

Marty M. Snyder, KS S Ct #11317  
Kansas Attorney General's Office  
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(785) 296-2215

**BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD**

In the Matter of

DEBRA L. WYANT, LBSW  
License #2713,  
Respondent

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Case No. 10-BS-33

**CONSENT AGREEMENT AND ORDER**

NOW on this 8 day of February, 2010, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Debra L. Wyant (Licensee / Respondent) and the Kansas Behavioral Sciences Regulatory Board, through counsel Assistant Attorney General Marty M. Snyder, for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Debra L. Wyant was, at all times relevant, a Licensed Bachelor 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 September 30, 2009, Board investigator Carol Baldwin wrote to Licensee to inquire about an alleged violation concerning Licensee's renewal application, alleging that Licensee may have violated certain statutes and regulations.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations.

4. Licensee was informed of the reported information, was requested to provide a response and sent a letter dated October 7, 2009.

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

a. On June 19, 2009, Licensee completed the renewal of her social work license online. Her application was subsequently randomly selected for an audit. [Exhibit A]

b. When requested on June 22 to provide documentation of her continuing education units by July 31, Licensee responded that she was leaving the country and would not return until August. She requested a refund of her license renewal fee but was informed that fees paid to the Board are non-refundable pursuant to K.A.R. 102-2-3 (f). [Exhibit B] Licensee did not provide the required information in July or August.

c. On September 30, 2009, Board investigator Carol Baldwin wrote to Licensee informing her of the report of alleged violation and requesting a written response by November 2. [Exhibit C]

d. Licensee's written response was received by the Board on October 9. Despite being asked to provide audit documentation on June 22, Licensee has failed to provide the requested information to date – more than six months after receipt of the audit notice. Licensee's letter of response merely communicates her dismay in the Board's procedures and fails completely to respond to either request for information. [Exhibit D]

6. Based on the above facts, which have been established by a preponderance of clear and convincing evidence, the Board finds that reasonable grounds exist to believe Licensee

a. has committed unprofessional conduct in violation of K.S.A. 65-6311 through 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 .... Each person taking longer than 30 days to provide the requested response, information or assistance shall have the burden of demonstrating that the person acted in a timely manner."

b. has violated K.A.R. 102-2-11a. Renewal audit.

(c) "upon Board notification, each renewal applicant for a social worker license shall submit the following to the Board within 30 days after the license expiration date:

(1) the completed renewal audit forms; and

(2) the original continuing education documents that validate all continuing education units claimed for credit during the current renewal period."

(e) "failure to comply with this regulation shall be considered unprofessional conduct."

7. The Board is unable to determine whether Licensee complied with her continuing education requirements due to Licensee's failure to cooperate with the audit and investigation.

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. 10-BS-33.

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 No. 10-BS-33.

WHEREFORE, Licensee consents to suspension of her license until further Order of the Board on the following terms and conditions:

(a) Licensee shall complete the audit information requested June 22, 2009, and shall provide it to the Board within thirty days of the effective date of this Agreement.

(b) Licensee shall furnish an explanation of her unprofessional conduct in failing to provide a substantive response to the audit request for more than six months and to the investigator's request.

(c) Should it be established that Licensee did not, in fact, have the required continuing education units completed prior to June 19, 2009, the Committee will consider further appropriate disciplinary sanction.

(d) Upon Licensee furnishing the documentation requested in (a) and (b) above, that information shall be furnished to the Committee for consideration of withdrawing the suspension order and reinstating her Licensed Bachelor Social Worker license.

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

(f) 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 Kansas Licensed Bachelor Social Worker 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.

(g) 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.

(h) 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.

(i) 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.

(j) 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.

(k) 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 and did complete all required continuing education units prior to June 19, 2009, 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 and K.A.R. 102-2-11a as a result of this proceeding.

WHEREFORE, the Board further agrees that, upon compliance with the conditions stated herein, the Complaint Review Committee shall meet to consider withdrawal of its suspension order and reinstatement of the license.

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:**

*Debra L. Wyant*  
Debra L. Wyant, LBSW  
Respondent Licensee

*1/29/10*  
Date

**APPROVED BY:**

*N/A*  
Counsel for Respondent

Date

**CERTIFICATE OF SERVICE**

This is to certify that on this 9<sup>th</sup> day of February, 2010, a true and correct copy of the above Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Debra L. Wyant



[Respondent counsel]

Marty M. Snyder, Assistant Attorney General  
120 SW Tenth Avenue, Second Floor  
Topeka, KS 66612

*Carol Baldwin*  
For the Board

March 9, 2010

Debra Wyant  
901 Westchester  
Salina, KS 67401

Re: Consent Agreement and Order 10-BS-0033

Dear Ms. Wyant,

You have complied with all of the conditions set forth in the Consent Agreement and Order under which you have practiced since February 8, 2010. The Board has received the information needed and voted unanimously at their meeting on March 8, 2010 that you are now unconditionally licensed to practice as a LBSW.

Thank you for your cooperation in this matter.

Sincerely,

Carol Baldwin  
Special Investigator