

Jane E. Weiler, KS S. Ct. #25276  
Assistant Attorney General  
120 SW 10th Ave., Second Floor  
Topeka, KS 66612  
(785) 296-2215

**BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**

In The Matter Of )  
)  
SCARLETT S. YOUNG, LASW ) Case No. 20-AS-0173  
License #174 )  
)  
Respondent )  
\_\_\_\_\_) )  
Pursuant to K.S.A. 77-536

**SUMMARY PROCEEDING ORDER**

NOW, on this 18 day of November, 2020, 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. Scarlett S. Young (“Respondent”) was at all times relevant, a Licensed Associate Social Worker (“LASW”), having been issued LASW License No. 174. This license expires on December 31, 2021. Respondent is currently, and was at all times relevant an LASW within the meaning of the laws relating to regulation of social workers, K.S.A. 65-6301 *et seq.*
2. On or about December 26, 2019, Respondent submitted to the Board her renewal application.

3. On or about December 30, 2019, Board staff notified Respondent that her LASW license was randomly selected for an audit. As part of the audit, Respondent was to submit to the Board documentation for the Continuing Education Units (“CEUs”) claimed as part of her renewal. Respondent was to submit to the Board this documentation by January 26, 2020.

4. Respondent failed to submit to the Board the documentation for the CEUs claimed as part of her renewal by January 26, 2020.

5. On or about March 4, 2020, Board staff sent to Respondent a second notice of the audit. Respondent was again informed that she was required to submit to the Board the audit materials with a deadline now of March 31, 2020.

6. On or about May 15, 2020, the Board’s investigator sent to Respondent notice that her failure to comply with the Board’s audit resulted in a Report of Alleged Violation. The Board’s investigator requested Respondent to respond to the Board’s investigation by June 17, 2020.

7. Respondent failed to respond to the Board’s investigator by June 17, 2020.

8. On or about July 17, 2020, a second notice was sent to Respondent regarding the Board’s investigation. This notice informed Respondent that she had until August 17, 2020, to respond to the Board’s investigation.

9. On or about July 30, 2020, Respondent sent to Board staff an email stating, “I responded that I retired from DCF on July 1, 2019 and have not practiced in a social work capacity since July 2019. I do not want to renew my license or complete the audit as a result.”

10. To date, Respondent has not provided to the Board the CEU’s claimed as part of her 2019 renewal.

## **APPLICABLE LAW**

11. Pursuant to K.S.A. 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.

12. 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.

13. Pursuant 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(i): failing or refusing to cooperate in a timely manner with any request from the board for a response, information that is not obtained in the context of a confidential relationship, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the board. Each person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person acted in a timely manner.


#### **CONCLUSIONS OF LAW**

14. Respondent is in violation of K.S.A. 65-6311(a)(5), as defined in K.A.R. 102-2-7(i), in that Respondent has failed to cooperate in a timely manner with the request from the Board for a response related to the Report of Alleged Violation filed against her for her failure to respond to the Board's audit.

#### **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 LASW license of Respondent Scarlett S. Young should be and is hereby **PUBLICALLY CENSORED** for her violations of the Kansas Social Workers Licensure Act.

IT IS SO ORDERED ON THIS 17 DAY OF November, 2020.

  
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 15<sup>th</sup> 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 18 day of November, 2020, a true and correct copy of the above and foregoing Summary Proceeding Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Scarlett S. Young, LASW  
[REDACTED]  
[REDACTED]

and by email to: [jane.weiler@ag.ks.gov](mailto:jane.weiler@ag.ks.gov)

Jane E. Weiler, Esq.  
Assistant Attorney General  
*Disciplinary Counsel for the Board*

*Lindy D'Ercole*  
For the Board