

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

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

712 South Kansas Avenue
Topeka, Kansas 66603-3817

In the Matter of)
)
Rose M. Ramirez, LBSW)
License No. 2701)
Respondent)
_____)

Case No. 04-BS-0006

CONSENT AGREEMENT AND ORDER

NOW on this 24th day of August, 2005, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Rose M. Ramirez (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Rose M. Ramirez is currently, and at all times relevant has been, a Licensed Baccalaureate Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301 *et seq.*, and amendments thereto.

2. On or about July 15, 2003, the Board received a report of information concerning Licensee's conduct, alleging Licensee had been terminated from her employment at Valeo Behavioral Health Care for improper record keeping and violation of client confidentiality.

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, was given the opportunity to respond to the allegations and her attorney did respond to the allegations in his letter received on November 6, 2003. The written response contains false information with regard to the renewal application filed August 29, 2003.

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

a. Licensee failed to notify the Board within a reasonable period of time that she had been terminated from employment for some form of misfeasance, malfeasance or nonfeasance;

b. Licensee obtained renewal licensure for herself by means of misrepresentation or concealment of a material fact; and

c. Licensee reported incomplete social work information in her client files.

6. The Board finds that reasonable grounds exist to believe Licensee has violated K.S.A. 65-6310(a),(b) and (c) for filing her application for renewal containing false representations and concealment of material facts.

7. The Board finds that reasonable grounds exist to believe Licensee has committed unprofessional conduct in violation of K.S.A. 65-6311(a)(2), (4) and (6) as defined as follows:

(a) K.A.R. 102-2-7(a) - obtaining or attempting to obtain licensure for oneself ... by means of fraud ... deceit, misrepresentation or concealment of a material fact.

(b) K.A.R. 102-2-7(b) - failing to notify the Board, within a reasonable period of time, that any of the following conditions applied to any person regulated by the Board or applying for licensure or registration, including that licensee or that social work licensure applicant ... (3) has been demoted,

terminated, suspended, reassigned, asked to resign or has resigned from employment for some form of misfeasance, malfeasance or nonfeasance [as defined in K.A.R. 102-2-1a (o), (q) and (r)] ... (11) reporting distorted, erroneous, incomplete or misleading social work information.

However, Licensee and the Board mutually desire to enter into a 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. 04-BS-0006.

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. 04-BS-0006.

WHEREFORE, Licensee consents to

(a) accept a formal reprimand, and

(b) write a professional quality paper of at least ten double-spaced typed pages including at least five professional sources on the importance of accurate documentation and timely submission of paperwork. This paper is due in the Board's office within sixty days of the date of the Certificate of Service.

(c) Licensee shall be responsible for any costs and expenses incurred in the investigation of this matter and in satisfying the terms of this Consent Agreement and Order. The Certificate of Costs states costs in the amount of \$221.28 through December 12, 2003 [attached]. This amount is due in the Board's office within sixty days of the Certificate of Service.

(d) 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 Baccalaureate Social Work license shall be suspended until such time as Licensee can demonstrate compliance with all terms and conditions of this Consent Agreement and Order to the satisfaction of the Board .

(e) 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 of this Consent Agreement and Order shall be good and sufficient evidence to support an alleged violation of breach, violation or non-compliance.

(f) 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.

(g) 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. In such event, a designee of the Board is authorized to modify or amend this Consent Agreement and Order in writing.

(h) 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 hearing panel members having knowledge of matters contained within this Consent Agreement and Order.

(i) 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 the Board or 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 of 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. 65-6310 or K.S.A. 65-6311 as defined by K.A.R. 102-2-7 as a result of this proceeding.

WHEREFORE, the Board further agrees that upon determination of Licensee's compliance with the conditions stated herein, Licensee shall be unconditionally licensed as a Licensed Baccalaureate Social Worker.

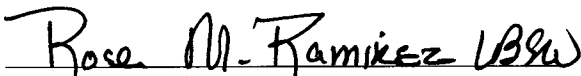
WHEREFORE, the foregoing provisions are consented to, are hereby made the final Order of the Kansas Behavioral Sciences Regulatory Board and become effective on the date indicated in the Certificate of Service below.

IT IS SO ORDERED.

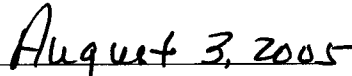


Wesley Jones, Ph.D.
Chair, Complaint Review Committee

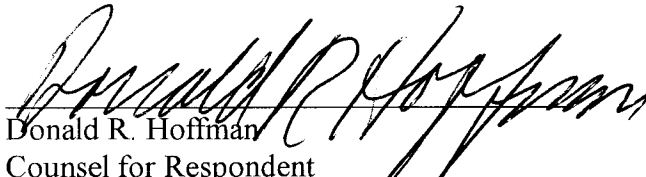
APPROVED AND CONSENTED TO:




Rose M. Ramirez, LBSW



Date



Donald R. Hoffman
Counsel for Respondent



Date

Certificate of Service

This is to certify that on this 24th day of August, 2005, 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:

Rose M. Ramirez



Donald R. Hoffman, Esq.
112 SE 7th Street,
Topeka, KS 66603-3915

Roger Scurlock
For the Behavioral Sciences Regulatory Board