

Marty M. Snyder, KS S Ct #11317
Kansas Attorney General's Office
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
WHITNEY GUDGEL,)
LMSW License #9047)
Respondent)
_____)

Case No. 17-MS-064

CONSENT AGREEMENT AND ORDER

NOW, on this 14 day of June, 2017, the above captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [Board], by and through Assistant Attorney General Marty M. Snyder, by agreement of Whitney Gudgel [Licensee / Respondent] and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Whitney Gudgel has been a Licensed Masters Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, at all times relevant.
2. In December of 2016, the Board received a self-report of information concerning Licensee's conduct alleging Licensee may have violated certain statutes and regulations governing unprofessional conduct.

3. The Board conducted an investigation concerning Licensee's alleged violations of statutes and regulations. During the investigation, Licensee and her former employment supervisor provided information to the Board's Special Investigator.
4. As a result of the investigation, the Board has found that the following facts have been established by a preponderance of the evidence:
 - a. Respondent Gudgel was employed as a therapist at KVC hospitals for children enrolled in the psychiatric residential treatment facility. In that role, she documented services that she did not complete.
 - b. Specifically, the falsified documentation concerns twelve therapy notes for a group therapy session that did not occur.
 - c. Respondent was asked to resign her position. She did so and reported the violation and termination in a timely manner to the Board.
5. The Complaint Review Committee concludes there is probable cause to find the following violations based upon the above facts.

K.S.A. 65-6311. Grounds for suspension, limitation, revocation or refusal to issue or renew license; procedure.

(a) The board may suspend, limit, revoke, condition or refuse to issue or renew a license of any social worker upon proof that the social worker:

(9) has been found guilty of unprofessional conduct as defined by rules established by the board;

K.A.R. 102-2-7. Unprofessional Conduct. Any of the following acts by a licensee . . . shall constitute unprofessional conduct:

(w) engaging in professional activities ... involving dishonesty, fraud, deceit or misrepresentation;

(jj) taking credit for work not performed personally, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information.

However, Licensee and the Board mutually desire to enter a Consent Agreement and Order [CAO] 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 [KAPA] in relation to Case No. 17-MS-064.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act [KJRA] in relation to Case No.17-MS-064.

WHEREFORE, the Board and Licensee consent and agree that Licensee's LMSW license shall be suspended for one year. However, the suspension shall be stayed so long as Licensee meets the following terms and conditions:

- (a) Licensee shall notify the Board's Investigator immediately when she is employed in a position requiring her social worker license. Within thirty (30) days of the effective date of this Consent Agreement and Order or licensed employment, Licensee shall practice under the supervision of a Board-approved clinically-licensed supervisor for one year while employed in a position using her license, supervision to be provided by an employment supervisor who has administrative and clinical oversight of Licensee's practice. The focus of the supervision shall be on how to balance providing therapy and accurate documentation. Weekly meetings shall be for at least one hour in person. The employer and supervisor**

shall receive a copy of this Consent Agreement, and the supervisor shall provide monthly written progress reports to the Board's Special Investigator.

- (b) Licensee may continue her training plan and may still accrue hours toward her LSCSW license with her own supervisor.
- (c) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.
- (d) Evidence of Licensee's breach, violation or failure to comply with any of the above conditions could result in a determination that Licensee's Kansas Licensed Masters Social Worker license should be suspended or revoked.
- (e) 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 and as otherwise required by law, including but not limited to the Kansas Open Records Act.
- (f) 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 any condition of this Consent Agreement and Order.
- (g) This Consent Agreement and Order constitutes the entire agreement between the Licensee and the Behavioral Sciences Regulatory Board and may be modified or amended only by written agreement signed by Licensee and a designee of the Board.

WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval by the Complaint Review Committee, this Consent Agreement and Order will

become a Final Order of the Board. The Board has authorized the Complaint Review Committee to determine approval of this Consent Agreement and Order.

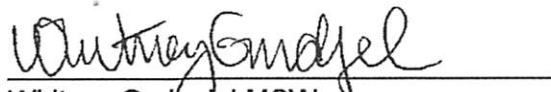
WHEREFORE, the Board agrees that, so long as Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 65-6311 and K.A.R. 102-2-7 as a result of this proceeding.

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

IT IS SO ORDERED this 12th day of June, 2017.


Terry Pfannenstiel, Ph.D.
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:


Whitney Gudgel, LMSW
Licensee / Respondent

June 7th, 2017
Date

CERTIFICATE OF SERVICE

This is to certify that on this 14 day of June, 2017, a true and correct copy of the above Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Whitney Gudgel


and a copy delivered via interoffice mail to:

Marty M. Snyder, Esq.
Assistant Attorney General
Disciplinary Counsel for the Board



For the Behavioral Sciences Regulatory Board