

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)
)
KERRI HALL, LSCSW,)
License #2073,)
Respondent)
_____)

Case No. 16-CS-055

CONSENT AGREEMENT AND ORDER

NOW, on this 13 day of December, 2016, 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 Kerri Hall [Respondent / Licensee], by and through counsel Megan L. Moseley, Simpson, Logback, Lynch, Norris, PA, and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Kerri Hall was a Licensed Specialist Clinical Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, at all times relevant.
2. In March of 2016, 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

report of information and failed to respond to the Special Investigator's letter of March 11, 2016. She did respond through counsel to a follow-up, emailed request on May 31, 2016.

4. As a result of the investigation, the Board has found that the following facts have been established by a preponderance of the evidence:

- a. Respondent, while working as a Licensed LSCSW, received a letter dated June 3, 2015, from Christiane Swartz, Deputy Medicaid Director of the Kansas Department of Health and Environment [KDHE]'s Division of Health Care Finance. This letter notified Respondent of the Department's intention to suspend any future Kansas Medical Assistance Program [KMAP] payments to her due to allegations of fraud that were determined to be credible by KMAP. This included allegations of billing for services not rendered or performed. [Exhibit A] Respondent did not request a hearing on this notification.
- b. Subsequently, Respondent received a letter dated December 18, 2015, from Jason Osterhaus, Program Integrity Unit Manager with KDHE, notifying her of a scheduled review on the Department's intention to terminate her from the KMAP program pursuant to K.A.R. 30-5-60(a) (2) due to allegations regarding noncompliance with laws concerning medical providers, (3) noncompliance with the terms of the provider agreement, (7) pattern of submitting billings for services not covered under the program, (9) unethical or unprofessional conduct and (17) other good cause. The review was set for December 30, 2015. [Exhibit B]

- c. Respondent failed to attend the review or respond to the December 18 letter, so a letter dated January 4, 2016, was sent by Mr. Osterhaus that notified Respondent that her participation in the KMAP program would be terminated effective January 9, 2016, based upon the five alleged violations set forth above and her failure to participate in the review. [Exhibit C] Respondent again failed to request a hearing on the termination.
- d. While not specifically asserting Respondent's Fifth Amendment privilege against self-incrimination, her attorney wrote to the BSRB in a letter dated May 31, 2016, that Respondent would not provide any information related to the "ongoing investigation by the State of Kansas." The letter advised that Respondent had not practiced social work since the summer of 2015 and had decided to let her license lapse on May 31, 2016, rather than file an application for renewal. [Exhibit D]
- e. The letter further offered a settlement of this complaint in exchange for Respondent's agreement not to practice social work while unlicensed; not to seek reinstatement of her Kansas social work license for at least a period of five years; to complete ten hours of Ethics CEUs prior to applying for reinstatement; to complete five hours of CEUs on documentation and five hours of CEUs on billing prior to applying for reinstatement; and agreeing to meet with representatives of the Board to provide documents related to the disposition of the underlying investigation prior to applying for reinstatement – in addition to routine reinstatement procedures.

5. The Complaint Review Committee concluded there is sufficient evidence at this time upon which to base an agreement on the terms proposed by Respondent and her counsel. Respondent does not admit to such evidence but agrees to the execution of this agreement and completion of the terms and conditions set forth herein.
6. Possible violations of statutes and administrative regulations applicable to licensed Kansas social workers may include but are not limited to the following. Respondent does not admit to such violations but agrees to the execution of this agreement and completion of the terms and conditions set forth herein.

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 fraud or deceit in connection with services rendered as a 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.

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

- (i) failing or refusing to cooperate in a timely manner with any request from the board for a response, information that is not obtained in the context of a confidential relationship, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the board. Each person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person acted in a timely manner;

(j) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, and experience and with accepted professional standards for social work;

(w) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;

(ll) making or filing a report that one knows to be distorted, erroneous, incomplete, or misleading;

(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. 16-CS-055.

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.16-CS-055.

WHEREFORE, the Board and Licensee consent and agree to the following terms and condition based upon the written proposal in Licensee's response letter:

(a) Licensee's LSCSW license expired on May 31, 2016. Licensee is not currently practicing social work in Kansas and will not practice social work in Kansas unless and until reinstated by the Kansas Behavioral Sciences Regulatory Board.

(b) Licensee will not seek reinstatement of her Kansas LSCSW license for at least five years after the effective date of this Consent Agreement and Order.

(c) Prior to applying for any BSRB license, Licensee shall furnish proof of completion of ten hours of Ethics CEUs.

- (d) Prior to applying for any BSRB license, Licensee shall furnish proof of completion of five hours of CEUs on proper documentation practices.
- (e) Prior to applying for any BSRB license, Licensee shall furnish proof of completion of five hours of CEUs on proper billing practices.
- (f) Prior to applying for any BSRB license, Licensee shall meet with a designee or designees of the Board to provide documents and information related to the disposition of the current underlying matter with KDHE.
- (g) Prior to reinstatement of other BSRB licensure, Licensee shall complete all other routine requirements of reinstatement or licensure;
- (h) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.
- (i) Evidence of Licensee's breach, violation or failure to comply with any of the above conditions could result in a determination that Licensee's Kansas Licensed Specialist Clinical Social Worker license should be suspended or revoked.
- (j) 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 and as otherwise required by law, including but not limited to the Kansas Open Records Act.
- (k) 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.
- (l) This Consent Agreement and Order constitutes the entire agreement between the Licensee and the Behavioral Sciences Regulatory Board and may

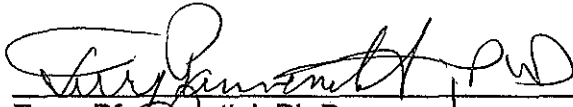
be modified or amended only by written agreement signed by Licensee and a designee of the Board.

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.

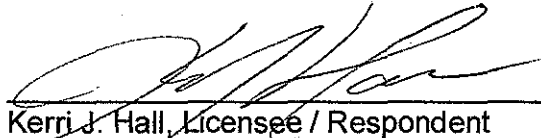
WHEREFORE, the Board agrees that, so long as Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 65-6311 and K.A.R. 102-2-7 as a result of this proceeding.

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 12th day of December, 2016.


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

APPROVED AND CONSENTED TO:


Kerri J. Hall, Licensee / Respondent

11/25/16
Date

APPROVED BY:

Megan L. Moseley
Megan L. Moseley, Esq.
Simpson, Logback, Lynch, Norris, PA
Counsel for Licensee / Respondent

11/30/2016
Date

CERTIFICATE OF SERVICE

This is to certify that on this 13 day of December, 2016, 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:

Megan L. Moseley, Esq.
Simpson, Logback, Lynch, Norris, PA
107 W 6th St., Suite 210
Topeka, KS 66603

Kerri J. Hall


and a copy delivered via interoffice mail to:

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

Cindy D'Ercole
For the Behavioral Sciences Regulatory Board