

Marty M. Snyder, Supreme Court #11317
Kansas Attorney General's Office
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Topeka, KS 66612-1597
(785) 296-2215

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of

E. MARIE CLINE-FROST,
LMSW #4606

Case No. 08-MS-0108

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CONSENT AGREEMENT AND ORDER

NOW, on this 12th day of January, 2009, the above-captioned matter

comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of E. Marie Cline-Frost (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. E. Marie Cline-Frost is currently and, at all times relevant, has been a Licensed Masters 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 June 19, 2008, the Board received a report of information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing unprofessional conduct.
3. 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 in her letter received on October 3, 2008.

4. As a result of the investigation, the Board finds clear and convincing evidence of the following facts:

- a) Licensee is the owner and an employee of Comprehensive Counseling, LLC, and practiced social work in Kansas as an LMSW.
- b) Licensee provided social work services and billed for those services.
- c) The billing by Licensee to an insurance company showed the services were provided by a person other than Licensee, specifically a LSCSW.
- d) The insurance company pays benefits for services by a LSCSW but not by a LMSW.
- e) Licensee does not dispute these facts and claims the erroneous billings were caused by her misunderstanding rather than an intent to defraud the insurance company.

5. The Board finds by clear and convincing evidence that reasonable grounds exist to believe Licensee has violated K.A.R. 102-2-7, "Unprofessional Conduct," section (n) - failing to provide each client with a description of what the client can expect in the way of... billing,... or failing to reasonably comply with these descriptions; and/or section (w) - engaging in professional activities, including billing practices... involving dishonesty, fraud, deceit, or misrepresentation.

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. 08-MS-0108.

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. 08-MS-0108.

WHEREFORE, Licensee consents to the continuation of her license without restriction under the following conditions:

- A. Licensee accepts a formal censure in this matter.
- B. Licensee shall pay a fine of \$1,000.00. The fine payment must be received at the Board office within 30 days of the effective date of this Consent Agreement and Order.
- C. Licensee shall be responsible for any costs incurred in satisfying the terms of this Consent Agreement and Order.
- D. 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 condition. 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 could 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.

- E. 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.
- F. Licensee acknowledges an affirmative duty to notify the Board within five (5) days of any changes in personal or professional status which would inhibit her 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.
- G. 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.
- H. 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.

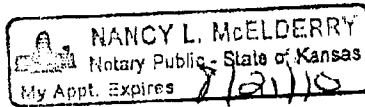
WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval of the Complaint Review Committee, this Consent Agreement and Order will become a Final Order of the Board. The Board has authorized the Complaint 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 case number 08-MS-0108.

WHEREFORE, the Board further agrees that, upon the completion of the above conditions, Licensee shall continue to 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.



Nancy L. McElderry
Nancy L. McElderry

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

APPROVED AND CONSENTED TO:

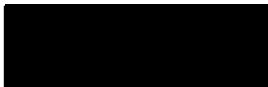
E. Marie Cline-Frost
E. Marie Cline-Frost, Licensee

01-08-2009
Date

CERTIFICATE OF SERVICE

This is to certify that on this 13th day of January, 2009, 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:

E. Marie Cline-Frost



Bruce Hanger
For the Behavioral Sciences Regulatory Board