worker, license #1988, 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 Baccalaureate Social Worker within the meaning of the Kansas Social Workers Act, K.S.A. 65-6301 *et seq.* and amendments thereto.
3. On or about April 4, 2007, Licensee executed a Consent Agreement and Order

in the above matter. Under the Order, Licensee consented to “continuation of her license to practice on the following terms, limitation and conditions:

(a) Licensee shall not work in protective services with children or adults for a period of twelve (12) months from the date on the Certificate of Service.

(b) If her current employment involves clinical practice requiring a social worker license, Licensee shall have twelve (12) months of supervised practice by a board-approved MSW supervisor who is not in a subordinate, familial or other dual relationship with the Licensee. The focus of the supervision shall be on the importance of completeness and timeliness in paperwork and documentation. There shall be at least one one-hour supervision session for each forty (40) hours worked.

(c) The supervisor shall provide written progress reports to the Board every three (3) months regarding Licensee’s compliance with the supervision process. In the event of non-compliance, the supervisor shall report to the Board immediately. Licensee shall provide the supervisor with a copy of this Consent Agreement and Order and shall make every effort to ensure that all conditions of the Agreement are met. Licensee shall cooperate with her supervisor to enable the supervisor to discharge these duties in a responsible manner.

(d) Licensee shall submit to the Board a five-page professional quality paper, APA format, on the care and treatment of social work clientele, professional responsibility and time management. The paper is due within sixty (60) days from the date shown on the Certificate of Service.

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

Because Licensee has not been employed in a setting where her license was required, the supervision element has not been in effect. However, compliance with term (d) above was required. The paper was due on or before June 8, 2007. Licensee has failed to honor the Agreement or comply with the Order, is now three months late and has made no arrangements to fulfill the terms of the Order.

Conclusions of Law

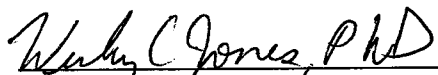
The Kansas Administrative Procedure Act, K.S.A. 77-537 provides that a state agency may use summary proceedings, subject to a party's request for a hearing on the order, if the use of the proceedings in the circumstances does not violate any provision of law and the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties.

Sanction

Based on the above Findings of Fact and Conclusions of Law, the Complaint Review Committee finds pursuant to K.S.A. 65-6311(a)(4) and K.S.A. 77-537 that the Kansas Baccalaureate Social Worker license of Angelina C. Gonzalez should be suspended indefinitely until she can demonstrate compliance with the Consent Agreement and Order and until further order of this Committee.

IT IS SO ORDERED.

Dated this 8 day of September, 2007.



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

NOTICE OF RELIEF FROM THIS 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:

Phyllis Gilmore, Executive Director
Kansas Behavioral Sciences Regulatory Board
712 South Kansas Avenue
Topeka, KS 66603


This written 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 a copy of the above and foregoing Summary Proceeding Order was placed this 12th day of September, 2007, in the U.S. mail, first-class postage prepaid, addressed to:

Angelina C. Gonzalez


Pantaleon Florez, Jr., Esq.
933 S. Kansas Ave.
Topeka, KS 66612


Marty M. Snyder, S. Ct. #11317
Kansas Attorney General's Office
120 SW10th St., Second Floor
Topeka, KS 66612- 1597
For the Board