

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

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BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
VICKI BEISER, LMSW)
License #8221,)
Respondent)

Case No. 15-MS-48

CONSENT AGREEMENT AND ORDER

NOW, on this 30 day of November, 2015, 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 Vicki Beiser, LMSW [Respondent / Licensee] through counsel Randy R. Debenham, Esq., and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Vicki Beiser is and was, at all times relevant, 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 August 25, 2014, 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, was given the opportunity to respond to the allegations and

provided two written responses. She denied and admitted some of the facts as set forth in the complaint. The investigator followed up with the Complainant and additional fact witnesses to resolve discrepancies in the reports.

4. As a result of the investigation, the Board adopts the following facts as alleged by Respondent:

- a. Respondent was employed by TFI in August of 2014 and had been working with a foster family for three months to adopt a foster child, SR.
- b. SR, who was 11 years old and whose parents had their rights terminated when she was 5, had her own therapist, social worker KH [Complainant] with St. Francis Community Services. SR was not Respondent's client.
- c. One evening, KH received an email from the foster mother to call immediately. KH learned that Respondent, who was relatively new to the family, had stopped by the mother's home daycare for a routine visit. She asked to speak with SR alone and was allowed to do that.
- d. SR had been provided wedding pictures by another worker. SR viewed them and wanted to communicate with her biological mother. SR was upset and repeatedly and urgently asked Respondent about contacting her biological mother. Following their conversation, Respondent told her maybe, that they needed to discuss that with the worker who showed her the wedding pictures.
- e. Respondent told the mother that SR was upset and had asked Respondent about contacting her biological mother. Respondent told the mother that the agency liked to maintain connections between the children and the biological parents, but it would be something they would have to

discuss with the staff person who brought the wedding pictures. The mother was very angry that the wedding pictures had been shown to SR and that she was told that the agency liked to maintain connections between the children and their biological parents. Respondent was not fully aware of SR's traumatic past, consisting of abuse by her biological parents. SR's case team had previously found it was in SR's best interest to have no contact with her biological family until she was at least 18. Respondent responded to SR's requests, brought on by the wedding pictures, without the benefit of knowing the case background. It was her responsibility to know the case's background.

- f. The Mother stated that Respondent called her after the confidential Best Interest Staffing [BIS] for SR and disclosed information from that meeting. Respondent had signed a confidentiality statement related to the BIS information prior to the meeting.
- g. Respondent was told at the BIS to inform the mother that SR needed dental work. About five days after the BIS, Respondent called the mother to tell her that SR needed to have dental work done. Because of the nature of the call, Respondent believed it was obvious that the mother was chosen to be the adoptive resource, so Respondent provided that information to her. The mother was informed she was the adoptive resource prior to learning it from the authorized person. Respondent states it was an inadvertent error that caused no disclosures that would not have been made shortly through official channels. Only one adoptive resource was being considered. Respondent should have first confirmed

that the mother had already been told she was the adoptive resource by contacting a member of the BIS team before revealing that information to the mother.

5. Based upon the above facts, the Complaint Review Committee of the Board concludes 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:

(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:

(s) revealing information, a confidence or secret of any client or failing to protect the confidences, secrets or information contained in a client's records;

(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. 15-MS-48.

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. 15-MS-48.

WHEREFORE, Licensee consents to the following terms and conditions:

- (a) Licensee shall obtain three additional CEUs in ethics, concentrating on confidentiality and scope of practice / who is my client to be completed in person within six months of the effective date of this CAO. If no in-person offerings can be found, Licensee shall contact the Special Investigator and report that on-line course(s) will be necessary.
- (b) Licensee shall write a ten-page paper, APA format, on the above topics within six months of the effective date of this CAO and submit it to the Special Investigator for review by a member of the Complaint Review Committee.
- (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 that Licensee has breached, violated or failed to comply with any condition, Licensee understands and agrees that her Kansas Licensed Masters 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.
- (e) 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.
- (f) Licensee acknowledges an affirmative duty to notify the Board within five (5) days of any changes in personal or professional status which would inhibit

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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.

- (g) 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 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 this 20 day of November, 2015.


Terry Pfannenstiel
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:

Vicki Beiser

Vicki Beiser
Licensee / Respondent

11-18-15

Date

APPROVED BY:

Randy R. Debenham

Randy R. Debenham, Esq. #199812
Counsel for Licensee / Respondent

11/19/15

Date

CERTIFICATE OF SERVICE

This is to certify that on this 30 day of November, 2015, 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:

Vicki L. Beiser



Randy R. Debenham, Esq.
Debenham Law Office
3615 SW 29th Street
Topeka, KS 66614

and a copy delivered via interoffice mail to:

Marty M. Snyder, Esq.
Assistant Attorney General

Cindy D'Ercole
For the Behavioral Sciences Regulatory Board