

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

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)

HEATHER M. SCOFIELD,)
License #7302)
_____)

Case No. 12 MS 007

CONSENT AGREEMENT AND ORDER

NOW, on this 12th day of September, 2011, 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 Heather M. Scofield (Respondent/Licensee), by and ~~through counsel, Larry Michel of Kennedy, Berkley, Yarnovich & Williamson,~~ and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Heather M. Scofield, 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. On July 25, 2011, the Board received a report of information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations related to her Licensed Masters Social Worker license.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations. During the investigation, Licensee was given the

opportunity to respond in writing to the possible violations. Licensee did respond by letter dated August 12, 2011.

4. As a result of the investigation, the Board finds that the following facts have been established by a preponderance of clear and convincing evidence:

a. On June 27, 2011, the Board received a Report of Alleged Violation against a colleague, H.C., from Licensee. In support of the complaint, Licensee enclosed unredacted records of three inmates of Sedgwick County Corrections that she had obtained from a third party without authorization.

b. Those records contained personal and mental health treatment information that is protected by state and federal law. However, neither the inmate patients nor the owner of the records (Sedgwick County) had knowledge of or authorized the disclosure. Specific information identifying the patients was not required to report the alleged violation by H.C.

c. Licensee states that she did not obtain the files directly from Sedgwick County, she intended to maintain the integrity of the information provided to the Board, she sent the complaint to the correct address and she did not keep a copy of the information.

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

A. K.S.A 65-6315 (a) – confidentiality of client records; (b) - privileged status of client records;

B. K.S.A. 65-6311(a)(4) – unprofessional conduct; (6) – negligence or wrongful actions;

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

(t) failing to obtain written, informed consent from each client. . . before performing any of these actions:

(3) releasing information concerning a client to a third party, except as required or permitted by law.

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-MS-007.

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-MS-007.

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

(a) Licensee shall attend six (6) hours of continuing education on confidentiality within six (6) months of the effective date of this Agreement and shall provide a copy of her certificate(s) of attendance to the Board upon completion. Such continuing education shall be attended in person and not on-line, shall be in addition to licensure requirements and shall be at Licensee's expense.

(b) At such time as Licensee is employed in a position that requires a current social worker license, Licensee shall provide a copy of this Consent Agreement and Order to her employer and to her supervisor.

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

(d) 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 Masters Social Worker license could 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.

(e) 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) 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.

(g) This Consent Agreement and Order constitutes the entire agreement between 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 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.

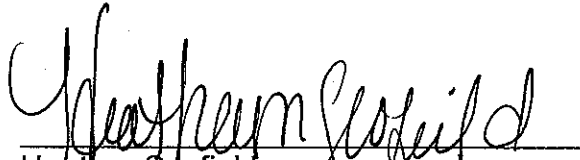
WHEREFORE, the Board agrees that, so long as Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 65-6315, K.S.A. 65-6311 and K.A.R. 102-2-7 as a result of this proceeding.

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 this 23 day of January, 2012.


Terry Pfannenstiel
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:


Heather Scofield
Respondent Licensee

1.15.12
Date

APPROVED BY:

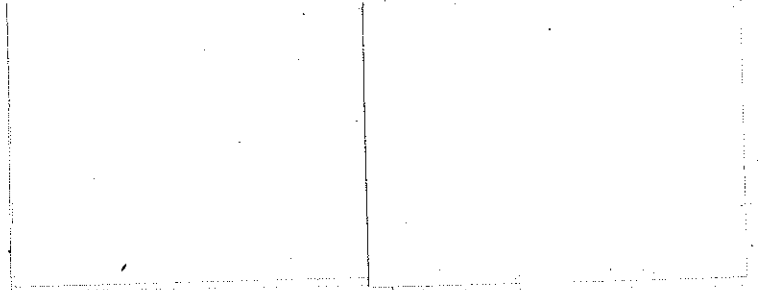
Larry Michel, KS S. Ct. # _____
Counsel for Licensee

Date _____

CERTIFICATE OF SERVICE

This is to certify that on this 27th day of January, 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:

Heather M. Scofield



and a copy placed in building mail to:

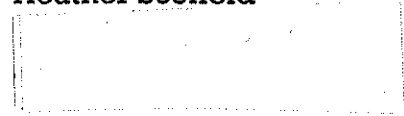
Marty M. Snyder
Assistant Attorney General
120 SW Tenth Ave., 2nd Floor
Topeka, KS 66612



For the Board

January 23, 2012

Heather Scofield



Re: Consent Agreement and Order 12-MS-0007

Dear Ms. Scofield,

This letter is to confirm that you complied with all of the conditions set forth in the Consent Agreement and Order for case 12-MS-0007. You completed those conditions and your case has now been closed.

You are now unconditionally licensed to practice as a LMSW.

Thank you for your cooperation in this matter.

Sincerely,

Carol Baldwin
Special Investigator