

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

14 NOV 5 10:12

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)

JEFFREY N. POWELL,)
LBSW #6396)
_____)

Case No. 15-BS-025

SUMMARY PROCEEDING ORDER OF SUSPENSION

NOW, on this 6 day of November, 2014, the above-captioned complaint comes before the Complaint Review Committee [Committee] of the Kansas Behavioral Sciences Regulatory Board [Board].

A. FINDINGS OF FACT

The Committee finds that the following facts have been established by a preponderance of clear and convincing evidence:

1. Jeffrey N. Powell is a Licensed Bachelor Social Worker, License #6396, which was issued by the Kansas Behavioral Sciences Regulatory Board in 2004.

2. At all times relevant to the complaint herein, Licensee held a Licensed Bachelor Social Worker license within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto.

3. On or about April 30, 2014, Licensee renewed his license online claiming that he had completed 40 hours of required continuing education units [CEUs].

4. Licensee was randomly selected for a CEU audit and, on April 30 and May 5, 2014, was sent audit notification and materials requiring a response from him.

[Exhibit A]

5. Licensee failed to respond to the audit.

6. On August 1, 2014, Licensee was notified by Board staff by email that no audit response materials had been received and that the matter would be referred for disciplinary investigation if he did not provide the materials. [Exhibit B]

7. Licensee failed to respond to that contact.

8. The matter was referred to the Board's Special Investigator, and she sent a Report of Alleged Violation to Licensee on August 9, 2014. [Exhibit C]

9. On September 9, 2014, the Special Investigator received a letter from Licensee admitting that he submitted the renewal application in April 2014 with the knowledge that he had not completed his continuing education as required for licensure. He further admitted that he chose not to respond to the audit when he was notified of it in late April and early May, 2014. [Exhibit D]

B. CONCLUSIONS OF LAW

The following conclusions of law are based on a preponderance of the evidence as set forth above:

1. The Kansas Administrative Procedure Act [KAPA], K.S.A. 77-537, provides that a state agency may use summary proceedings, subject to a party's request for a hearing on the order, if the use of the proceedings in the circumstances does not violate any provision of law and the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties.

2. The actions of Jeffrey N. Powell violate

a. K.S.A. 65-6310 (a), (b) and (c), Unlawful acts, penalties;

b. K.S.A. 65-6311(a)(2) and (4), Grounds for discipline;

c. K.A.R. 102-2-5, Documentation for continuing education;

- d. K.A.R. 102-2-11, Renewal and reinstatement;
- e. K.A.R. 102-2-11a, Renewal audit;
- f. K.A.R. 102-2-7, Unprofessional Conduct, (a) and (i); and
- g. K.A.R. 102-2-4a (a) Continuing education for licensees.

3. Specifically, Licensee filed a false application for licensure renewal and fraudulently obtained renewal of his Kansas Bachelor Social Worker license. Licensee apparently failed to obtain and document required continuing education units during the renewal period prior to April 30, 2014. Licensee has failed and refused to cooperate with requests from the Board for the information required in response to the audit.

C. SANCTION

Based on the above Findings of Fact and Conclusions of Law, and pursuant to K.S.A. 65-6311(b) and K.S.A. 77-537, the Committee finds that the Licensed Bachelor Social Worker license of Jeffrey N. Powell shall be suspended until further order of this Committee and following Licensee's compliance with the audit requirements.

IT IS SO ORDERED.

Dated this 3rd day of November, 2014.



Terry Pfannerstiel, Ph.D., Chairman,
Complaint Review Committee
Kansas Behavioral Sciences Regulatory Board

NOTICE OF RELIEF FROM SUMMARY PROCEEDING ORDER

Pursuant to K.S.A. 77-537 and K.S.A. 77-542, this Summary Proceeding Order of Suspension is subject to your request for a hearing. If you desire a hearing, you must direct a written request for hearing to:

Max Foster, Executive Director
Kansas Behavioral Sciences Regulatory Board
700 SW Harrison St., Suite #420
Topeka, KS 66603

Any written request must be filed within fifteen (15) days of service of this Notice. If a hearing is not requested in the time and manner stated, this Summary Proceeding Order becomes final and effective upon the expiration of the time for requesting a hearing and will be a Final Order of the Board.

CERTIFICATE OF SERVICE

This is to certify that on this 12 day of November, 2014, a copy of the above and foregoing Summary Proceeding Order was placed in the U.S. mail, first-class postage prepaid, addressed to:

Jeffrey N. Powell


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

Jeffrey N. Powell


Cindy D'Ercole
For the Board