

Marty M. Snyder, KS S Ct #11317  
Assistant Attorney General  
120 SW Tenth Ave., 2<sup>nd</sup> Floor  
Topeka, KS 66612  
(785) 368-8419

16 APR 23 10:25

**BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**

**PATRICIA BROWN, LMSW,** )  
**Lic. # 3905** )  
**Respondent** )

**Case No. 16-MS-067**

**SUMMARY PROCEEDING ORDER**

NOW on this 29 day of April, 2016, the above-captioned complaint comes before the Kansas Behavioral Sciences Regulatory Board [BSRB / 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. Patricia Brown at all relevant times has been a Kansas social worker licensee pursuant to the Kansas Social Worker Licensure Act, K.S.A. 65-3501, *et seq.*, having received her license in 1997.
2. On August 23, 2015, Licensee submitted her LMSW license renewal online.
3. She was immediately notified by the Board's Renewal Specialist by email that her renewal application had been randomly selected for audit and was given thirty days to send the information requested. However, she failed to respond to or comply with the request for audit information related to the continuing education that she had claimed and attested to on her renewal form.
4. On September 1, 2015, Licensee called the Renewal Specialist and left a voicemail stating that she wanted a refund for her license renewal and would just let her license expire. The Renewal Specialist and the Executive Director called and spoke with Licensee the same day. They explained that refunds were not allowed by statute, she was required to turn in her CEUs to comply with the audit and if she failed to comply, the matter would be turned over to the Board's disciplinary investigator.

5. On October 28, 2015, the Board Investigator wrote to Licensee by US mail regarding the audit and again requested her to provide the information previously requested in response. She was given a deadline of November 13, 2015. Again, she failed to comply.
6. On February 4, 2016, the Board Investigator again wrote to Licensee to give her a final opportunity to provide information before the matter went before the Board's Complaint Review Committee.
7. On February 21, 2016, the Board Investigator received a written response more than five months after the Board's initial request but still not containing the required documentation. For the first time Licensee notified the Board that she was retired and disabled and could no longer afford to attend expensive continuing education courses. She requested "Inactive Status" due to her disability and the fact that she no longer used her license in practice or title.
8. On March 15, 2016, the Board Investigator wrote to Licensee, reminding her that when she chose to renew her license on August 23, 2015, she attested that she had completed all the required Continuing Education Units to support renewal of her license.

#### **Discussion**

9. On April 11, 2016, the Complaint Review Committee met to review this case.
  - It unanimously found that filing false information in an application for licensure is a serious violation, as is failing to comply with an audit. Licensee filed false information with the Board in her renewal application, attested to it and intended Board staff to rely upon it in renewing her Kansas social worker license. In fact, the Board did renew her license on a preliminary basis pending results of the audit.
10. To date, Licensee has still failed to provide required documentation to support the renewal application she submitted August 23, 2015.
11. Aggravating factors are Licensee's number of years of experience with licensure renewals and her apparent belief that she has done nothing wrong.

#### **Conclusions of Law**

The Committee finds there is probable cause to conclude the following violations are supported by the above factual findings:

**12. K.S.A. 65-6310. Unlawful acts; penalties.**

(a) obtaining or attempting to obtain a license ... or renewal thereof by ... fraudulent misrepresentation;

(b) knowingly making a false statement in connection with any application under this Act;

(c) knowingly making a false statement on any form promulgated by the board in accordance with the provisions of this Act or the rules and regulations promulgated thereunder.

13. **K.S.A. 65-6311(a).** The Board may ... refuse to ... renew a license of any social worker upon proof that the social worker:

(4) has been guilty of unprofessional conduct.

14. **K.A.R. 102-2-7. Unprofessional Conduct.** Any of the following acts by a licensee or an applicant for a social work license shall constitute unprofessional conduct:

(a) obtaining or attempting to obtain a license ... by means of fraud, ... deceit, misrepresentation or concealment of a material fact;

(i) failing or refusing to cooperate in a timely manner with any request from the Board for a response;

(w) engaging in professional activities involving deceit or misrepresentation.

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

(a) to be considered for license renewal, each licensee shall submit the completed renewal application forms, the supporting continuing education documents and the renewal fee;

(b) at the time of renewal, each licensee shall submit a continuing education reporting form listing the required number of units of continuing education completed;

(c) at the time of renewal, each applicant ... shall submit, in a format approved by the Board, evidence of having completed the required ethics training program;

(d) as part of the required continuing education, each applicant for renewal ... of a license as a licensed master social worker ... shall submit, in a format approved by the Board, evidence of having completed the required continuing education units related to the diagnosis and treatment of mental disorders.

16. **K.A.R. 102-2-11a. Renewal audit.**

(a) a random audit of the continuing education documentation for ten percent of the social worker licenses expiring each month shall be conducted by the Board;

(b) Each licensee selected for the random audit shall be notified in writing after the board has received the social worker's renewal application form required by K.A.R. 102-2-11.

(c) Upon board notification, each renewal applicant for a social worker license shall submit the following to the board within 30 days after the license expiration date: (1) The completed renewal audit forms; and (2) the original continuing education documents that validate all continuing education units claimed for credit during the current renewal period.

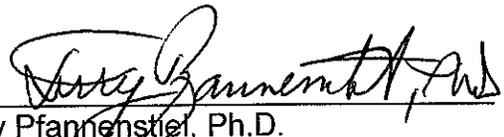
(e) Failure to comply with this regulation shall be considered unprofessional conduct.

17. K.S.A.77-537 provides for summary proceedings in situations where, as here, the statutory conditions are present.

### Sanction

Based on 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 LMSW license of Respondent Patricia Brown shall not be renewed. Her license shall be considered "Expired" effective April 11, 2016, pursuant to K.S.A. 77-511(d) based upon the Board's refusal to renew it.

IT IS SO ORDERED this 26<sup>th</sup> day of April, 2016.

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

### 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 stated 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.

To obtain Judicial relief from this agency action, a party *must file a Petition for Judicial Review in Shawnee County District Court pursuant to the Kansas Judicial Review Act, K.S.A. 77-601, et seq., within thirty (30) days from the effective date of this agency action as stated in the below Certificate of Service*. The Appellant must serve copies of the Petition for Judicial Review upon the two individuals identified above in this Notice of Relief.

#### CERTIFICATE OF SERVICE

This is to certify that on this 29 day of April, 2016, a true and correct copy of the foregoing Summary Proceeding Order was deposited in the U.S. mail, first class postage prepaid, addressed to her last registered address:

Patricia Brown



and placed in building mail to:

Marty M. Snyder, Esq.  
Assistant Attorney General

Cindy D'Ercole  
For the Board