



Jane E. Weiler, #25276  
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**BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**  
**700 SW Harrison Street, Suite 420**  
**Topeka, Kansas 66603-3929**

In the Matter of )  
GALE GARDNER-SPARKMAN, LSCSW )  
LCSSW License No. 533 ) Case No. 19-CS-0110  
Respondent/Licensee. )

**CONSENT AGREEMENT AND FINAL ORDER**

NOW on this 13 day of November, 2019, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board ("Board") by and through Assistant Attorney General Jane E. Weiler on behalf of the Board, and by agreement of Gale Gardner-Sparkman, ("Licensee"), by and through her attorney of record, Elizabeth A. Evers, for the purposes of resolving the above-captioned matter.

The parties knowingly and voluntarily agree as follows:

1. On September 12, 1975, the Board issued Licensee an original Licensed Specialist Clinical Social Worker ("LSCSW") No. 533. This license expires on June 30, 2020. Licensee is currently, and was at all times relevant to this Consent Agreement and Final Order, an LSCSW within the meaning of the laws relating to regulation of social workers, K.S.A. 65-6301 *et seq.*

**CASE NO. 19-CS-0110**

2. On or about January 28, 2019, a Report of Alleged Violation was received by the Board alleging Licensee may have violated certain statutes and regulations governing the practice of social workers in the State of Kansas.

3. Licensee provided therapy to a client for approximately 5 years.

4. Licensee and this client did communicate outside of the therapy sessions.

5. Licensee did not always document every treatment visit regarding this client.

### **APPLICABLE LAW**

6. 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.

7. 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. Specifically, 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.

8. Licensee and the Board mutually desire to enter into this Consent Agreement and Final Order in lieu of further summary and adjudicative proceedings.

9. Licensee understands that by entering into this Consent Agreement and Final Order Licensee waives all rights to further adjudication of facts and law that could be determined pursuant to summary proceedings or a hearing conducted in accordance with the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.* in relation to Case No. 19-CS-0110.

10. Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review, K.S.A. 77-601 *et seq.* in relation to Case No. 19-CS-0110.

11. The Board accepts Licensee's waiver of rights and stipulations.

**ORDER**

**WHEREFORE**, the Board finds that the above facts have been established by clear and convincing evidence; and further finds that Licensee was in violation of K.S.A. 65-6311(a)(9), as defined in K.A.R. 102-2-7(j), in that Licensee performed services inconsistent with her training when she communicated with her client outside of the therapy sessions, and she did not always document every treatment visit with this client.

**AND WHEREAS** Licensee and the Board mutually desire to enter into a Consent Agreement and Final Order in lieu of further adjudicative proceedings to resolve the reported violations.

**NOW THEREFORE**, Licensee consents to the following terms and conditions, and the Board orders that:

12. Licensee shall provide to her present clients referrals for continued therapy.
13. Licensee shall retire from the active practice of social work by October 31, 2019.
14. Licensee shall send to the Board her license to practice as a Licensed Specialist Clinical Social Worker.
15. Licensee shall submit to the Board's investigator at its offices located at 700 SW Harrison St, Suite 420, Topeka, Kansas, 66603, any and all documents evidencing compliance with the terms and conditions required by this Consent Agreement and Final Order.
16. After completion of the actions set out in the Consent Agreement and Final Order, Licensee will have no remaining obligations to the Board in relation to this case. However, Licensee may be subject to further enforcement action if Licensee fails to comply with the terms, conditions, and requirements imposed by this Consent Agreement and Final Order.
17. The matters referred to in this Consent Agreement and Final Order shall not be grounds for future action against Licensee, except the extent that that such matters may be relevant for future disciplinary or licensure proceedings in the Board's consideration of the factors identified in K.S.A. 65-6313 [Licenses; effective and expiration dates; renewal; continuing education; safety awareness training; reinstatement; duplicate; notice of change of address], K.S.A. 65-6311 [Grounds for suspension, limitation, condition revocation or refusal to issue or renew license; procedure; licensure of applicant with felony conviction, requirements].
18. Except as provided in paragraph 17, this Consent Agreement and Final Order shall operate as a complete release of all claims the parties may have against each

other pending before the Board and arising out of the Board's investigation of these matters. Licensee agrees not to file, or cause to be filed, any litigation or claims in any federal or state court of law or federal or state administrative agency against the Board, its agents, Board members, or employees, individually or in their official capacity. Such litigation or claims include, but are not limited to, any K.S.A. Chapter 60 or Chapter 61 civil action regarding negligence and/or a 42 United States Code action and/or any administrative petition for redress. Licensee agrees that all actions in this matter were a bona fide use of administrative discretion on the part of the Board, its members, and employees, which is a statutory exception to liability within the Kansas Tort Claims Act, K.S.A. 75-6104(b), (c) or (e).

19. Licensee agrees that this Consent Agreement and Final Order conforms to Kansas and federal law and that the Board has jurisdiction to enter into it and enter the Final Order provided for herein.

20. Licensee understands that a notification of this Consent Agreement and Final Order shall be provided to any other state licensing board or entity if Licensee is also licensed, registered or certified in another state.

21. This Consent Agreement and Final Order shall be a public record in the custody of the Board.

22. This Consent Agreement and Final Order constitutes the entire agreement of the parties and may only be modified by order of the Board or by a subsequent writing signed by the parties. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

23. This Consent Agreement and Final Order shall become effective on the date indicated in the Certificate of Service.

**WHEREFORE**, the parties consent to these provisions, which are hereby made the Final Order of the Kansas Behavioral Sciences Regulatory Board in the above-captioned case.

**IT IS SO ORDERED.**

Dated this 8<sup>th</sup> day of November 2019.

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

**AGREED AND CONSENTED TO BY:**

Gale Gardner Sparkman  
Gale Gardner Sparkman, LSCSW  
Respondent/Licensee

10/29/19  
Date

Elizabeth A. Evers  
Elizabeth A. Evers  
Attorney for Respondent/Licensee

11/1/19  
Date

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was served on this 13 day of November 2019, by depositing the same in the United States mail, postage prepaid, addressed to:

Elizabeth A. Evers  
Sanders, Warren, Russell & Scheer, LLP  
9401 Indian Creek Parkway, Suite 1250  
Overland Park, KS 66210

And a copy delivered via interoffice mail to:

Jane E. Weiler, Assistant Attorney General  
Office of the Attorney General  
120 SW 10<sup>th</sup> Ave., 2<sup>nd</sup> Floor  
Topeka, KS 66612  
*Disciplinary Counsel for the Board*

Cindy D'Enole  
For the Behavioral Sciences  
Regulatory Board