

Jane E. Weiler, KS S. Ct. #25276
Assistant Attorney General
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(785) 296-2215

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)	
)	
JULIANE L. COLBY, LMSW)	Case No. 23-MS-0061
License #7254)	
)	
Respondent)	
_____)	
Pursuant to K.S.A. 77-536		

SUMMARY PROCEEDING ORDER

NOW, on this 21 day of November, 2022, 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. Juliane L. Colby ("Respondent") was at all times relevant, a Licensed Master Social Worker ("LMSW"), having been issued LMSW License No. 7254. This license expired on September 1, 2022. Respondent was at all times relevant an LMSW within the meaning of the laws relating to regulation of social workers, K.S.A. 65-6301 *et seq.*
2. On or about August 10, 2022, the Board received information that Respondent may have violated certain statutes and regulations governing the practice of licensed master social workers in the State of Kansas.

3. On or about February 8, 2022, Respondent pleaded guilty in the Western District of Missouri to one (1) count of Conspiracy to Distribute Heroin, a Class C felony under the United State Code.

4. On or about August 9, 2022, Respondent was sentenced in federal court for the aforementioned felony, and is presently incarcerated related to this felony conviction.

APPLICABLE LAW

5. 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.

6. 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.

7. K.S.A. 65-6311(a)(2): 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 convicted of a felony offense and has not demonstrated to the board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust.

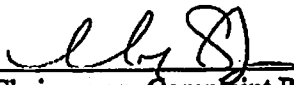
CONCLUSIONS OF LAW

8. The Board finds the above facts have been established by clear and convincing evidence, and further finds that Respondent was in violation of K.S.A. 65-6311(a)(2), in that Respondent has been convicted of a felony offense and she has not demonstrated to the Board's satisfaction that she has been sufficiently rehabilitated to merit the public trust.

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 LMSW license of Respondent Juliane L. Colby should be and is hereby **REVOKED** for her violations of the Kansas Social Workers Licensure Act.

IT IS SO ORDERED ON THIS 17 DAY OF November, 2022.


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:

David Fye, 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 21 day of November 2022, 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:

Juliane L. Colby, LMSW


and by email to: jane.weiler@ag.ks.gov

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Loren F. Snell, Jr., Acting Director

Laura Kelly, Governor

June 8, 2023

RE: Withdrawal of Appeal
OAH No. 23BS0001 BSRB
Juliane Colby

Jeremy Dorsey, Legal Counsel
Kansas Department for Aging & Disability Services
503 S. Kansas Ave
Topeka, KS 66603

Dear Mr. Dorsey:

This is to advise you that the above-mentioned appeal has been withdrawn by the appellant. This case was closed in our office on June 8, 2023.

The hearing scheduled for June 13, 2023 was cancelled.

Sincerely,

Matthew A. Spurgin
Presiding Officer/Administrative Law Judge
Office of Administrative Hearings

MAS: ajp

cc: Juliane Colby
Kyle Edelman

This letter was served by mail or e-filed as the party specified.