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

In the Matter of)
)
KELLY RATHBUN,)
LBSW #5682)
_____)

Case No. 10-BS-0058

SUMMARY PROCEEDING ORDER OF SUSPENSION

NOW, on this 8th day of February, 2010, the above-captioned complaint comes before the Complaint Review Committee [Committee] of the Kansas Behavioral Sciences Regulatory Board [Board].

I. FINDINGS OF FACT

The Committee finds that the following facts have been established by clear and convincing evidence:

1. Kelly Rathbun is a Licensed Bachelor Social Worker, License 5682, which was issued by the Kansas Behavioral Sciences Regulatory Board.
2. At all times relevant to the complaint herein, Licensee was practicing as 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.
3. On or about November 19, 2009, the Board received information that Licensee had failed to comply with a continuing education audit when she renewed her license online in August of 2009.

4. On November 20, 2009, Licensee was informed about the complaint and was requested to respond in writing. The Board received no response. On December 24, 2009, Licensee was contacted by phone and asked if she was planning on sending a response. Licensee stated she was not going to respond. Nearly six months after the request for CEU documentation, no response has been received.

II. CONCLUSIONS OF LAW

The following conclusions of law are based on evidence the Board finds is clear and convincing:

1. The Kansas Administrative Procedure Act [KAPA], K.S.A. 77-537, provides that a state agency may use summary proceedings, subject to a party's request for a hearing on the order, if the use of the proceedings in the circumstances does not violate any provision of law and the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties.

2. The actions of Kelly Rathbun violate K.A.R. 102-2-7, Unprofessional Conduct, (i).

3. Specifically, Licensee failed or refused to cooperate in a timely manner with any request from the board for a response with respect to the board's investigation of any report of an alleged violation against any professional who is required to be licensed or registered by the board.

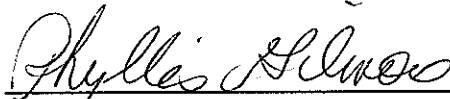
III. SANCTION

Based on the above Findings of Fact and Conclusions of Law and pursuant to K.S.A. 65-6311(b) and K.S.A. 77-537, the Committee finds as follows:

The Licensed Bachelor Social Worker license of Kelly Rathbun shall be suspended until proof of timely completion of continuing education units is provided to the Board and until further order of this Committee.

IT IS SO ORDERED.

Dated this 15th day of February, 2010.



Phyllis Gilmore, Executive Director
Kansas Behavioral Sciences Regulatory Board

NOTICE OF RELIEF FROM SUMMARY PROCEEDING ORDER

Pursuant to K.S.A. 77-537 and K.S.A. 77-542, this Summary Proceeding Order is subject to your request for a hearing. 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

This written request must be filed within fifteen (15) days of service of this Notice. If a hearing is not requested in the time and manner stated, this Summary Proceeding Order becomes final and effective upon the expiration of the time for requesting a hearing and will be a Final Order of the Board.

CERTIFICATE OF SERVICE

This is to certify that on this 15th day of February, 2010, a copy of the above and foregoing Summary Proceeding Order was placed in the U.S. mail, first-class postage prepaid, addressed to:

Kelly Rathbun



Marty M. Snyder, Esq.
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612

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

For the Board