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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)
)
ELIZABETH HODDICK, LMSW)
LMSW #9719)
)
Licensee/Respondent)
_____)

Case No. 18-MS-0055

Pursuant to K.S.A. 77-536

SUMMARY PROCEEDING ORDER OF PUBLIC CENSURE

NOW, on this 25 day of September, 2018, 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. Elizabeth Hoddick (“Licensee”) was at all times relevant, a Licensed Master Social Worker (“LMSW”) within the meaning of the Kansas Social Worker Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto.
2. On or about October 30, 2017, the Board received a complaint concerning Licensee's unprofessional conduct, alleging Licensee may have violated certain statutes and/or regulations governing the practice of an LMSW in Kansas.
3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and/or regulations.

4. As a result of the investigation, the Board found that the following facts had been established by a preponderance of evidence:

- a. In September 2017, Licensee was employed by Children’s Mercy Hospital in Kansas City, Missouri.
- b. On or about September 16, 2017, at 2334 hours, Licensee was consulted by an emergency department provider to complete a Patient at Risk (“PAR”) Assessment due to a concern about child abuse.
- c. On or about September 17, 2018, at 0136 hours, Licensee documented, “SW does not feel that pt [sic] is being neglected o [sic] abused. SW completed hotline to Children’s Division per protocol. SW completed phone call to Independence Police Dept [sic] per protocol. Police report they will follow up with family.”
- d. The complaint submitted to the Board indicated that there were concerns raised regarding the safety plan for the patient, and the Children’s Division was consulted.
- e. Specifically, the complaint stated, “After subsequent inquiry, Children’s Division confirmed that the online Hotline report was submitted on 9/18/2017 at 2:25pm instead of the day before as documented. An inquiry to the Independence Police Department also could not confirm that a call had been placed.”
- f. On or about November 15, 2017, the Board sent to Licensee a copy of the complaint, and the Board asked Licensee to provide a complete and accurate account of the circumstances surrounding the event that led to the complaint.
- g. On or about December 14, 2017, Licensee provided a response to the Board regarding the complaint. However, Licensee did not address the last two (2) lines of the complaint, as outlined in the forgoing Paragraph 4e.

- h. On or about April 23, 2018, the Board sent to Licensee a request for her to address the last two (2) lines of the complaint, as outlined in the forgoing Paragraph 4e.
- i. On or about May 7, 2018, Licensee sent to the Board a response to the letter dated April 23, 2018. In her response, Licensee wrote, "Please dismiss complaint(s) indefinitely. Complaints and accusations occurred in Kansas City, Missouri. The complaint is not pertinent to Kansas LMSW licensure. Kansas LMSW does not have jurisdiction in Kansas City, Missouri or any other state outside the boundary lines." However, Licensee did not address the last two (2) lines of the complaint, as outlined in the forgoing Paragraph 4e.
- j. On or about May 17, 2018, the Board sent to Licensee another request for her to address the last two (2) lines of the complaint, as outlined in the forgoing Paragraph 4e. Licensee was given a deadline to provide this response by May 27, 2018.
- k. At this time, Licensee has not provided to the Board a response regarding the last two (2) lines of the complaint, as outlined in the forgoing Paragraph 4e.

CONCLUSIONS OF LAW

5. Pursuant to K.S.A. 65-6311(c): Administrative proceedings and disciplinary actions regarding licensure under the Social Worker Licensure Act shall be conducted in accordance with the Kansas Administrative Procedure Act.

6. Pursuant to K.S.A. 74-7508(a): In connection with any investigation, based upon a written complaint or other reasonably reliable written information, by the Behavioral Sciences Regulatory Board, the Board or its duly authorized agents or employees shall at all reasonable times have access to, for the purpose of examination, and the right to copy any document, report, record or other physical evidence of any person being investigated, or any document, report, record or other evidence maintained by and in possession of any clinic or office of a practitioner of the

behavioral sciences, or other public or private agency if such document, report, record or other physical evidence relates to the practice which may be grounds for disciplinary action.

7. 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.

8. 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.

9. Pursuant to K.S.A. 65-6311(a): 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:

- a. K.S.A. 65-6615(a)(5): has violated a provision of the Social Worker Licensure Act or one or more rules and regulation of the board.

10. Pursuant to K.A.R. 102-2-7: Any of the following acts by an licensee or an applicant for social work shall constitute unprofessional conduct:


- a. K.A.R. 102-2-7(i): Failing or refusing to cooperate in a timely manner with any request from the Board for a response, information that is not obtained in the context of a confidential relationship, or assistance with respect to the Board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the Board. Each person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person acted in a timely manner.

11. Despite Licensee's assertion that the Board lacks jurisdiction, the Board has the statutory authority to conduct an investigation when the Board has received a written complaint which may be grounds for disciplinary action. In this case, Licensee failed to cooperate in a timely manner with a request from the Board for a response with respect to the Board's investigation or any report of an alleged violation filed against any professional who is required to be licensed by the Board. This is a violation of K.A.R. 102-2-7(i).

SANCTION

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 the Kansas Administrative Procedure Act K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Licensed Master Social Worker license of Licensee Elizabeth Hoddick is hereby **PUBLICALLY CENSORED** for her violations of the Kansas Social Worker Licensure Act.

IT IS SO ORDERED ON THIS 21 DAY OF September 2018.


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:

Max Foster, 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 25 day of September, 2018, a true and correct copy of the above and foregoing Summary Proceeding Order of Public Censure was deposited in the U.S. mail, first class postage prepaid, addressed to:

Elizabeth Hoddick


and a copy delivered via interoffice mail to:

Jane E. Weiler, Esq.
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612
Disciplinary Counsel for the Board



For the Board