

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

2010 JAN 27 10:25 AM

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)

Case Nos. 09-AS-20, 09-AS-22

SUSAN R. HAREMZA,)
LASW #0400,)
Respondent)
_____)

CONSENT AGREEMENT AND ORDER

NOW on this 27 day of January, 2010, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board by agreement of Susan R. Haremza (Licensee) and the Kansas Behavioral Sciences Regulatory Board, by and through counsel Assistant Attorney General Marty M. Snyder, for the purpose of resolving this case.

FINDINGS OF FACT

Licensee hereby acknowledges the following facts, which are found to be established by a preponderance of clear and convincing evidence:

1. Susan Haremza, Respondent Licensee, has been a Licensed Associates Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto, from 1997 through the present.

2. On or about August 22, 200~~8~~⁷, the Board received a report of information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing the practice of social work related to her job as a Licensed

Associates Social Worker.

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 dated October 6, 2008.

4. As a result of the investigation, the Board finds probable cause that the following facts have been established by clear and convincing evidence:

a. Licensee was employed by The Shelter, Inc., until March of 2009 as a Licensed Associates Social Worker.

b. On or about August 8, 2008, Licensee invited social work clients and / or members of resource foster families to her apartment outside of work hours to celebrate her fiftieth birthday. She had previously invited social work clients and / or members of resource families to help her move into her apartment outside of work hours.

c. Two co-workers, Ann Bell and Erica Eden, stopped by Licensee's apartment on August 8 to drop off a reimbursement check. While they were there, they observed two of Licensee's foster family clients and a foster child placed by their agency gathered with others on the outdoor patio area of Licensee's home.

d. Another co-worker, Brandon Dunklau, reported to Licensee's supervisor that he heard Licensee state she intended to invite clients over to her home so they could attend the birthday celebration.

e. After the above three colleagues reported the incident, Licensee informed her supervisor that foster families had been at her home but claimed that she had not invited them. She further claimed that she did not request any of her clients to help with

her move into the apartment. However, her supervisor checked with the families and found the information provided by Licensee to be "inconsistent" with the facts.

f. Licensee was placed on a Corrective Action Plan due to the dual relationships, boundary violations and potential for breach of confidentiality. The plan required a minimum of four counseling sessions with a LSCSW, meeting with the foster family(ies) to explain the situation and transfer their care to others to avoid any potential harm or exploitation to clients or the agency and preparation of a written plan by Licensee addressing how she would ensure that professional boundaries would be closely kept in all of her work with clients. Licensee cooperated with the terms of the Corrective Action Plan until down-sizing at the agency resulted in the loss of her job in March of 2009.

CONCLUSIONS OF LAW

The Complaint Review Committee of the Board finds that probable cause exists by a preponderance of clear and convincing evidence to believe Licensee has violated the following statutes and regulations:

1. **K.S.A. 65-6311. Grounds for suspension, limitation, revocation**

or refusal to issue or renew license; procedure. (a) The board may

suspend, limit, revoke, condition or refuse to issue or renew a license of any social worker upon proof that the social worker: ... (4) has been found guilty of unprofessional conduct as defined by rules established by the board.... (6) has been found guilty of negligence or wrongful actions in the performance of duties....

2. **K.S.A. 65-6315. Disclosure of information; limitations.** (a) No licensed social work associate ... may disclose any information such person may have acquired from persons consulting such person in the person's professional capacity

3. **K.A.R. 102-2-7. Unprofessional conduct.** Any of the following acts by a licensee shall constitute unprofessional conduct:

(s) protecting confidential information

(t)(3) failing to obtain consent when releasing information regarding a client

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

(aa) exercising undue influence over a client for personal advantage

(tt) engaging in a dual relationship with a client

(xx) practicing social work in an incompetent manner

(aaa) violating any provision of K.S.A. 65-6301, *et seq.*, and amendments thereto or any regulation adopted thereunder;

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 Nos. 09-AS-20 and 09-AS-22.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act in relation to Case Nos. 09-AS-20 and 09-AS-22.

WHEREFORE, Licensee consents, in lieu of suspension of her license, to the following terms and conditions:

(a) Licensee shall obtain six hours of continuing legal education in addition to licensure requirements in the areas of ethics, truthfulness, dual relationships, professional boundaries and confidentiality. She shall submit evidence of completion of the continuing education to the Board within six months of the effective date of this Agreement. If she has difficulty locating appropriate content offerings, she may consult Board staff for suggestions.

(b) Licensee shall write and submit a ten-page professional quality paper in APA format containing at least ten professional references on the subjects of ethics, truthfulness, dual relationships, professional boundaries and confidentiality. The paper must be submitted to the Board within sixty days of the effective date of this Agreement.

(c) If and when Licensee is employed in a position requiring a Social Worker license, she shall be supervised for twelve months by a Board-approved supervisor licensed at at least the LSCSW level. Supervision meetings shall be held for at least one hour per forty hours worked and shall focus on Licensee's recognition of potential harm in dual relationships, violation of professional boundaries and breach of confidentiality. The supervision shall begin within thirty days of employment or thirty days after the effective date of this Agreement, whichever is later.

(d) Licensee shall provide a copy of this Consent Agreement to her supervisor. The supervisor shall provide a written report on the supervision at the end of three months and again at the end of six months to the Board's investigator verifying Licensee's cooperation and progress, but shall report to the Board immediately any problems observed. Written reports may be sent by email.

(e) At the end of the six-month supervision period, the Committee will review the supervision progress in consideration of reducing or extending the suspension period.

(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 understands that a notification of this Consent Agreement and Order may be provided to any other state licensing board if Licensee is also licensed, registered or certified in another state.

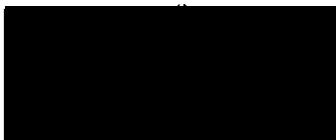
(i) Licensee acknowledges an affirmative duty to notify the Board within five business days of any changes in personal or professional status which would inhibit compliance with any condition of this Consent Agreement and Order. In such event, a designee of the Board is authorized to modify or amend this Consent Agreement in writing.

(j) 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.

Certificate of Service

This is to certify that on this 1st. day of February, 2010, 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:

Susan R. Haremza



Marty M. Snyder, Assistant Attorney General
120 SW Tenth Ave., 2nd Floor
Topeka, KS 66612
by Building Mail

A handwritten signature in cursive script, appearing to read "Marty M. Snyder", written over a horizontal line.

For the Behavioral Sciences Regulatory Board