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BY: MS

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 )  
)  
IRENE SOTO, )  
LBSW License #4138 )  
Respondent )  
\_\_\_\_\_ )

Case No. 18-BS-013

**CONSENT AGREEMENT AND ORDER**

NOW, on this 21 day of March, 2018, 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 Irene Soto [Licensee / Respondent] and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Irene Soto has been a Licensed Bachelor Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, at all times relevant.
2. On April 6, 2017, Respondent renewed her license online and on April 19 received a randomly generated notice of audit.
3. Respondent provided the information requested in the audit on June 27, 2017. Those materials established that she took all 40 required biennial CEUs between April 20 and June 27, 2017, and **none** during the two year licensure period at issue

prior to submitting the renewal application, only taking them after she was involuntarily audited.

4. The Complaint Review Committee concludes there is probable cause to find the following violations based upon the above facts.

**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:

(5) has violated a provision of the social workers licensure act or one or more rules and regulations of the board;

(6) has obtained or attempted to obtain a license or license renewal by ... fraudulent representation;

(7) has knowingly made a false statement on a form required by the board for a license or license renewal;

(8) has failed to obtain continuing education credits as required by rules and regulations adopted by the board.

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

(a) Obtaining or attempting to obtain a license for oneself ... by means of ... misrepresentation or concealment of a material fact.

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

(a) A random audit of the continuing education documentation for 10 percent of the social worker licenses expiring each month shall be conducted by the board.

(d) Continuing education units that a renewal applicant for a social worker license earns after board receipt of the renewal application form shall not be approved for continuing education credit for the current renewal period.

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

However, Licensee and the Board mutually desire to enter a Consent Agreement and Order [CAO] 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 [KAPA] in relation to Case No. 18-BS-013.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act [KJRA] in relation to Case No. 18-BS-013.

WHEREFORE, the Board and Licensee consent and agree to enter a Consent Agreement and Order [CAO] for a period of one year so long as Licensee meets the following terms and conditions:

- (a) Licensee shall pay a \$250.00 fine to the Board, payable at no less than \$25 per month until paid in full and beginning within sixty (60) days of the effective date of this Consent Agreement and Order.
- (b) Licensee shall obtain six extra Ethics CEUs in person within six (6) months of the effective date of this Consent Agreement and Order.
- (c) Licensee shall submit a written plan to the Board's Investigator stating her plan and schedule for obtaining all CEUs and needs for professional development for the

period prior to her next renewal date within thirty (30) days of the effective date of this Consent Agreement and Order.

- (d) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.
- (e) Licensee's renewal applications shall be audited for the next three (3) renewal cycles.
- (f) 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 Bachelor Social Worker license should be suspended or revoked.
- (g) 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.
- (h) 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.
- (i) 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.

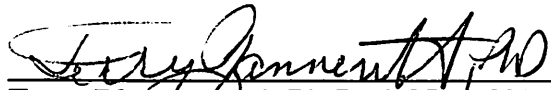
WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval by the Complaint Review Committee, this Consent Agreement and Order will

become a Final Order of the Board. The Board has authorized the Complaint Review Committee to determine approval of this Consent Agreement and Order.

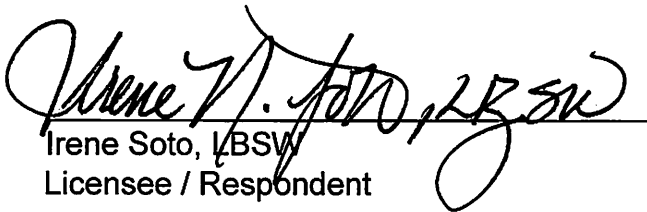
WHEREFORE, the Board agrees that, so long as Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 65-6311 and K.A.R. 102-2-7 and K.A.R. 102-2-11a as a result of this proceeding.

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 13<sup>th</sup> day of March, 2018.

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


**APPROVED AND CONSENTED TO:**

  
Irene Soto, LBSW  
Licensee / Respondent

3.28.18  
Date

**CERTIFICATE OF SERVICE**

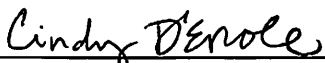
This is to certify that on this 21 day of March, 2018, a true and correct copy of the above Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Irene Soto, LBSW  


and emailed to: irene.soto@dcf.ks.gov

and a copy delivered via interoffice mail to:

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

  
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For the Behavioral Sciences Regulatory Board