

Marty M. Snyder, Supreme Court #11317
Kansas Attorney General's Office
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BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD
712 South Kansas Avenue
Topeka, Kansas 66603-3817

In the Matter of)
)
GRETCHEN S. BLACK, LMSW#4693,)
)
Respondent)
_____)

Case No. 07-MS-85

CONSENT AGREEMENT AND ORDER

NOW on this 29 day of July, 2008, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Gretchen S. Black (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Gretchen Black is currently, and at all times relevant has been, a Licensed Masters Social Worker within the meaning of the Kansas Social Workers Act, K.S.A. 65-6301 *et seq.*, and amendments thereto.

2. On or about May 4, 2007, 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 Masters 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.

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

(a) Licensee began work for Odyssey HealthCare on March 26, 2007. By late April, her supervisors received client complaints that they had not received any social worker contact .

(b) The patient care manager checked Licensee's documentation and discovered many discrepancies in her reporting of client contacts. Some clients had not yet been contacted by Licensee. Some home visits were documented that were actually telephone contacts with caregivers, at least one chart had two patients listed on the wrong documentation note and some contacts were reported on dates prior to the actual meetings occurring.

(c) After confirming this information, the supervisors met with Licensee on May 3, 2007, and terminated her employment.

(d) Licensee failed to report her termination for nonfeasance (not doing her assigned job duties) or misfeasance (negligently performing her job duties) to the Board.

(e) Licensee admits to documentation errors but states she had no intention to falsify the information and was in the process of trying to correct it when her employment was terminated.

6. The Board finds that reasonable grounds exist to believe Licensee has committed unprofessional conduct in violation of K.S.A. 65-6311(a)(2) and (4) as defined as follows:

(a) K.A.R. 102-2-7(b)(3) - failing to notify the board within a reasonable period of time that ... licensee ... has been ... terminated ... from employment for some form of misfeasance, malfeasance or nonfeasance;

(b) (w) engaging in professional activities involving dishonesty, deceit or misrepresentation;

(c) (jj) Taking credit for work not performed personally, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;

(d) (ll) reporting distorted, erroneous, incomplete or misleading social work information;

(e) (xx) practicing social work in an incompetent manner.

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. 07-MS-85.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions in relation to Case No. 07-MS-85.

WHEREFORE, Licensee consents to the continuation of her license for a period of twelve (12) months during a period of supervised probation. Licensee consents to the

following conditions of probation on her practice as a Licensed Masters Social Worker:

(a) Supervised practice for a total of twelve (12) months. Licensee's practice as a Licensed Masters Social Worker shall be supervised by a Board-approved Licensed Masters Social Worker or Licensed Specialist Clinical Social Worker who is not in a subordinate, familial or other dual relationship with Licensee.

(b) Licensee shall meet with her supervisor for at least a one-hour supervisory session every week. The focus of this supervision shall be on ethics and the importance of timely and accurate documentation of social work contacts.

(c) Written reports to the Board from Licensee's supervisor are due every three (3) months 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 provides these status reports to the Board. Any non-compliance by Licensee shall be reported by the supervisor to the Board immediately.

(d) Licensee shall furnish a copy of the Consent Agreement and Order to her supervisor and shall cooperate with her supervisor to enable the supervisor to discharge his or her duties in a responsible manner.

(e) Within ninety days of the effective date of this Consent Agreement, Licensee shall obtain an additional six hours of professional continuing education in the areas of ethics and documentation and provide proof of attendance to the Board.

(f) In addition, within sixty days of the effective date of this Consent Agreement, Licensee shall research and write a paper in APA format on the topic of the importance of accurate documentation and ethical practice. The paper shall be typewritten, at least ten pages long and shall contain at least ten references to professional literature or resources.

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

(h) 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 of this Consent Agreement and Order. Upon determination at such hearing that Licensee has breached, violated or failed to comply with any condition, Licensee understands and agrees that her Masters Social Worker license shall be revoked.

(i) 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.

(j) 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.

(k) 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.

(l) 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.

(m) 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 its designee.

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(a)(2) and (4) as defined by K.A.R. 102-2-7 as a result of this proceeding, nor will the Board or any of its representatives refer this matter for other action by any regulatory or law enforcement agency.

WHEREFORE, the Board further agrees that, at the conclusion of the conditional probationary 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 Masters 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 this 11th day of August, 2008.

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

APPROVED AND CONSENTED TO:

Gretchen S. Black
Gretchen S. Black

7.21-08
Date

REVIEWED AND APPROVED BY:

[Redacted]
Counsel for Licensee

[Redacted]
Date

Certificate of Service

This is to certify that on this 12th day of August, 2008, 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:

Gretchen S. Black
[Redacted]

Roger W. Skurlock
For the Behavioral Sciences Regulatory Board