

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

712 Kansas Avenue
Topeka, Kansas 66603-3817

In The Matter)
)
 of)
)
 Janelle Arnett Campbell,)
 Licensed Masters Social Worker)
 License #3393)
 _____)

Case No. 710

CONSENT AGREEMENT AND ORDER

Now on this 8 day of Mar, 1999, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Janelle Arnett Campbell, (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Janelle Arnett Campbell is currently, and at all time relevant has been, a licensed masters social worker within the meaning of the Kansas social workers act, K.S.A. 65-6301 *et seq.*, and amendments thereto.

2. On or about July 30 ,1997, the Board received a report of information concerning Licensee's conduct alleging Licensee may have violated certain statutes and regulations governing the practice of social work.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations.

4. During the investigation, Licensee was informed of the reported information, and was given the opportunity to respond to the allegations, and did respond to the allegations.

5. As a result of the investigation, the Board finds reasonable cause to believe the following facts:

In her licensed status as a masters social worker, Licensee was employed as a mental health therapist with the Wyandot Mental Health Center from July 1995 until June 1997.

On April 16, 1997, Licensee noticed what appeared to be a cigarette burn on the cheek of a 5 year old child with whom she had worked for many months. Licensee was sufficiently concerned to questions the child and the child's mother about the burn. When asked about the burn, the child told Licensee his mother did this to him. When Licensee asked the mother about the burn, the mother said she had burned the child accidentally. Licensee did not document this conversation with the mother, did not discuss the incident with her supervisor, nor did licensee report this incident to Child Protective Services of the Social and Rehabilitation Services (CPC/SRS).

On May 28, 1997 this matter came to the attention of Licensee's supervisor through an agency utilization review. Licensee's supervisor told Licensee to report the incident immediately and document the reporting in the child's chart. On June 5, 1997, Licensee's supervisor noticed that the child's file did not reflect documentation that the incident had yet been reported to CPC/SRS. When asked about this, Licensee initially told her supervisor that she had reported the incident to CPC/SRS, but had neglected to document it. Licensee then documented that she had reported the incident; however, she later returned to her supervisor and said she had not in fact reported the incident. At that time, and in her supervisor's presence, Licensee made a report to CPC/SRS by telephone and changed the date in the child's chart to reflect the accurate date of reporting.

Based on these occurrences, Licensee was placed on a 5 day suspension without pay, a promotion was withdrawn and she was offered a lateral transfer within the agency. However, Licensee chose to resign instead.

6. Licensee disputes the Board's factual assessment and asserts facts as expressed in Attachment A, "Proposed Modifications: Consent Agreement, #710."

7. The Board finds that reasonable grounds exist to believe the Licensee has been guilty of unprofessional conduct in violation of K.S.A. (1996 Supp.) 65-6311(a)(4) as defined as follows:

(a) K.A.R. 102-2-7(b)(38), knowingly reporting distorted, erroneous or misleading information, for falsely documenting that Licensee had reported an incident of child abuse to CPC/SRS when in fact she had not;

(b) K.A.R. 102-2-7(b)(43), failing to maintain a record for each client which accurately

reflects the client's contact with the social worker, for failing to document Licensee's conversation with the child's mother concerning the apparent cigarette burn on the child's face; and

(c) K.A.R. 102-2-7(b)(45), practicing social work in an incompetent manner, for failing to report to CPC/SRS an incident of reasonably suspected child abuse as mandatorily required by K.S.A. (1996 Supp.) 38-1522.

8. Licensee disputes the conclusion that she violated K.A.R. 102-2-7(b)(38) and K.A.R. 102-2-7(b)(45), but acknowledges that she violated K.A.R. 102-2-7(b)(43) as expressed in Attachment A, "Proposed Modifications: Consent Agreement, #710."

HOWEVER, Licensee and the Board mutually desire to enter into the Consent Agreement and Order in lieu of adjudicative proceedings to resolve the report of alleged violations.

WHEREFORE 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 Procedure Act in relation to Case No. 710.

WHEREFORE 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 710.

WHEREFORE Licensee consents to a 1 month suspension of her licensed practice as a masters social worker, with all of the suspension stayed, on the following conditions:

(1) Licensee shall research and write a 10 page professional paper on the subject of the social worker responsibilities in relation to the purpose of the Kansas mandatory child abuse reporting law. The paper shall be double spaced, in APA format, and contain at least 8 professional references that are integrated within the context of the paper. Licensee shall submit the paper within 4 months from the date Licensee resumes employment as a social worker following maternity leave.

(2) Supervised practice of social work:

(a) For 6 months from the date Licensee resumes employment as a social worker following maternity leave, Licensee's practice of social work shall be supervised by a board approved licensed clinical specialist social worker (LSCSW) who is not in a subordinate, familial or other dual relationship with Licensee.

(b) Licensee shall submit the names of three LSCSW's who are willing to serve in this capacity and are willing to comply with the supervisory conditions as specified herein.

(c) The focus of this supervision shall be on the consistent use and involvement of the supervisor and consistent documentation of services provided and client contacts.

(d) Licensee shall meet with her supervisor for 2 one-hour supervisory sessions per month.

(e) Written reports from Licensee's supervisor are expected every 3 months regarding Licensee's compliance with the supervision process and the focus of supervision. Licensee will request and make every effort to ensure that the supervisor provides these status reports to the Board.

(f) Licensee shall cooperate with her practice supervisor to enable the supervisor to discharge his or her duties in a responsible manner.

(g) Licensee understands that the Board will provide a copy of this Consent Agreement and Order to her supervisor.

(3) During the time this Consent Agreement and Order is in effect, Licensee shall not serve as a supervisor to any person licensed by the Board, any person attaining supervised experience in preparation for licensure by the Board, or any unlicensed person, including students or volunteers, who participate in the delivery of social work services.

(4) Hours of supervision attained by Licensee pursuant to this Consent Agreement and Order shall not count toward any supervised experience hours required for a higher level of licensure.

(5) Licensee shall be responsible for any costs incurred in satisfying the terms of the Consent Agreement and Order.

(6) Evidence of Licensee's breach, violation or failure to comply with any of the conditions will result in a hearing, with notice and opportunity to be heard, to determine whether Licensee has in fact breached, violated or failed to comply with any conditions. Upon determination at such hearing that Licensee has breached, violated or failed to comply with any condition, Licensee understands and agrees that her masters social work license shall be suspended for 1 month.

(7) Licensee acknowledges that proof submitted to the Board by affidavit or other form of competent evidence that Licensee has breached, violated or failed to meet the conditions shall be good and sufficient evidence to support an alleged violation of breach, violation or non-compliance.

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

(9) 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.

(10) If the Board does not approve this Consent Agreement and Order, Licensee waives any right she may have to object to the composition of any subsequent hearing panel due to the hearing panel members having knowledge of matters contained in this Consent Agreement and Order.

(11) This Consent Agreement and Order constitutes the entire agreement between the Licensee and may be modified or amended only by written agreement signed by Licensee and the Board, or a designee of the Board.

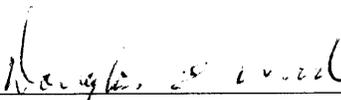
WHEREFORE Licensee consents to the submission of this Consent Agreement and Order to the Kansas Behavioral Sciences Regulatory Board, and understands that upon approval of the Board, this Consent Agreement and Order becomes a final order of the Board.

WHEREFORE the Board agrees that so long as licensee complies with the above conditions that the Board will not initiate further disciplinary action against Licensee in relation to violation of K.S.A. (1996 Supp.) 65-6311(a)(4) as defined by K.A.R. 102-2-7(b)(38) and by K.A.R. 102-2-7(b)(43) and by K.A.R. 102-2-7(b)(45).

WHEREFORE the Board further agrees that at the conclusion of the conditional licensure period, upon determination of Licensee's compliance with the conditions stated herein, and upon Board receipt of an acceptable reference from Licensee's supervisor on a Board-approved form, Licensee shall be unconditionally licensed as a masters social worker.

WHEREFORE the provisions above are consented to and are hereby made the final order of the Kansas Behavioral Sciences Regulatory Board which become effective on the date indicated in the below Certificate of Service.

IT IS SO ORDERED.



Douglas Wood, Chairman
Behavioral Sciences Regulatory Board

APPROVED AND CONSENTED TO:

Janelle Arnett Campbell
Janelle Arnett Campbell, LMSW

02/12/99
(date)

Certificate of Service

This is to certify that on the 4 day of APRIL, 1999 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:

Janelle Arnett Campbell



and

Sharon R. Lowenstein
Attorney at Law
4505 Madison
Kansas City, Missouri 64111

Miss [Signature]
For the Behavioral Sciences Regulatory Board

In The Matter)
)
of)
)
Janell Arnett-Campbell)
LMSW)
_____)

Case No. 99-710

CAO Journal Entry

NOW ON THIS 7th day of June 2000, the Behavioral Sciences Regulatory Board Consent Agreement and Order # 710 comes for review in consideration of closure. The second and final required quarterly report was received on January 01, 2000, the required research paper was completed, submitted and approved and the supervision period has expired. There exists no evidence of willful failure to comply with or violation of the stipulated conditions contained in the Consent Agreement and Order; therefore, it is the determination of Charles Frankenfeld, Social Work Board Member, that the conditions are satisfied. It is hereby declared that the conditions placed upon the Social Work License of Janell Arnett- Campbell, LMSW, are hereby terminated.

Dated this 7 Day of June, 2000.

On Behalf of the Behavioral Sciences Regulatory Board

COMPLETED

Mark M. Mathies