

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

Eisenhower State Office Building
700 SW Harrison, Suite 420
Topeka, Kansas 66603-3240

In the Matter of)

Vanessa Dudley-Miller,)
f/k/a Vanessa Palenske,)
LMSW #6346)

Case No. 13-MS-0036

**CONSENT AGREEMENT
AND ORDER**

NOW, on this 5th day of March, 2021, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory (Board) for consideration of the application filed by Vanessa Dudley-Miller, f/k/a Vanessa Palenske, for reinstatement of her master social worker license. To resolve this matter, the Board and Vanessa Dudley-Miller have agreed to enter into this Consent Agreement and Order.

The Board has authorized its President, Deb Stidham, its authority to enter into and this Consent Agreement and Order with Vanessa Dudley-Miller. Vanessa Dudley-Miller knowingly and voluntarily acknowledges, agrees, and stipulates to the following factual findings, legal conclusions, and conditions for the reinstatement of her master social worker license.

Joint Stipulation of Factual Findings

Vanessa Dudley-Miller agrees, stipulates, and acknowledges that if this matter were to proceed to a hearing, the following information or statements would be presented by clear and convincing evidence to the Board.

1. The Board issued to Vanessa Dudley-Miller, f/k/a Vanessa Palenske, (Applicant) a license to practice as a master social worker (LMSW).

2. While working as a LMSW, Applicant was employed at the Colmery-O'Neil Medical Center, Department of Veterans Affairs (VA), in Topeka, Kansas. She provided individual and group therapy to a client, C.D.-M., who terminated his services with the VA sometime around June 2011. However, Applicant and C.D.-M. continued a personal relationship outside of the social worker-client relationship. Applicant left her employment with the VA in August of 2012. On October 28, 2012, the notices in the local newspaper included the issuance of a marriage license for Applicant and C.D.-M.

3. The Board initiated disciplinary proceedings against Applicant for violating K.S.A. 65-6311(a)(9), unprofessional conduct as defined in K.A.R. 102-2-7. In November 2012, Applicant requested the Board to rescind her LMSW and make it inactive.

4. On September 1, 2016, Applicant and the Board entered into an Order of Dismissal. In that order, Applicant withdrew her request for a hearing, stipulated to the facts stated above, and acknowledged she had committed unprofessional conduct as defined in K.A.R. 102-2-7(z). Based on these stipulations, Applicant surrendered her license to practice as a LMSW and consented to the revocation of her LMSW.

5. On July 23, 2019, Applicant submitted an application for reinstatement of her master social worker license. Applicant stated she would present her dissertation ~~defense~~ in October 2019 and she wanted to pursue a career in teaching and administrative work. In support of her application, Applicant submitted positive references from three persons. Two of her references are licensed by the Board as master social workers.

with
dissertation
proposal

Joint Stipulations of Conclusions of Law

Applicant acknowledges, agrees, and stipulates to the following conclusions of law and the application of that law to the facts in this matter.

6. The Board is authorized to issue a license as a master social worker to qualified applicants. See K.S.A. 65-6306(b). However, the Board may refuse to issue a license or may condition or limit a license if the Board finds that a licensee or an applicant for a license has engaged in unprofessional conduct as defined in a regulation adopted by the Board. K.S.A. 65-6311(a)(9). The definition of unprofessional conduct includes a licensee or an applicant "making sexual advances toward, engaging in physical intimacies or sexual activities with, or exercising undue influence over any person who, within the past 24 months, has been one's client." K.A.R. 102-2-7(z).

7. Because she submitted an application to be reinstated as a LMSW, the Board has jurisdiction over Applicant and this matter. Administrative proceedings under the Social Workers Licensure Act are conducted in accordance with the Kansas Administrative Procedure Act (KAPA), K.S.A. 77-501 *et seq.* K.S.A. 65-6311(c). Under the KAPA, the parties may settle a matter by agreement. K.S.A. 77-505.

8. While employed as a LMSW, Applicant provided individual and group therapy to a client, C.D.-M. Her social worker-client relationship with C.D.-M. ceased in June 2011, but she engaged in a sexual or intimate relationship with C.D.-M. during the 24 months after the cessation of their social worker-client relationship. Thus, Applicant violated K.S.A. 65-6311(a)(9) by committing unprofessional conduct as defined in K.A.R. 102-2-7(z).

9. After considering the above factual findings and conclusions, the Board determines that cause exists to deny or condition the reinstatement of Applicant's license to practice as a master social worker due to her unprofessional conduct by engaging in a

sexual or intimate relationship with a client within 24 months of the social worker-client relationship.

Joint Agreement on Licensure

10. Applicant and the Board mutually desire to enter into this Consent Agreement and Order in lieu of any proceeding or hearing that Applicant may request on whether her license to practice as a master social worker should be reinstated.

11. Applicant hereby waives all rights to an adjudicative hearing under the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, on her application in this matter. Applicant understands by waiving a hearing she gives up the following rights: the right to confront and cross-examine all witnesses testifying against her, the right to present evidence, the right to have the Board issue subpoenas to bring all witnesses and evidence favorable to her to a hearing, and the right to testify on her behalf. Applicant further agrees and understands that by waiving her right to a hearing, she also waives the right to have the Board make specific findings of facts based upon evidence admitted at the hearing and state the conclusions of law on whether she violated the Social Workers Licensure Act. Applicant also agrees to waive the right to file a motion for reconsideration pursuant to the Kansas Administrative Procedure Act or to otherwise contest this Consent Agreement and Order. Additionally, Applicant agrees to waive all rights of review or appeal pursuant to the Kansas Judicial Review Act.

12. Applicant acknowledges that she has been given the opportunity to consult with her attorney regarding this Consent Agreement and Order. Applicant agrees she has read this Consent Agreement and Order and fully understands its contents. Applicant also acknowledges and agrees that she has entered into this Consent Agreement and Order freely and voluntarily.

13. Evidence of Applicant's breach, violation, or failure to comply with any of the conditions herein will result in a hearing, after providing notice and opportunity to be heard, to determine whether Applicant has in fact breached, violated, or failed to comply with any conditions. If the Board determines after such hearing that Applicant breached, violated, or failed to comply with any condition, Applicant understands and agrees that the Board may impose discipline, including additional or different conditions, suspension, or revocation of her license as a master social worker.

14. Applicant waives any right that she may have to object to the composition of any subsequent hearing panel due to Board members having knowledge of matters contained within this Consent Agreement and Order. Applicant understands and agrees the Board may consider all aspects of this Consent Agreement and Order in any future matter regarding her licensure.

15. Applicant understands this Consent Agreement and Order shall become effective when signed on behalf of the Board and filed with the office of the Board and no

further Order is required. Applicant acknowledges and agrees that this Consent Agreement and Order is in conformance with Kansas and federal law.

16. Applicant understands this Consent Agreement and Order becomes a public record and is subject to disclosure upon request as a public record under the Kansas Open Records Act. Additionally, Applicant understands that a copy or notification of this Consent Agreement and Order shall be provided to any other state licensing board if Applicant is also licensed, registered or certified in another state or applies for licensure, registration, or certification in another state.

17. Applicant fully, completely, and finally releases the Board and its agents, staff, or employees from any and all claims, charges, demands, damages, costs, expenses, actions and causes of action of every kind and whatsoever related to this Consent Agreement and Order. Applicant agrees and acknowledges that the following disposition is just and appropriate under the above stated facts and legal conclusions.

18. Based upon the above stipulations and agreement, the Board hereby reinstates Applicant's license as a licensed master social worker subject to the following terms and conditions.

(a) Upon employment as a licensed master social worker, Applicant's practice as a LMSW shall be supervised by a Board-approved licensed specialist clinical social worker who has a minimum of two (2) years in such practice and is not in a familial, subordinate, or other dual relationship with Applicant. If she decides to pursue licensure as specialist clinical social worker, Applicant may use the same LSCSW supervisor. If a LSCSW is not available to provide supervision under this Consent Agreement and Order, the Board may approve another person who is clinically licensed by the Board, has a minimum of two (2) years of clinical practice in their licensed profession, and is not in a familial, subordinate, or other dual relationship with Applicant.

(b) Applicant will hold the license as a master social worker with the supervision and conditions imposed herein for a minimum of twelve (12) months. Any period of time that Applicant is not employed as a licensed master social worker or engaged in the practice as a licensed master social worker shall not count towards this requirement of supervised practice.

(c) During the supervision period, Applicant and her supervisor shall have weekly one-hour, in-person supervision sessions. These sessions shall focus on professional practice and the ability to recognize personal issues that may impact professional judgement.

(d) During the supervision period, Applicant's practice supervisor shall provide the Board with written reports at the end of each three (3) month period of supervision. This report shall address topics required in paragraph 18(c) above. If Applicant's supervisor is not her employer, Applicant's employer shall also provide the Board with

written reports at the end of each three (3) month period of supervision that includes the information required above in paragraph number 18(c) above.

(e) Applicant shall notify the Board and her practice supervisor within seven (7) calendar days of any changes in her personal or professional status that would hinder or inhibit compliance with any of the above terms and conditions. In such event, a Board member who is licensed as a social worker and serving on the Board's Social Work Advisory Committee is authorized to modify or amend the terms or conditions of this Consent Agreement and Order. Any such modification or amendment of this Consent Agreement and Order must be in writing and signed by Applicant and the Board member.

(f) Applicant's practice supervisor or employer shall immediately notify the Board of their concerns if they have reason to believe that Applicant has not complied with the terms and conditions of this Consent Agreement and Order or the Social Workers Licensure Act and/or its implementing regulations.

(g) Applicant shall bear any expense of supervision and any and all other costs incurred in satisfying the terms of this Consent Agreement and Order.

(h) Applicant's practice supervisor and employer shall be provided a copy of this Consent Agreement and Order and agree in writing to abide by its terms. Applicant's practice supervisor and employer shall send their signed written agreement to the Board with seven (7) days of becoming Applicant's practice supervisor or employer.

(i) Applicant shall obey all federal, state, and local laws, including the statutes and regulations governing the practice of social work.

(j) At the end of the supervised practice period, Applicant's supervisor and employer must submit a written report to the Board addressing whether Applicant poses a risk to the public in the practice of social work without supervision under this agreement. If Applicant's practice supervisor responds unfavorably, the Board may continue Applicant's licensure as a master social worker on the above terms and conditions, as well as any other terms and conditions that the Board deems appropriate based upon the practice supervisor's report for an additional twelve (12) months or refuse to re-issue a license to Applicant. If Applicant's practice supervisor responds favorably, the Board shall license Applicant as master social worker without the terms and conditions imposed herein.

(k) If Applicant has not become employed as a master social worker within one (1) year from the date this agreement was signed by the parties and filed with the Board, this Consent Agreement and Order shall become null and void and Applicant shall have to submit a new application for licensure as a master social worker.

This Consent Agreement and Order constitutes the entire agreement between Applicant and the Board.

WHEREFORE, Vanessa Dudley-Miller consents to the submission of this Consent Agreement and Order to the Kansas Behavioral Sciences Regulatory Board as represented by its President and Applicant understands that upon approval by the President of the Board, this Consent Agreement and Order becomes a Final Order of the Board.

IT IS SO ORDERED.

Deborah S. Stidham

Deb Stidham, President
As designated by and on behalf of the
Behavioral Sciences Regulatory Board

CONSENTED TO AND APPROVED BY:

Vanessa Dudley-Miller

Vanessa Dudley-Miller

2-25-2021

Date

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 5th day of March 2021, 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:

Vanessa Dudley-Miller



David Fye

Staff, David Fye
Behavioral Sciences Regulatory Board