

B.S.R.B.

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

712 S. Kansas Avenue
Topeka, Kansas 66603-3240

In the Matter)	
)	
of)	Case No. 665
)	
Brenda J. Fitz-Simmons)	
Licensed Baccalaureate Social Worker)	
and)	
Applicant for Licensure as Masters Social Worker)	
_____)	

CONSENT AGREEMENT AND ORDER

Now on this 8 day of June 1998, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board, by agreement of Brenda J. Fitz-Simmons and the Kansas Behavioral Sciences Regulatory Board (Board) for the purpose of settling the above-captioned matter.

Ms. Fitz-Simmons acknowledges the following:

1. Ms. Fitz-Simmons is licensed as a baccalaureate social worker (LBSW) within the meaning of the Kansas Social Workers Act, K.S.A. 65-6301 *et seq*, and amendments thereto.
2. On or about March 15, 1996, the Board received a report of information alleging Ms. Fitz-Simmons may have violated certain statutes and regulations governing the practice of social work.
3. The Board conducted an investigation concerning Ms. Fitz-Simmons alleged violation of statutes and regulations governing the practice of social work.
4. During the investigation, Ms. Fitz-Simmons was informed of the reported information, was given the opportunity to respond to the allegations, and did respond to the allegations.

5. On or about March 24, 1997 Ms. Fitz-Simmons submitted an application for licensure as a masters social worker (LMSW).

6. As a result of the investigation the Board makes the following factual determinations:

In early 1995 Ms. Fitz-Simmons, while employed as the supervisor in charge of case management services at Cowley County Mental Health and Counseling Center, allowed a client to spend the night in her home.

During August 1995 Ms. Fitz-Simmons took a client of the Cowley County Mental Health and Counseling Center on a five-day camping and fishing vacation with her. Also present were Ms. Fitz-Simmons' husband and a friend who had a relationship with the client.

On February 14, 1996 Ms. Fitz-Simmons was terminated from employment at Cowley County Mental Health and Counseling Center for exercising poor professional judgment, in part in relation to boundary issues involving Center clients. Ms. Fitz-Simmons did not notify the Board that she had been terminated from her employment.

7. As a result of the investigation, the Board has reasonable grounds exist to believe that Ms. Fitz-Simmons has been guilty of unprofessional conduct in violation of K.S.A. 65-6311(a)(4) and amendments thereto, as defined by:

(a) K.A.R. 102-2-7(b)(45), practicing social work in an incompetent manner by failing to maintain appropriate professional boundaries; and

(b) K.A.R. 102-2-7(b)(2)(C), failure to notify the board that the social worker has been terminated from employment for some form of misfeasance, malfeasance or nonfeasance.

8. Each of the indicated factual bases and corresponding legal grounds is also relevant to the masters social worker licensure qualification pursuant to K.S.A. 1997 Supp. 65-5303(b)(3): whether

the Board is satisfied that the applicant is a person who merits the public trust.

9. The Board finds that reasonable cause exists to believe that Ms. Fitz-Simmons does not unconditionally merit the public trust, a qualification for licensure as a masters level social worker pursuant to K.S.A. 1997 Supp. 65-6306(b)(3).

10. The Board has authority pursuant to K.S.A. 1997 Supp. 65-6306(b)(3) to deny an application for licensure as a masters level social worker if the Board is not satisfied that an applicant merits the public trust.

11. The Board has authority pursuant to K.S.A. 1997 Supp. 65-6311(a)(4) to refuse to issue a social work license upon proof that a social worker is guilty of unprofessional conduct.

HOWEVER, Ms. Fitz-Simmons and the Board mutually desire to enter into this Consent Agreement and Order in lieu of a hearing to fully determine the issue of whether Ms. Fitz-Simmons is guilty of unprofessional conduct and whether Ms. Fitz-Simmons merits the public trust. Ms. Fitz-Simmons would be entitled to such a hearing upon denial of her application by the Board.

Ms. Fitz-Simmons 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 procedure act.

Ms. Fitz-Simmons waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas act for judicial review.

WHEREFORE, Ms. Fitz-Simmons hereby consents and agrees to the Board granting her a masters level social worker license upon passing the masters social worker license examination, conditioned on the following terms for the first 12 months of licensure as a masters social worker:

1. Ms. Fitz-Simmons shall research and write a 10 page professional paper on the subject of

the role of boundaries in a professional relationship. The paper shall be double-spaced, APA format, and contain at least 10 professional references that are integrated within the context of the paper. The paper shall be submitted within 3 months of the date indicated in the below Certificate of Service.

2. Upon being licensed as a masters' level social worker, Ms. Fitz-Simmons practice as a masters level social worker shall occur under the supervision of a social worker licensed at the LMSW or LCSW level who is not in a subordinate, familial or other dual relationship with Ms. Fitz-Simmons.

3. A minimum of one one-hour individual supervisory session shall occur during each two calendar weeks during which Ms. Fitz-Simmons engages in the practice of social work.

4. The supervision shall explicitly focus on discussing and clearly defining professional boundaries.

5. Ms. Fitz-Simmons shall submit the names of three qualified persons who are willing to serve as her supervisor and the Board or its designee shall select the supervisor from this list.

6. Ms. Fitz-Simmons understands that the Board will provide a copy of this Consent Agreement and Order to the supervisor selected by the Board or its designee.

7. Ms. Fitz-Simmons will request and make every effort to ensure that her supervisor provide the Board with quarterly written reports of Ms. Fitz-Simmons' performance and compliance.

8. Ms. Fitz-Simmons shall be responsible for any costs incurred in satisfying the terms of this Consent Agreement and Order.

9. During the time this Consent Agreement and Order is in effect, Ms. Fitz-Simmons shall not engage in the supervision of any other licensed social worker or of any unlicensed individual,

including students, who are participating in the delivery of social work services.

10. That any supervision by a board-approved LSCSW, or any other LSCSW, which occurs during the ~~24~~¹² months during which Ms. Fitz-Simmons is under the terms and conditions of this Consent Agreement and Order will not be countable toward the requirements for purposes of LSCSW eligibility for any forthcoming LSCSW application which Ms. Fitz-Simmons may submit to the Board in the future.

11. Evidence of Ms. Fitz-Simmons' willful breach, violation or failure to comply with any of the conditions of the Consent Agreement and Order will result in a hearing, with notice to Ms. Fitz-Simmons and opportunity to be heard, to determine whether she has in fact willfully breached, violated or failed to comply with any term or condition. Upon determination at such hearing that she has willfully breached, violated or failed to comply with any term or condition of this Consent Agreement and Order, Ms. Fitz-Simmons understands and agrees that her masters social work license shall be suspended for one month.

12. Ms. Fitz-Simmons acknowledges that proof submitted to the Board by affidavit or other form of competent evidence that she has willfully breached, violated or failed to meet the conditions of this Consent Agreement and Order shall be good and sufficient evidence to support an alleged violation of non-compliance.

13. Ms. Fitz-Simmons acknowledges an affirmative duty to notify the Board within five (5) days of any changes in her personal or professional status which would inhibit compliance with any of the above terms and conditions. In such event, a social worker member of the Board is hereby authorized to modify or amend this Consent Agreement and Order, provided any such modification or amendment is in writing and signed by Ms. Fitz-Simmons.

14. Ms. Fitz-Simmons acknowledges that she has read this Consent Agreement and Order and fully understands the contents.

WHEREFORE, Ms. Fitz-Simmons consents to the submission of this Consent Agreement and Order to the Kansas Behavioral Sciences Regulatory Board, and understands that upon approval of the Board, this Consent Agreement and Order becomes a Final Order of the Board.

FURTHER, Ms. Fitz-Simmons understands that at the conclusion of the 12-month conditional licensure period and upon Board receipt of an acceptable reference form from Ms. Fitz-Simmons' supervisor, Ms. Fitz-Simmons shall be licensed unconditionally as a masters social worker.

IT IS SO ORDERED.



Ed Weigers, Chairman
Behavioral Sciences Regulatory Board

APPROVED AND CONSENTED TO:

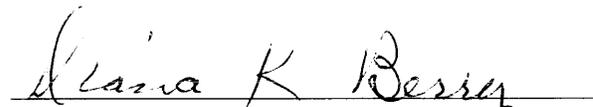

Brenda J. Fitz-Simmons

May 19, 1998
(date)

Certificate of Service

This is to certify that on the 13th day of August, 1998 a true and correct copy of the above and foregoing CONSENT AGREEMENT AND ORDER was deposited in the U.S. mail, first class postage prepaid, addressed to:

Brenda J. Fitz-Simmons



for the Behavioral Sciences Regulatory Board