

Marty M. Snyder, KS S.C. #11317  
Assistant Attorney General  
120 SW 10th Avenue, Second Floor  
Topeka, KS 66612-1597

10/20/09 12:45

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

In the Matter of )  
 )  
SARAH F. FERGUSON, LMSW )  
License #5979, )  
Respondent/Licensee )  
\_\_\_\_\_ )

Case No. 10-MS-0005

**CONSENT AGREEMENT AND ORDER**

NOW, on this 9th day of November, 2009, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board), by and through Assistant Attorney General Marty M. Snyder, by agreement of Sarah F. Ferguson (Respondent/Licensee) and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Sarah F. Ferguson, Respondent/Licensee, at all times relevant, was 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. In June of, 2009, 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 Masters 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 and was given the opportunity to respond to the allegations. Licensee did respond by telephone on July 1, July 10, July 28 and September 17, 2009.

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. On or about April 13, 2009, Respondent/Licensee renewed her social work license online and declared that she had completed all of the requirements for renewal, including the 40 hours of continuing education.

b. After her online renewal, Respondent/Licensee was audited. Respondent/Licensee's audit materials were received by the Board on June 9, 2009. Included with the audit materials was a letter from Respondent/Licensee, explaining that she did not have her folder with her when she submitted her online renewal, so she took additional courses after renewing.

c. Upon review of Respondent/Licensee's audit materials, the Board determined that Respondent/Licensee had completed only 9.5 hours of the 40 hours of continuing education required for renewal prior to renewing her license.

d. Respondent/Licensee was contacted by the Board on July 23, 2009, and advised of the complaint. Respondent/Licensee provided documentation for an additional seven hours of CE which she had completed prior to filing her online renewal. Review by the Board indicated that the additional hours would meet the continuing education requirements and, with these hours, Respondent/Licensee submitted proof of completing 16.5 hours of CE prior to her renewal.

e. Respondent/Licensee had completed all of the hours she needed to renew prior to June 1, 2009. Respondent/Licensee's LMSW license was renewed on June 19, 2009.

5. The Complaint Review Committee of the Board finds that probable cause exists to believe Licensee has violated the following statutes and regulations:

A. **K.A.R. 102-2-7. Unprofessional Conduct.** Any of the following acts by a licensee or an applicant for a social work license shall constitute unprofessional conduct:

(a) Obtaining or attempting to obtain licensure for oneself or another by means of fraud, bribery, deceit, misrepresentation or concealment of a material fact....

B. **K.S.A. 65-6310. Unlawful acts; penalties.** Conviction of any of the following shall constitute a class B misdemeanor:

(a) Obtaining or attempting to obtain a license or certificate or renewal thereof by bribery or fraudulent representation;

(b) Knowingly making a false statement in connection with any application under this act;

(c) Knowingly making a false statement on any form promulgated by the board in accordance with the provisions of this act or the rules and regulations promulgated thereunder.

However, Respondent/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, Respondent/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-MS-0005.

WHEREFORE, Respondent/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-MS-0005.

WHEREFORE, the Board and Licensee agree to the following terms and conditions:

(a) Respondent/Licensee shall prepare a ten-page professional quality paper on the subject of the value of licensure and honesty in practice. The paper shall be in APA format, contain at least ten professional references, and be submitted to the Board within 90 days of the effective date of this Consent Agreement.

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

(c) Evidence of Respondent/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 Respondent/Licensee has in fact breached, violated or failed to comply with any conditions. Upon determination at such hearing that Respondent/Licensee has breached, violated or failed to comply with any condition, Respondent/Licensee understands and agrees that her Kansas Licensed Masters Social Worker license could be suspended until such time as Respondent/Licensee can demonstrate compliance with all terms and conditions of this Consent Agreement and Order to the satisfaction of the Board.

(d) Respondent/Licensee acknowledges that proof submitted to the Board by affidavit or other form of competent evidence that Respondent/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.

(e) Respondent/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.

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

(g) If the Board does not approve this Consent Agreement and Order, Respondent/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 Respondent/Licensee and the Behavioral Sciences Regulatory Board and may be modified or amended only by written agreement signed by Respondent/Licensee and the Board or a designee of the Board.

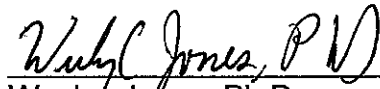
WHEREFORE, Respondent/Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval by the Complaint Review Committee, this Consent

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 Respondent/Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Respondent/Licensee in relation to violations of K.A.R. 102-2-7 and K.S.A. 65-6310 as a result of this proceeding.

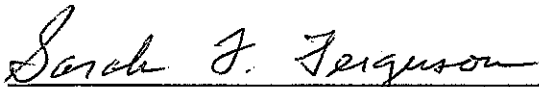
WHEREFORE, the foregoing provisions are consented to, are hereby made the final Order of the Kansas Behavioral Sciences Regulatory Board, and become effective on the date indicated in the Certificate of Service below.

**IT IS SO ORDERED.**

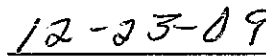


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Wesley Jones, Ph.D.  
Chair, Complaint Review Committee

**APPROVED AND CONSENTED TO:**



\_\_\_\_\_  
Sarah F. Ferguson, LMSW  
Respondent/Licensee



\_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE**

This is to certify that on this 5<sup>th</sup> day of JANUARY, 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:

Sarah F. Ferguson, LMSW



*Carol Baldwin*

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For the Behavioral Sciences Regulatory Board

March 19, 2010

Sarah Ferguson, LMSW  
25321 SW 17<sup>th</sup> Avenue  
Newberry, FL 32669

Re: Consent Agreement and Order 10-MS-0005

Dear Ms. Ferguson,

You have complied with all of the conditions set forth in the Consent Agreement and Order under which you have practiced since January 5, 2010. The Board has received an acceptable professional paper from you as per the CAO requirements.

You are now unconditionally licensed as a LMSW.

Thank you for your cooperation in this matter.

Sincerely,

Carol Baldwin  
Special Investigator