

State of Kansas
Behavioral Sciences Regulatory Board

KATHLEEN SEBELIUS
Governor

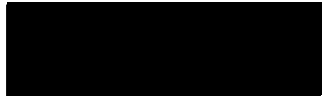
PHYLLIS GILMORE
Executive Director



712 S. Kansas Ave.
Topeka, Kansas 66603-3817
(785) 296-3240
FAX (785) 296-3112
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November 17, 2009

Brandy L. McGovern, LMSW



Re: Consent Agreement and Order 07-MS-0018

Dear Ms. McGovern,

You have complied with all of the conditions set forth in the Consent Agreement and Order under which you have practiced since April 30, 2007. The Board has received an acceptable reference from your supervisor.

You are now unconditionally licensed as a Licensed Master Social Worker.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Roger Scurlock".

Roger Scurlock
Special Investigator

Marty M. Snyder, Supreme Court #11317
Kansas Attorney General's Office
120 SW 10th St, Second Floor
Topeka, KS 66612-1597
(785) 296-2215

11/11/07
KANSAS ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
TOPEKA, KANSAS 66612-1597

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD
712 South Kansas Avenue
Topeka, Kansas 66603-3817

In the Matter of)
)
BRANDY L. McGOVERN, LMSW)
License #5429)
Respondent)
_____)

Case No. 07-MS-18

CONSENT AGREEMENT AND ORDER

NOW on this 26 day of April, 2007, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Brandy L. McGovern (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Brandy L. McGovern is currently, and at all times relevant has been, a Licensed Master 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 January 26, 2007, the Board received a report of information concerning Licensee's conduct that alleged Licensee had fabricated a disciplinary complaint against herself, had created a letter purportedly from Board investigator Roger Scurlock, had forged his signature to the letter by transferring a copy of his signature from

prior unrelated correspondence, had then presented this letter to her supervisor claiming that she needed weekly supervision and then failed to report the termination of her employment to the Board after the fabrication was discovered.

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 February 27, 2007.

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

a. Licensee, while employed as a case manager in the Foster Care Department of Catholic Charities, believed that her license and the child placing license held by Catholic Charities required that she be supervised by a licensed social worker.

b. Following the termination of her supervisor's employment, Licensee requested that social worker supervision be approved by her employer. However, the request was not granted.

c. Licensee claims she became desperate and falsely reported to her non-social-worker supervisor that she was under investigation by the Board for failure to have appropriate supervision by a licensed social worker.

d. There was no such complaint or investigation pending.

e. Licensee told her supervisor that she was required to have proof of one hour of social worker supervision per week for the next six months and claimed to have a letter from the Board's investigator listing the terms of her disciplinary sanction.

f. Licensee fabricated a letter [Exhibit A] purporting to be from Board investigator Roger Scurlock that referenced a complaint, investigation and disciplinary sanction that did not exist. Licensee copied Mr. Scurlock's signature from prior unrelated correspondence and placed it on the fabricated letter, which was presented to her employer.

g. Upon confirmation by Mr. Scurlock that the letter was a forgery and Licensee's confession that she made up the story of the complaint, her employment was terminated.

h. Licensee failed to report the termination for misfeasance, malfeasance or nonfeasance to the Board.

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(h) - failing to respond appropriately when one's own problems interfere with professional judgement, performance or functioning,

b. K.A.R. 102-2-7(w) - engaging in professional activities ... involving dishonesty, fraud, deceit or misrepresentation, and

c. K.A.R. 102-2-7(b)(3) - failure to report termination of employment for reasons of misfeasance, malfeasance or nonfeasance.

However, Licensee and the Board mutually desire to enter 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. 07-MS-18.

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. 07-MS-18.

WHEREFORE, Licensee consents to suspension of her license for twenty-four (24) months with the suspension stayed on the following terms and conditions:

(a) Twenty-four (24) months of supervised practice by a board-approved supervisor who is not in a subordinate or familial or other dual relationship with the Licensee. Licensee shall provide a list of qualified supervisor candidates to the Board for the Board's selection within ten (10) days of the effective date of the below Certificate of Service. The supervisor shall be licensed at the Master Social Worker level or higher. The focus of the supervision shall be on ethical behavior, support resources when professionally overwhelmed and effective resolution of administrative conflicts in a stressful work environment. There shall be at least one one-hour supervision session per forty-hour work week so long as Licensee is employed in a position that requires her license.

(b) 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 shall make every effort to ensure that all conditions of the Agreement are met. Licensee shall cooperate with her practice supervisor to enable the supervisor to discharge his or her duties in a responsible manner.

(c) Within sixty (60) days of the effective date of this Agreement, Licensee shall submit to the Board office a ten-page professional paper in APA format containing at least five professional references on the subject of ethical behavior, support resources when professionally overwhelmed and effective resolution of administrative conflicts in a stressful work environment.

(d) Licensee shall obtain three hours of ethics continuing education hours in addition to the standard ethics requirement for licensure renewal to be completed within ninety (90) days of the effective date of this Agreement.

(e) Supervised hours will not count toward any supervised experience requirement for the next level of licensure.

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

(g) 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.

(h) 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.

(i) 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.

(j) 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.

(k) 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.

(l) 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 twenty-four--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 Master Level 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.
Wesley Jones, Ph.D.
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:

Brandy L. McGovern, LMSW
Brandy L. McGovern, LMSW
Respondent Licensee

April 19, 2007
Date


APPROVED BY:

Counsel for Respondent

Date

Certificate of Service

This is to certify that on this 30th 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:

Brandy L. McGovern


Roger Scurluck
For the Behavioral Sciences Regulatory Board