

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

RECEIVED
FEB 05 2018
BY: 

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
CARA ARNOLD,)
LMSW License #9186)
LMAC License #146)
Respondent)
_____)

Case No. 18-MS-011

CONSENT AGREEMENT AND ORDER

NOW, on this 7 day of ~~September~~ February, 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 Cara Arnold [Licensee / Respondent] and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Cara Arnold has been a Licensed Masters Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, and a Licensed Masters Addiction Counselor within the meaning of the Kansas Addiction Counselor Licensure Act, K.S.A. 65-6607, *et seq.*, at all times relevant.
2. On July 25, 2017, the Board received a report of information concerning Licensee's conduct alleging Licensee may have violated certain statutes and regulations governing unprofessional conduct. Licensee also submitted a self-report on August 1, 2017.

3. The Board conducted an investigation concerning Licensee's alleged violations of statutes and regulations. During the investigation, Licensee was informed of the reported allegations and did provide timely additional information to the Special Investigator.
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 was employed by Valeo Recovery Center in Topeka, a facility that receives funding through a State of Kansas block grant and Medicaid.
 - b. On July 17, 2017, Respondent was observed by multiple co-employees meeting with clients for half an hour or less but documenting one-hour meetings. This occurred with five clients that day. These re-integration clients are required to complete a minimum of ten hours of scheduled, structured activities each week, with one hour of the ten being an individual therapy session.
 - c. Respondent's supervisor conducted an investigation and the above information was confirmed by Respondent's clients, co-workers and Respondent herself.
 - d. Respondent stated she knew she was to meet with her reintegration clients for one hour each week and was aware she allowed clients to leave after spending the amount of time the client wished and then documenting a one-hour meeting.

- e. Respondent stated she did not realize this was wrong and further stated that it happened only on one day, prior to leaving on vacation. Her employment was terminated on July 24, and she subsequently self-reported to the Board.
5. 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:
 - (9) has been found guilty of unprofessional conduct as defined by rules established by the board;

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

- (jj) taking credit for work not performed personally, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;
- (ll) making or filing a report that one knows to be distorted, erroneous, incomplete, or misleading.

K.S.A. 65-6615(a)(9). Refusal to grant licensure; other licensure actions.

- (a) The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license:
 - (9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board;

K.A.R. 102-7-11 Unprofessional conduct.

(ff) taking credit for work not personally performed, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;

(qq) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing another person from filing a report or record that is required by state or federal law, or inducing another person to take any of these actions.

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-011.

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-011.

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 notify the Board's Investigator within two business days of becoming employed using either BSRB license.

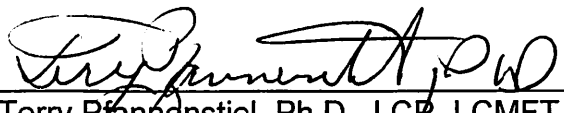
- (b) Upon becoming employed using her LMSW or LMAC license, Licensee shall practice under the supervision of an employment clinical level supervisor for one year. Licensee shall provide a copy of this CAO to the supervisor. Weekly supervision meetings shall be for at least one hour face to face. The focus of the supervision shall be on accurate and timely documentation. The supervisor shall provide quarterly written progress reports to the Board's Special Investigator and shall notify the investigator immediately of any problems.
- (c) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.
- (d) Evidence of Licensee's breach, violation or failure to comply with any of the above conditions could result in a determination that Licensee's Master's Social Worker and Master's Addiction Counselor licenses should be suspended or revoked.
- (e) 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.
- (f) 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.
- (g) 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.

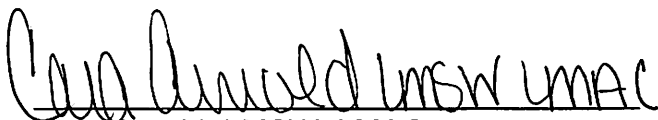
WHEREFORE, the Board agrees that, so long as Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 65-6311, K.A.R. 102-2-7, K.S.A. 65-6615 or K.A.R. 102-7-11 as a result of this proceeding.

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 31st day of January, 2018.


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

APPROVED AND CONSENTED TO:


Cara Arnold, LMSW, LMAC
Licensee / Respondent

1-24-18
Date

CERTIFICATE OF SERVICE

This is to certify that on this 7 day of February, 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:

Cara Arnold



and emailed to: derekandcaraarnold@gmail.com

and a copy delivered via interoffice mail to:

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



For the Behavioral Sciences Regulatory Board