

State of Kansas
Behavioral Sciences Regulatory Board

SAM BROWNBACK
Governor

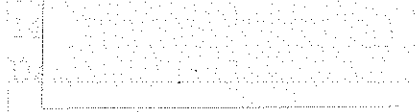
TOM HAWK, PhD
Executive Director



712 S. Kansas Ave.
Topeka, Kansas 66603-3817
(785) 296-3240
Fax (785) 296-3112
www.ksbsrb.org

May 11, 2012

Charles Peterson



Re: Consent Agreement and Order 08-MS-0066

Dear Mr. Peterson,

This letter is to confirm that you complied with all of the conditions set forth in the Final Agency Action dated March 21, 2011. You completed those conditions and the above mentioned case was closed on January 4, 2012.

You are eligible for reinstatement as a LMSW should you apply.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Carol Baldwin".

Carol Baldwin
Special Investigator

2009 JUL 20 09:55

Marty M. Snyder, S.Ct. #11317
Assistant Attorney General
120 SW 10th Avenue, 2nd Floor
Topeka, KS 66612

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

In the Matter of)
)
CHARLES B. PETERSON,)
LMSW #2478)
_____)

Case No. 08-MS-66

INITIAL ORDER OF SUSPENSION

NOW, on this 13th day of July, 2009, comes Respondent/Licensee Charles B. Peterson's request for hearing on the Summary Proceeding Order in the above matter before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board. This hearing is held pursuant to the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.* Petitioner appears through counsel, Assistant Attorney General Marty M. Snyder. Respondent appears not, despite written notice to him of this hearing on June 16, 2009, again on July 6, 2009, and written notice to his supervisor on July 2, 2009.

Counsel for Petitioner presents Petitioner's opening statement. Counsel for Petitioner offers Exhibits 1, 2, 3, 4 and 5. Without objection, Exhibits 1, 2, 3, 4 and 5 are admitted. Counsel for Petitioner rests. Respondent fails to present his evidence. The evidentiary record is closed, and the Committee proceeds to deliberate and announce its decision in open meeting as follows.

Findings of Fact

The following facts are established by clear, convincing and undisputed evidence:

1. Charles B. Peterson (Respondent/Licensee) is a Licensed Masters Social Worker, License #2478, issued by the Kansas Behavioral Sciences Regulatory Board (Board).

2. At all times relevant, Respondent/Licensee has been practicing as a Licensed Masters Social Worker within the meaning of the Kansas Social Workers Act, KSA 65-6301, *et seq.*, and amendments thereto.

3. On or about January 8, 2008, the Board received information concerning the expiration of Respondent/Licensee's license.

4. The Board conducted an investigation concerning Respondent/Licensee's alleged violation of statutes and regulations. During the investigation, Respondent/Licensee was informed of the reported information and provided information in a telephone call on or about January 8, 2008, and in a meeting with the Committee on January 12, 2009.

5. The investigation to date has revealed the following facts:

a. Charles B. Peterson's Kansas license to practice social work expired November 30, 2007. He is not licensed to practice in any other state. For the next seven weeks, he continued to practice social work for his employer in Missouri until renewal of his Kansas license on January 16, 2008.

b. His employer contacted the Board by phone on January 8, 2008, to learn the status of Respondent/Licensee's Kansas license and was advised the license was expired. Respondent/Licensee was added to the telephone call and

made the following statements: (1) that he mailed a renewal packet to the Board on December 8, 2007; (2) that he included audit forms in the packet; (3) that he renewed his license online on November 29, 2007; and (4) that the online renewal fee he paid was \$125.00.

c. In a subsequent telephone conversation, the employer stated Respondent/Licensee told her he sent a copy of his debit card billing statement showing payment for the renewal in November of 2007 to the Board by registered or certified mail.

d. All of Respondent/Licensee's above statements were false in that no online transaction between Respondent/Licensee and the Board occurred in November of 2007, and no payment or proof of payment was ever received by the Board regarding that claimed transaction. The online fee is \$126.50, not \$125.00. Respondent/Licensee was not audited for the last licensure period, and no audit forms existed for him. No packet was mailed or received in December of 2007. Respondent/Licensee has furnished no receipts and no proofs of mailing.

e. Respondent/Licensee made false statements to his employer and to the Board regarding his failure to renew his license until January 16, 2008. In the renewal packet received January 16, 2008, Respondent/Licensee stated that he allowed his social work license to expire because he did not send in the renewal fee and verification. He also stated that he is not licensed to practice by any other state.

f. The Complaint Review Committee of the Board found probable cause to believe Respondent/Licensee violated the statutes and regulations cited

below and directed counsel to prepare and send Respondent/Licensee a Consent Agreement and Order. The Consent Agreement was sent in May of 2008. Respondent/Licensee did not respond. A second letter and Consent Agreement were sent in September of 2008. Respondent/Licensee never responded.

g. The Complaint Review Committee issued a Summary Proceeding Order on November 10, 2008, temporarily suspending Respondent/Licensee's license until further Order of the Board. Respondent/Licensee timely requested a hearing on the Summary Proceeding Order.

h. Respondent/Licensee and the Committee met informally in an open meeting on January 12, 2009, and agreed upon terms of a new Consent Agreement and Order. Respondent/Licensee admitted he made the false statements regarding his failure to renew the license because of financial difficulties. The revised Consent Agreement was sent to Respondent/Licensee on February 13, 2009. Respondent/Licensee did not respond. A follow-up letter and another copy of the Consent Agreement were sent on May 29, 2009. Respondent/Licensee has failed to respond to all contacts since January of 2009.

i. A Notice of Hearing on the Summary Proceeding Order and on Respondent/Licensee's subsequent failure to cooperate, setting the hearing for July 13, 2009, was mailed to Respondent/Licensee on June 16, 2009; a copy was mailed to his employer on July 2, 2009, and another copy was mailed to Respondent on July 6, 2009, along with a copy of Petitioner's Proposed Findings of Fact and Conclusions of Law. No request for a continuance of this hearing was received.

Conclusions of Law

The Complaint Review Committee of the Behavioral Sciences Regulatory Board finds by a preponderance of clear and convincing evidence that Respondent/Licensee:

A. violated K.S.A. 65-6303(a) - practicing social work without a license - and committed unprofessional conduct by engaging in the unlicensed practice of social work for more than 45 days;

B. violated K.S.A. 65-6310(b) - knowingly making a false statement in connection with any application under this Act;

C. violated K.S.A. 65-6311(a)(4) and (6) as defined as follows: (1) K.A.R. 102-2-7(a) – obtaining or attempting to obtain licensure ... by means of fraud, ... deceit, misrepresentation or concealment of a material fact.

D. failed to respond to communications from the Board, raising further concerns regarding his fitness to practice. Failure to respond to the inquiries of the Behavioral Sciences Regulatory Board violates K.S.A. 65-6311 "unprofessional conduct" as defined by K.A.R. 102-2-7(i): Failing or refusing to cooperate in a timely manner with any request from the Board for a response, information or assistance Each individual taking longer than thirty days to provide the requested response, information or assistance shall have the burden of demonstrating that the person acted in a timely manner."

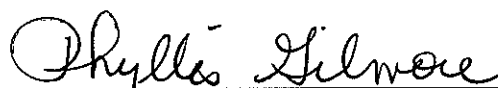
E. Further, the practice of social work without a current license is a Class B nonperson misdemeanor crime.

F. Further, use of the title and abbreviations reserved for Social Workers by anyone without a current valid license is a violation of K.S.A. 65-6507 and a Class C misdemeanor crime.

Sanction

Based on the above Findings of Fact and Conclusions of Law, the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board unanimously finds that Respondent/Licensee Charles B. Peterson should be and is hereby immediately suspended from practicing Social Work until further order of this Committee or the Board, effective on the date in the Certificate of Service below, with a copy of this Order sent to his current employer. Costs of these proceedings are assessed against Respondent/Licensee Peterson in an amount to be certified by Board staff. Counsel for Petitioner is directed to prepare the Initial Order to reflect these orders.

IT IS SO ORDERED this 13th day of July, 2009.



Phyllis Gilmore, Executive Director,
Behavioral Sciences Regulatory Board
on behalf of
Dr. Wes Jones, Chairman
Complaint Review Committee

NOTICE OF RELIEF FROM THIS INITIAL ORDER

Pursuant to K.S.A. 77-537, this Initial Order is subject to your request for a hearing before the full panel of the Kansas Behavioral Sciences Regulatory Board. 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

The written request must be filed within fifteen (15) days from the date indicated in the Certificate of Service below. If a hearing is not requested in the time and manner stated, this Initial Order becomes final. Effective upon expiration of the time for requesting a hearing, it will be a Final Order of the Board.

CERTIFICATE OF SERVICE

This is to certify that a copy of the above and foregoing Initial Order was placed
this 31st day of July, 2009, in the US mail, first-class postage prepaid,
addressed to:

Charles B. Peterson


Ms. Terri Hickam
Social Work and Comm. Services
Children's Mercy Hospital
2401 Gillham Road
Kansas City, MO 64111

Phyllis Gilmore
For the Board