

Sam Brownback
Governor

Max L. Foster, Jr.
Executive Director



700 SW Harrison St. Suite 420
Topeka, KS 66603-3929
(785) 296-3240
Fax (785)296-3112
www.ksbsrb.org

November 24, 2014

Whitney Buckle


Re: Report of Alleged Violation 12-BS-0104

Dear Ms. Buckle:

This letter is to confirm that you satisfied all of the conditions set forth in the Consent Agreement and Order dated November October 9, 2012. The case is now closed.

Thank you for your cooperation in this matter.

Sincerely,

Cindy D'Ercole
Special Investigator

Marty M. Snyder, KS S Ct #11317
Kansas Attorney General's Office
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
WHITNEY BUCKLE, LBSW)
License #7517,)
Respondent)
_____)

Case No. 12-BS-0104

CONSENT AGREEMENT AND ORDER

NOW, on this 8th day of October, 2012, 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 Whitney Buckle [Licensee] and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Whitney Buckle is currently and 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 May 10, 2012, the Board received a report of information concerning Licensee's conduct alleging Licensee may have violated certain statutes and regulations governing unprofessional conduct.
3. The Board conducted an investigation concerning Licensee's alleged violations of statutes and regulations. During the investigation, Licensee was informed of the reported information and was given the opportunity to respond to the allegations.

On June 21, 2012, Licensee delivered via facsimile her response dated May 15, 2012.

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, a social worker employed by Kansas Social Rehabilitation Services [SRS], falsely reported information on the SRS case information system concerning events that allegedly occurred on March 29, 2012. More specifically, Licensee falsely reported that on March 29, 2012 she received a request from Detective Rebecca Lynch of the Pittsburg Police Department to interview a child. Licensee further falsely reported that she and Detective Lynch interviewed the child, the child's mother, and the boyfriend of the child's mother in Pittsburg, Kansas that same day.
- b. Detective Lynch denied contacting Licensee on March 29, 2012 and further denied conducting interviews with Licensee on March 29, 2012.
- c. Licensee has reported false information on the SRS case information system on numerous other occasions, including cases out of Neosho, Woodson, and Wilson Counties.
- d. Licensee failed to contact a family within the required 72-hour period regarding the safety of two alleged victims. More specifically, on March 26, 2012 Licensee was assigned a Wilson County abuse case with a 72-hour report response time. However, Licensee never contacted the family to ascertain the safety of the two alleged victims.
- e. Licensee's employment with SRS was terminated on April 3, 2012, and Licensee failed to report the termination to the Board as required.

5. The Complaint Review Committee of the Board finds that Licensee has violated the following statutes and regulations:

A. 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:

...

(2) has been found guilty of fraud or deceit in connection with services rendered as a social worker or in establishing needed qualifications under this act;

...

(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;

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

(b) except when the information has been obtained in the context of a confidential relationship, failing to notify the board, within a reasonable period of time, that any of the following conditions apply to any person regulated by the board or applying for a license or registration, including oneself:

...

(3) has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance;

...

(w) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;

...

(jj) taking credit for work not performed personally, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;

...

(ll) making or filing a report that one knows to be distorted, erroneous, incomplete, or misleading;

...

(nn) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care;

...

(xx) practicing social work in an incompetent manner;

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. 12-BS-0104.

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. 12-BS-0104.

WHEREFORE, Licensee consents to the suspension of her Bachelor Social Worker license for a period of two (2) years commencing on the effective date of this Consent Agreement and Order. However, such suspension shall be stayed subject to the following terms and conditions:

- (a) Licensee is prohibited from providing child protective services during the term of this Consent Agreement and Order.
- (b) Licensee shall notify the Board within five days of such time as she is employed.
- (c) Licensee shall advise her employer that she is under a Consent Agreement and Order and shall provide a copy of the Consent Agreement and Order to her employer.

- (d) Licensee shall provide a copy of her job description to Carol Baldwin, Special Investigator for the Board, within 30 days of her employment.
- (e) Licensee shall begin individual supervision with a Board-approved supervisor within 30 days of employment. Licensee shall meet with her supervisor one hour for every 40 hours of clinical practice, with the focus of the supervision on truthfulness, documentation, and duty to report. Licensee shall provide a copy of the Consent Agreement to the supervisor and authorize the supervisor to provide written quarterly reports to Carol Baldwin, Special Investigator for the Board, for a period of two (2) years.
- (f) Licensee shall be under continuous employment supervision while employed.
- (g) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.
- (h) 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 may 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.
- (i) 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.

- (j) 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.
- (k) 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.
- (l) 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 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 Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 65-6311 and K.A.R. 102-2-7 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.

Terry Pfarrenstiel, PhD
Terry Pfarrenstiel
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:

Whitney D Buckle
Whitney Buckle
Licensee

10/1/12
Date

CERTIFICATE OF SERVICE

This is to certify that on this 9th day of October, 2012, 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:

Whitney Buckle



and a copy delivered via interoffice mail to:

Marty M. Snyder
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612
Disciplinary Counsel for the Board

Carol Baldwin
For the Behavioral Sciences Regulatory Board