

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

**BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**

In the Matter of )  
 )  
STACEY D. DUTRO, LMSW, )  
License #6343, )  
Respondent )  
\_\_\_\_\_ )

Case No. 15-MS-051

**SUMMARY PROCEEDING ORDER**

NOW, on this 29 day of February, 2016, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [Board] Complaint Review Committee [Committee].

**Findings of Fact**

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

1. Stacey D. Dutro [Respondent / Licensee] is 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 September 19, 2014, the Board received a self-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 further opportunity to respond to the

allegations. Additional information was received from Licensee on December 15, 2014. The Board later received a related complaint and documentation from Licensee's employment supervisor.

4. As a result of the investigation, the Board found the following facts:
  - a. In September of 2014, Licensee contacted the Board to report that she discovered her license had lapsed July 31, 2014, but she had continued to practice for the next five and one-half weeks without a license.
  - b. In her response to inquiry by the Board's investigator, Licensee denied practicing on her expired license and claimed her job with the Kansas Department of Children and Families [DCF] did not require a license. She expressly denied holding herself out as a licensed social worker during the time her license was expired.
  - c. In January of 2015, Licensee's employment supervisor provided documentation that established Licensee had falsified her response by attaching the job description for a different position. The supervisor stated that Licensee's position did require a license and that Licensee had provided social worker services, signed documents as an LMSW and otherwise held herself out as a licensed Kansas social worker during the time her license was expired.

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#### **Conclusions of Law**

5. The Complaint Review Committee of the Board concluded there is probable cause to find that Licensee practiced without a current license, held herself out as a social worker while expired and submitted false information in a disciplinary investigation in violation of the following statutes and regulations:

**A. K.S.A. 65-6303(a) and (d). Prohibited acts.**

**B. K.S.A. 65-6307(a) and (b). Use of title by licensee.**

**C. 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 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; . . .

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

(b)(5) has practiced the licensee's profession in violation of the laws or regulations regulating the profession;

(k) Failing to cooperate with the board's investigation;

(xx) practicing social work in an incompetent manner;

(yy) practicing social work after one's license expires;

(zz) using without a license, or continuing to use after the expiration of a license, any title or abbreviation prescribed by the board for use only by persons currently holding that type or class of license.

**E. K.A.R. 102-2-11. Renewal and reinstatement.**

(f) each licensee who fails to renew the license in a timely manner and who thereafter applies for reinstatement shall indicate whether or not the individual has practiced in Kansas as a social worker or has held forth as performing the services of a social worker after expiration of the license and, if so, under what circumstances.

6. Licensee was offered a Consent Agreement and Order [Exhibit 1] based on the above findings and conclusions. However, she declined to enter the Agreement and acknowledged that her license could be revoked as a consequence, stating that this

process had discouraged her from further wanting to practice social work [Exhibit 2].

7. The Kansas Administrative Procedure Act, K.S.A. 77-537, provides for summary proceedings in situations where the statutory conditions are present. The Committee finds those conditions have been met in this proceeding.

### Sanction

Based upon the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 65-6311 and the Kansas Administrative Procedure Act, K.S.A. 77-537, the Board finds that the Kansas Licensed Masters Social Worker license of Respondent Stacey D. Dutro should be and is hereby revoked.

IT IS SO ORDERED this 23<sup>rd</sup> day of February, 2016.

  
\_\_\_\_\_  
Terry Pfannenstiel, Ph.D.  
Chair, Complaint Review Committee

### NOTICE OF RELIEF

Pursuant to K.S.A. 77-537, this Summary Proceeding Order is subject to your request for a hearing. If you desire a hearing, you must serve a written request for hearing upon:

Max Foster, Executive Director, BSRB  
700 SW Harrison St.  
Eisenhower State Office Building, Suite #420  
Topeka, KS 66603

with a copy to:

Marty M. Snyder, Esq.  
Assistant Attorney General  
120 SW Tenth Ave., 2<sup>nd</sup> Floor  
Topeka, KS 66612

Any written request for hearing must be served within fifteen (15) days from the date indicated in the below Certificate of Service. 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 29 day of February, 2016, a true and correct copy of the above Summary Proceeding Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Stacey D. Dutro



and a copy delivered via interoffice mail to:

Marty M. Snyder, Esq.  
Assistant Attorney General  
*Disciplinary Counsel for the Board*

Lindy D'Ercole  
For the Behavioral Sciences Regulatory Board



file

STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT  
ATTORNEY GENERAL

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December 10, 2015

Stacey Dutro  
2320 Sumter Court  
Leavenworth, KS 66048

Re: *In the Matter of Stacey Dutro*  
BSRB Case No. 15-MS-051

Dear Ms. Dutro:

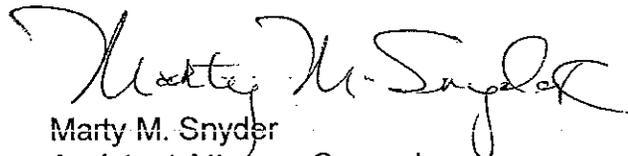
This office represents the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board with regard to its litigation and disciplinary matters. The Complaint Review Committee met to review the above complaint against you and found violations of the statutes and regulations governing the practice of social work. The Committee has authorized me to offer you the enclosed Consent Agreement and Order in lieu of holding a formal disciplinary hearing pursuant to the Kansas Administrative Procedure Act.

Please review the enclosed Agreement and don't hesitate to contact me at the above location if you have any questions about it. If you are represented by counsel, please have your attorney contact me. If there are no questions and the Consent Agreement and Order is acceptable, please sign and date it where indicated on page six and return the original to me. The copy is for your records.

I would appreciate receiving the signed Agreement by December 28, 2015, if possible. Thank you for your continuing cooperation in this matter.

Very truly yours,

OFFICE OF ATTORNEY GENERAL  
DEREK SCHMIDT

  
Marty M. Snyder  
Assistant Attorney General

enc.

Exh. 1