

K.A.R. 102-2-7(b) The following acts shall be evidence of unprofessional conduct: . . .

(19) revealing a confidence or secret of any client, except:

(A) as required by law; and

(B) after full disclosure of the information to be revealed and the persons whom the information will be revealed and after obtaining the consent of the client;

. . .

(21) using a confidence and secret of any client for the advantage of the social worker or a third person, without obtaining the clients consent after full disclosure of the purpose;

. . .

(22) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before: . . .

(C) releasing information to a third party concerning a client;

4. The board received a report that on October 25, 1994, the Respondent was assigned as a social worker to S.B. The professional social work relationship was ended on April 28, 1995 when the case was transferred to another social worker in SRS. S.B.'s social work case was closed on November 28, 1995. S.B.'s social work case was reopened on December 7, 1995. At that time it was learned that S.B. was living with the respondent. The respondent resigned from SRS on January 6, 1996 and moved to Wichita, Kansas. S.B. moved to Wichita shortly thereafter. S.B. resided with the respondent in Wichita. The respondent was the substitute SSI payee for S.B.

5. During the time the respondent worked for SRS the respondent was assigned to C.R., another client. C.R. is an alcoholic. C.R. was abusing alcohol and the respondent knew it. C.R. failed to report the fact that C.R. was abusing alcohol to her superiors. C.R. fell while abusing alcohol, breaking her arm. The respondent remained assigned to the C.R. case until the respondent's resignation on January 5, 1996. The respondent continued to maintain a personal relationship with C.R. after her resignation on January 5, 1996.

6. Failing to terminate a social work relationship is a violation of K.S.A. 65-6311(a)(4) as defined by K.A.R. 102-2-7(b)(42) which states:

(42) failing to terminate the social work relationship when it is apparent that the relationship no longer serves the clients needs; . . .

7. The board conducted an investigation concerning Licensee's alleged violation of the above referenced statutes and regulations.

8. During the investigation, Licensee was informed of the reported information and was given the opportunity to respond to the allegations. The Licensee admits to the facts stated in paragraphs two, four and five above.

9. As a result of the investigation and the admission of the Licensee, the Board determined that reasonable grounds exist to believe that Licensee engaged in unprofessional conduct in violation of K.S.A. 65-6311(a)(4) as further defined in K.A.R. 102-2-7(b)(19),(22)(C) and (42).

10. The Board's conclusion is based on the following factual determination:

A. That on or about July 19, 1995 the respondent telephoned John Presley, LSCSW at his residence to inquire about the results of his previous psychotherapeutic work with a minor child, so that the respondent could relay the information to the child's mother. The mother, an SRS client, had been attempting to regain custody of her three children that were in SRS foster care. At the time of the call, Mr. Presley was not at home and respondent mentioned the name of the child and other information to Mrs. Presley without having consent to do so.

B. On October 25, 1994, the Respondent was assigned as a social worker to S.B. The professional social work relationship was ended on April 28, 1995 when the case was transferred to another social worker in SRS. S.B.'s social work case was closed on November 28, 1995. S.B.'s social work case was reopened on December 7, 1995. At that time it was learned that S.B. was living with the respondent.

C. During the time the respondent worked for SRS the respondent was assigned to C.R., another client. C.R. is an alcoholic. C.R. was abusing alcohol and the respondent knew it. C.R. failed to report the fact that C.R. was abusing alcohol to her superiors. C.R. fell while abusing alcohol, breaking her arm. The respondent remained assigned to the C.R. case until the respondent's resignation on January 5, 1996. The respondent continued to maintain a personal relationship with C.R. after her resignation on January 5, 1996.

11. Licensee and the board mutually desire to enter into this Consent Agreement and Order in lieu of adjudicative proceedings.

WHEREFORE Licensee hereby consents and agrees to the following terms and conditions:

A. 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 Procedures Act in relation to Case No. 608.

B. Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review in relation to Case No. 608.

C. Licensee consents to the following condition on her continued license to practice as a licensed master social worker in the state of Kansas:

1. Licensee shall submit to two years of supervision every other week by an LSCSW to be appointed by the Board.

2. Supervision shall focus on boundary issues and confidentiality.

3. Supervision would not apply toward requirements for LSCSW.

4. Supervisor could require psychotherapy if, in the opinion of the supervisor, licensee needs it.

5. Licensee shall write a fifteen page double spaced typed original paper in the American Psychological Association format with at least ten professional references integrated within the context of the paper. The paper shall pertain to the rationale for professional boundaries and confidentiality protections in law, rules and regulation, and the parameters of client confidentiality. The paper is due in the Board office following board approval of this Consent Agreement and Order within two years after the date indicated on the attached Certificate of Service.

D. Licensee shall be responsible for any costs which may be incurred in satisfying the terms of this Consent Agreement and Order.

E. Notification of this Consent Agreement and Order shall be provided to another state

licensing board if the licensee is licensed or applies for licensure in another state.

F. This Consent Agreement is reportable to the American Association of State Social Work Boards.

G. The Licensee is on probation for two years from the date indicated on the Attached Certificate of Service. If the Licensee violates the laws and rules and regulations of the State of Kansas or if there is evidence of Licensee's willful failure to comply with the conditions set herein will result in a hearing, with notice and opportunity to be heard, to determine whether licensee has in fact willfully failed to comply with conditions of this order. Upon determination at such hearing that the licensee has willfully breached, violated or failed to comply with the conditions of this Agreement, licensee understands and agrees that the licensee shall have her license to practice social work permanently revoked or suspended, as the case may be, as determined by the board.

H. The Licensee agrees to obey the laws, rules and regulations of the State of Kansas during the term of her probation.

I. The Licensee agrees to inform the board of all allegations that the Licensee has violated the laws, rules and regulations of the State of Kansas during the term of her probation.

J. 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 conditions. In such event, a designee of the board is authorized to modify or amend this Consent Agreement and Order in writing.

K. Licensee understands and agrees that continued board approval of this Consent Agreement and Order is conditioned on her satisfactory compliance with the terms of this Consent Agreement and Order.

L. Licensee consents to the submission of this Consent Agreement and Order to the Kansas Behavioral Sciences Regulatory Board. This Consent Agreement and Order will become a final order of the board.

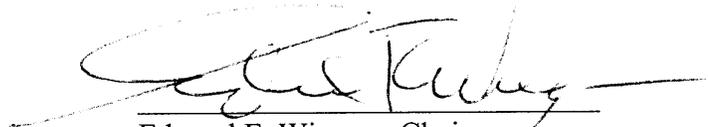
M. This Consent Agreement and Order constitute the entire agreement between Licensee and the Board and may be modified or amended only by written agreement signed by the parties.

WHEREFORE the Board agrees that so long as Licensee complies with the above terms and conditions that the Board will not initiate further disciplinary action against licensee in relation to violation of K.S.A. 65-6311(a)(4) as further defined by K.A.R. 102-2-7(b)(19),(22)(C) and (42).

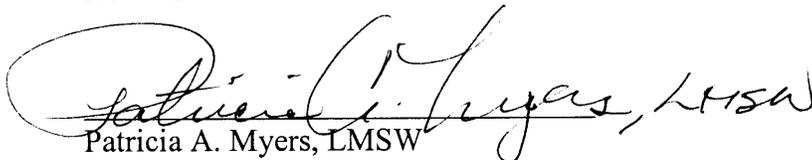
WHEREFORE the provisions above are consented to and are hereby made the final order of the Kansas Behavioral Sciences Regulatory Board.

IT IS SO ORDERED.

Dated this 9 day of Dec, 1997.

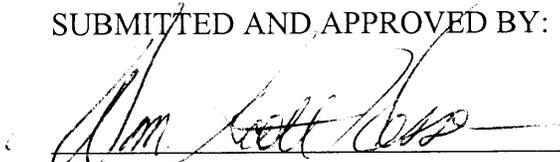

Edward F. Wiegers, Chair
Behavioral Sciences Regulatory Board

APPROVED AND CONSENTED TO:


Patricia A. Myers, LMSW

12-11-97
Date

SUBMITTED AND APPROVED BY:


Wm. Scott Hesse
Assistant Attorney General
Litigation Counsel to BSRB

12/12/97
Date

CERTIFICATE OF SERVICE

Case is captioned that in the *2nd* day of *January*, 1999, a true and correct copy of the following COMPLAINT, AFFIDAVIT and DEED were deposited in the United States mail, first class postage prepaid, addressed to:

Patrick A. Meyer
11245 W. Dora Ct.
Wichita, Kansas 67210

Alyssa K Berry
Behavioral Sciences Regulatory Board