

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

GINA L. HARRIS, LMSW #6824,

Case No. 18-MS-009

\_\_\_\_\_  
Pursuant to KSA Ch. 77, KAPA

**SUMMARY PROCEEDING ORDER OF STATUTORY REVOCATION**

NOW, on this 17 day of July, 2018, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [BSRB, Board] Complaint Review Committee [Committee], by and through Assistant Attorney General Marty M. Snyder.

**FINDINGS OF FACT**

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

1. Gina L. Harris [Licensee / Respondent] 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 February 7, 2018, the Board received a written notice from Respondent that she was surrendering her Kansas LMSW license effective immediately. Accordingly, Respondent's licensure status was changed on the Board's database to "LMSW 6824 Surrendered." [Exhibit A]

3. Board staff reported this information to the BSRB Complaint Review Committee as Respondent had a formal disciplinary complaint pending that had not yet gone to hearing. Based on its review, the Board had previously offered Respondent a Consent Agreement and Order based on violations of K.S.A. 65-6311(a) (5), (6), (7) and (8) and K.A.R. 102-2-7 (a) and K.A.R. 102-2-11a (a), (d) and (e). [Exhibit B]

#### **CONCLUSIONS OF LAW**

4. The Complaint Review Committee of the Board finds that the following statutes apply to the above facts:

**A. K.S.A. 74-7508**

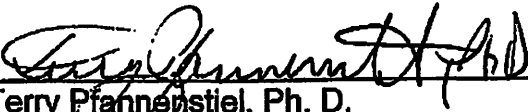
**(e) In all matters pending before the behavioral sciences regulatory board, the board shall have the power to revoke the license or registration of any licensee or registrant who voluntarily surrenders such person's license or registration pending investigation of misconduct or while charges of misconduct against the licensee are pending or anticipated.**

**B. K.S.A. 77-537 – Summary Proceeding Orders.**

5. The Board concludes that Respondent surrendered her LMSW license while charges of misconduct against her were pending or anticipated and that this matter is appropriate for summary disposition pursuant to the terms of K.S.A. 77-537.

WHEREFORE, pursuant to the Kansas Administrative Procedure Act, K.S.A. 77-537 [KAPA], and the Kansas Social Workers Licensure Act, K.S.A. 65-6311, and K.S.A. 74-7508(e), the Board finds that Gina L. Harris's Kansas Licensed Master Social Worker license should be and is hereby revoked, effective pursuant to the Notice of Relief and Certificate of Service below.

IT IS SO ORDERED this 16 day of July, 2018.

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

### NOTICE OF RELIEF FROM THIS ORDER

Pursuant to K.S.A. 77-537 and K.S.A. 77-542, this Summary Proceeding Order of Statutory Revocation is subject to your request for a hearing. If you desire a hearing, you must direct a written request for hearing to:

Max Foster, Executive Director  
Kansas Behavioral Sciences Regulatory Board  
Eisenhower State Office Building, #430  
Topeka, KS 66603

Any such request must be filed within fifteen (15) days of service of this Notice pursuant to K.S.A. 77-531(b). 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. A Final Order may be appealed within thirty (30) days by filing a Petition for Review with the District Court pursuant to the Kansas Judicial Review Act, K.S.A. 77-601, *et seq.*

### CERTIFICATE OF SERVICE

This is to certify that on this 17 day of July, 2018, a true and correct copy of the above Summary Proceeding Order of Statutory Revocation was deposited in the U.S. mail, first class postage prepaid, addressed to:

Gina L. Harris  


and a copy delivered via interoffice mail to:

Marty M. Snyder, Esq.  
Assistant Attorney General

  
For the Behavioral Sciences Regulatory Board

**D'Ercole, Cindy [BSRB]**

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**From:** Gina Harris [REDACTED]  
**Sent:** Wednesday, February 7, 2018 12:24 PM  
**To:** D'Ercole, Cindy [BSRB]  
**Subject:** License surrender request

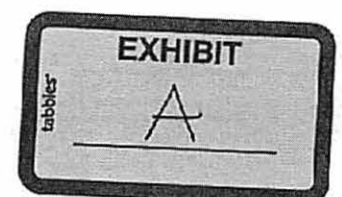
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To Mrs. D'Ercole,

I have decided to surrender my LMSW license #6824 effective immediately and would like the Board's records to reflect that my license is not currently active but is surrendered.

Thank you for your attention in this matter.

Gina Harris  
[REDACTED]



SRB License Verification**RESULTS for Gina Lynn Harris****Date: Monday, July 16, 2018 11:06 AM****Name**      **Gina Lynn  
Harris****Residence**      **[REDACTED]****License  
Number**      **6824****License  
Type**      **Licensed  
Masters  
Social  
Worker****Expiration  
Date**      **07/31/2019****Original  
License  
Date**      **07/02/2007****License  
Term**      **PERM****License  
Status**      **Surrendered****Disciplinary**      **No**



STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT  
ATTORNEY GENERAL

MEMORIAL HALL  
120 SW 10TH AVE., 2ND FLOOR  
TOPEKA, KS 66612-1597  
(785) 296-2215 • FAX (785) 296-6296  
WWW.AG.KS.GOV

January 24, 2018

Gina Harris, LMSW  
[REDACTED]

Re: *In the Matter of Harris*, BSRB Case No. 18-MS-009

Dear Ms. Harris:

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 and found violations of the statutes and regulations governing licensed social workers. 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 – or have your attorney contact me if you are represented by counsel. If there are no questions and the Consent Agreement and Order is acceptable, please sign and date it where indicated on page 5 and return the original to me. The copy is for your records.

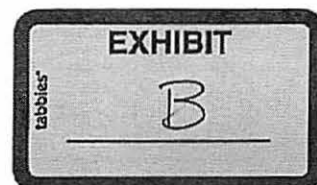
I would appreciate receiving the signed Agreement by February 9, 2018, if possible. Thank you for your continuing cooperation in this matter.

Very truly yours,

OFFICE OF ATTORNEY GENERAL  
DEREK SCHMIDT

Marty M. Snyder  
Assistant Attorney General

enc.



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**

**GINA HARRIS,**  
**LMSW License #6824**  
**Respondent**

**Case No. 18-MS-009**

**CONSENT AGREEMENT AND ORDER**

NOW, on this \_\_\_\_\_ day of \_\_\_\_\_, 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 Gina Harris [Licensee / Respondent] and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Gina Harris has been a Licensed Masters 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 June 7, 2017, Respondent renewed her license online and immediately received a randomly generated notice of audit.
3. Respondent provided the information requested in the audit on June 26, 2017. Those materials established that she took all 40 required biennial CEUs between June 22 and June 24, 2017, and none during the two year licensure period at issue, only taking them when 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 bribery or 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-MS-009.

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-MS-009.

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 \$500.00 fine to the Board 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.

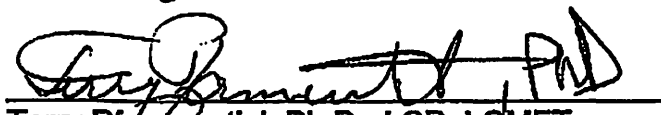
- (e) Licensee's renewal applications shall be audited for the next three (3) renewal cycles.**
- (f) Evidence of Licensee's breach, violation or failure to comply with any of the above conditions could result in a determination that Licensee's Kansas Licensed Masters Social Worker license should be 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 16<sup>th</sup> day of July, 2018.

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

**APPROVED AND CONSENTED TO:**

\_\_\_\_\_  
Gina Harris, LMSW  
Licensee / Respondent

\_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE**

This is to certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 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:

Gina Harris, LMSW  


and emailed to: 

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**