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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)
)
EMILY MORGAN-WEBER, LSCSW) Case No. 19-CS-0096
License #4096)
)
Respondent)
_____)
Pursuant to K.S.A. 77-536

SUMMARY PROCEEDING ORDER

NOW, on this 2 day of July, 2019, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board (Board).

FINDINGS OF FACT

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

1. Emily Morgan-Weber (“Respondent”) was at all times relevant, a Licensed Specialist Clinical Social Worker (“LSCSW”), having been issued LSCSW License No. 4096 within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto.

2. On or about January 4, 2019, the Board received a Report of Alleged Violation. The Report of Alleged Violation alleged that Respondent may have been in violation of the Kansas Social Workers Licensure Act.

3. From February 2018, to December 4, 2018, Respondent was employed as the Juvenile Justice Administration Mental Health Liaison of the Project Change in the Leavenworth and Atchison offices of the Guidance Center in Kansas.

4. The Guidance Center received reports from other staff members regarding Respondent, which prompted the Guidance Center to complete a review of Respondent's clinical documentation.

5. The treatment notes for August 30, 2018, September 20, 2018, October 4, 2018, and October 18, 2018, contained incorrect amounts of time spent with the clients on these visits. Each of the notes for these client visits indicated that Respondent provided sixty (60) minutes of individual therapy.

6. As part of her employment, Respondent worked with clients at the Atchison Academy. As such, Respondent was required to sign in and out when she entered the building for these clients. However, these sign in times were inconsistent with the amount of time documented for individual therapy with these clients for the aforementioned dates.

7. On or about December 4, 2018, Respondent was terminated from the Guidance Center related to these documentation issues. Respondent did not report her termination to the Board.

8. The Guidance Center returned all funds received from Kansas Medicaid related to Respondent's documentation on these aforementioned dates.

APPLICABLE LAW

9. Pursuant to K.S.A. 65-6311(c): Administrative proceedings and disciplinary actions regarding licensure under the social workers licensure act shall be conducted in accordance with the

Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the social workers licensure act shall be in accordance with the Kansas judicial review act.

10. Pursuant to K.S.A. 2017 Supp. 77-537(a) of the Kansas Administrative Procedure Act ("KAPA"), a state agency may use summary proceedings, subject to a party's request for a hearing on the order, if:

- (1) The use of those proceedings in the circumstances does not violate any provision of law;
- (2) the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties;
- (3) based upon an investigation of the facts by the state agency, beyond receipt of the allegations, the state agency believes in good faith that the allegations will be supported to the applicable standard of proof, provided however that an alleged failure to meet the standards set forth in this subsection shall not be subject to immediate judicial review and shall not invalidate any later agency action that has been supported to the applicable standard of proof; and
- (4) the order does not take effect until after the time for requesting a hearing has expired.

11. Pursuant to K.S.A. 65-6302(b): "Social work practice" means the professional activity of helping individuals, groups or communities enhance or restore their capacity for physical, social and economic functioning and the professional application of social work values, principles and techniques in areas such as psychotherapy, social service administration, social planning, social work consultation and social work research to one or more of the following ends: Helping people obtain tangible services; counseling with individuals, families and groups; helping communities or groups provide or improve social and health services; and participating in relevant social action. The practice of social work requires knowledge of human development and behavior; of social, economic and cultural institutions and forces; and of the interaction of all these factors. Social work practice includes the teaching of practicum courses in social work and includes the diagnosis and treatment of mental disorders as authorized under K.S.A. 65-6306 and 65-6319, and amendments thereto.

12. Pursuant to K.S.A. 65-6311(a)(9): 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 has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board.

- a. K.A.R. 102-2-7(b)(3): except when the information has been obtained in the context of a confidential relationship, failing to notify the board, within a reasonable period of time, that any of the following conditions apply to any person regulated by the board or applying for a license or registration, including has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance.
- b. K.A.R. 102-2-7(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.
- c. K.A.R. 102-2-7(l): making or filing a report that one knows to be distorted, erroneous, incomplete, or misleading.

CONCLUSIONS OF LAW

13. Respondent is in violation of K.S.A. 65-6311(a)(9), as defined in K.A.R. 102-2-7(b)(3), in that Respondent was terminated from her position at the Guidance Center for malfeasance, and Respondent failed to report this termination to the Board.

14. Further, Respondent is in violation of K.S.A. 65-6311(a)(9), as defined in K.A.R. 102-2-7(j), in that Respondent performed services inconsistent with the accepted professional


standards for social work when she completed treatment notes that contained incorrect amount of time for individual therapy.

15. In addition, Respondent is in violation of K.S.A. 65-6311(a)(9), as defined in K.A.R. 102-2-7(l), in that Respondent completed at least four (4) treatment notes that indicated that she provided sixty (60) minutes of individual therapy, when she did not provide sixty (60) minutes of individual therapy on at least four (4) occasions.

ORDER

WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 65-6311(a) and K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Kansas LSCSW license of Respondent Emily Morgan-Weber should be and is hereby **PUBLICALLY CENSORED** for her violations of the Kansas Social Workers Licensure Act.

IT IS SO ORDERED ON THIS 27th DAY OF June, 2019.


Chairperson, Complaint Review Committee
On behalf of the Behavioral Sciences
Regulatory Board

NOTICE OF RELIEF FROM SUMMARY PROCEEDING ORDER

Pursuant to K.S.A. 77-537 and K.S.A. 77-542, this Summary Proceeding Order 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
Behavioral Sciences Regulatory Board
700 SW Harrison St., Suite 420
Topeka, KS 66603-3929

This written request must be filed within fifteen (15) calendar days from the date indicated in the below Certificate of Service. Pursuant to K.S.A. 77-503(c), the 15-day period begins the day after the date indicated in the Certificate of Service and includes weekends and legal holidays. If the 15th day falls on a Saturday, Sunday, or legal holiday, then the 15-day period runs until 5:00 p.m. on the next day which is not a Saturday, Sunday, or legal holiday. A request is considered "filed" on the date it is received at the Board's office. If a hearing is not requested in the time and manner stated, this Summary Order becomes a final order subject to judicial review. A petition for judicial review should be directed to the above recipient.

CERTIFICATE OF SERVICE

This is to certify that on this 2 day of July, 2019, a true and correct copy of the above and foregoing Summary Proceeding Order of Suspension was deposited in the U.S. mail, first class postage prepaid, addressed to:

Emily Morgan-Weber, LSCSW



and a copy delivered via interoffice mail to:

Jane E. Weiler, Esq.
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612
Disciplinary Counsel for the Board

Lindy Dikrole
For the Board