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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)
)
CHARITY NEEDHAM, LMSW)
License #9956)
)
Respondent)
_____)

Case No. 19-MS-0121

Pursuant to K.S.A. 77-536

SUMMARY PROCEEDING ORDER

NOW, on this 16 day of September, 2019, 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. Charity Needham (“Respondent”) was at all times relevant, a Licensed Master Social Worker (“LMSW”), having been issued LMSW License No. 9956 within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto.
2. On or about May 3, 2018, Respondent submitted to the Board her renewal application.
3. Additionally, on or about May 3, 2018, Respondent was notified that her LMSW license was selected for an audit. As part of the audit, Respondent was to submit to the Board

documentation for the Continuing Education Units (“CEUs”) claimed as part of her renewal. Respondent was to submit to the Board this documentation by June 30, 2018.

4. Respondent failed to submit to the Board the documentation for the CEUs claimed as part of her renewal by June 30, 2018.

5. On or about November 2, 2018, Board staff sent to Respondent a second notice of the audit. Respondent was again informed that she was required to submit to the Board the audit materials with a deadline now of November 26, 2018.

6. Respondent again failed to submit to the Board the documentation for the CEUs claimed as part of her renewal by November 26, 2018.

7. On or about February 26, 2019, the Board’s investigator sent to Respondent notice that her failure to comply with the Board’s audit resulted in a Report of Alleged Violation.

8. On or about March 21, 2019, Respondent sent to the Board documentation evidencing completion of her required continuing education as required for her 2018 LMSW license renewal.

APPLICABLE LAW

9. Pursuant to K.S.A. 65-6311(c): Administrative proceedings and disciplinary actions regarding licensure under the social workers licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the social workers licensure act shall be in accordance with the Kansas judicial review act.

10. Pursuant to K.S.A. 2018 Supp. 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.

11. 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. The practice of social work requires knowledge of human development and behavior; of social, economic and cultural institutions and forces; and of the interaction of all these factors. Social work practice includes the teaching of practicum courses in social work and includes the diagnosis and treatment of mental disorders as authorized under K.S.A. 65-6306 and 65-6319, and amendments thereto.

12. Pursuant to K.S.A. 65-6311(a)(5): 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 has violated a provision of the social workers licensure act or one or more rules and regulations of the board. Specifically, K.A.R. 102-2-11a(c)(1): Upon board notification, each renewal applicant for a social worker license shall submit the following to the board within 30 days

after the license expiration date the completed renewal audit forms; and K.A.R. 102-2-11a(c)(2): Upon board notification, each renewal applicant for a social worker license shall submit the following to the board within 30 days after the license expiration date the original continuing education documents that validate all continuing education units claimed for credit during the current renewal period.

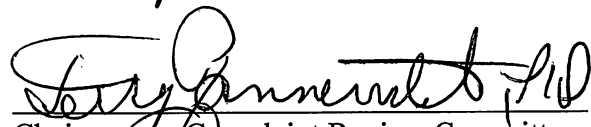
CONCLUSIONS OF LAW

13. Respondent is in violation of K.S.A. 65-6311(a)(5), as defined in K.A.R. 102-2-11a(c)(1) and K.A.R. 102-2-11a(c)(2), in that Respondent failed to submit to the Board within 30 days after her license expiration date the completed renewal audit form and the original continuing education documents that validated all continuing education units claimed for credit during the 2018 renewal period.

ORDER

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 K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Kansas LMSW license of Respondent Charity Needham should be and is hereby **PUBLICALLY CENSORED** for her violations of the Kansas Social Workers Licensure Act.

IT IS SO ORDERED ON THIS 11th DAY OF September, 2019.


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 16 day of September 2019, a true and correct copy of the above and foregoing Summary Proceeding Order of Suspension was deposited in the U.S. mail, first class postage prepaid, addressed to:

Charity Needham, LMSW


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

Cindy Pirole
For the Board