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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
CHARLENE KUZMA,)
LMSW #3422)
_____)

Case No. 10 MS 0059

CONSENT AGREEMENT AND ORDER

NOW, on this 13 day of March, 2010, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [Board] by agreement of Charlene Kuzma [Licensee] and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

FACTS

Licensee hereby acknowledges the following facts which the Board finds have been established by clear and convincing evidence:

1. Charlene Kuzma 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. In November 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.

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. No response was received from Licensee.
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 July 28, 2009, Licensee renewed her license online and indicated she had completed the continuing education required for renewal.
 - b. Licensee was subsequently selected for audit. The Board received her audit materials on August 14, 2009.
 - c. The audit materials provided by Licensee indicated that nine of her CEU hours required for renewal were completed after the online renewal date.

VIOLATIONS

The Board finds that reasonable grounds exist 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 ... 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;

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 that could be determined pursuant to a hearing conducted in accordance with the Kansas Administrative Procedure Act in relation to Case No. 10-MS-0059.

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-MS-0059.

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

- A. Licensee will attend six hours of continuing education on professional ethics. The continuing education classes shall not be via internet. Licensee shall provide a copy of her certificate(s) of attendance to the Board within six months of the effective date of this Agreement. Such training shall be in addition to licensure requirements and shall be at Licensee's expense.
- B. Licensee shall submit to the Board a 10-page professional quality paper, APA format, on the importance of honesty and ethics in the practice of the behavioral sciences and the role of licensing agencies to protect the public. The paper shall contain at least 10 professional reference resources and is due within sixty (60) days from the effective date of this Agreement.
- C. Licensee shall be responsible for any costs incurred in satisfying the terms of this Order.
- D. Evidence of Licensee's breach, violation or failure to comply with any of the conditions will result in an order to appear and show cause why Licensee's license should not be suspended temporarily pending full compliance with this Consent Agreement and Order. At such show cause hearing, the issues will be limited to

whether this Consent Agreement and Order has been violated and the appropriate sanction for such violation.

- 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.
- G. 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.
- H. 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 Order in writing.
- I. 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.
- J. This Consent Agreement and Order constitutes the entire agreement between the Licensee and the 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

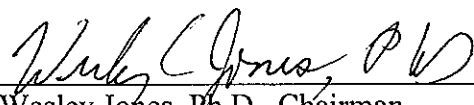
Review Committee, this Consent Agreement becomes a final order of the Board. The Board has authorized the Complaint Review Committee to approve this Consent Agreement and Order.

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 the violations of K.A.R. 102-2-7 and K.S.A. 65-6310 listed above.

WHEREFORE, the Board further agrees that, upon determination of Licensee's compliance with the conditions stated herein, Licensee shall be unconditionally licensed as a Licensed Masters Social Worker.


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

IT IS SO ORDERED.




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

APPROVED AND CONSENTED TO:




Charlene L. Kuzma, Licensee



Date

CERTIFICATE OF SERVICE

This is to certify that on the 17th day of March, 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:

Charlene L. Kuzma


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

Carol Baldwin
For the Behavioral Sciences Regulatory Board

August 10, 2010

Charlene L Kuzma, LMSW

[REDACTED]
[REDACTED]

Re: Consent Agreement and Order 10-MS-0059

Dear Ms. Kuzma,

This letter is to confirm that you complied with all of the conditions set forth in the Consent Agreement and Order dated March 13, 2010. You completed those conditions and this case was closed on August 8, 2010. There are no conditions on your license to practice as a LMSW.

Thank you for your cooperation in this matter.

Sincerely,

Carol Baldwin
Special Investigator