

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)
)
AMBER S. REINECKE, LBSW,)
License #8814,)
Respondent)
_____)

Case No. 15-BS-019

CONSENT AGREEMENT AND ORDER

NOW, on this 12 day of January, 2016, 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 Amber S. Reinecke, LBSW [Respondent / Licensee], and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Amber S. Reinecke is a Licensed Bachelor Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto.
2. On June 3, 2014 and July 29, 2014, the Board received reports 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. Beginning in July of 2014, Licensee was sent several written requests for a response. The mailed letters were returned with no

forwarding address as Licensee did not update her information with the Board. The investigator sent the request and complaint to Licensee's email address and received an apology via email that Licensee was working on a written response. When no further response was received, the investigator sent Licensee a last opportunity to cooperate and imposed a deadline. Licensee finally provided an email response in May of 2015, nearly ten months after the initial request.

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

- a. Licensee admits that she falsified documentation claiming to have visited child clients in their home when no meeting occurred on several occasions;
- b. Licensee admits that she obtained a gas credit card belonging to her employer without authority;
- c. Licensee admits that she used her employer's credit card to fill vehicles not related to her employer;
- d. Licensee admits that she failed to report her employment termination for misconduct to the Board; and
- e. Licensee admits that she failed to respond to the complaint until May 1, 2015.

5. The Complaint Review Committee of the Board concludes there is probable cause to find that Licensee violated the following statute and regulations:

A. 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:

- (2) has been found guilty of fraud or deceit in connection with services rendered as a social worker;
- (4) has been found guilty of unprofessional conduct as defined by rules established by the board;
- (6) has been found guilty of negligence or wrongful actions in the performance of duties.

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

(b) except when the information has been obtained in the context of a confidential relationship, failing to notify the board, within a reasonable period of time, that any of the following conditions apply to any person regulated by the board or applying for a license or registration, including oneself:

(3) has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance;

(h) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;

(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;

(w) engaging in professional activities, including billing practices and advertising, 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;

(xx) practicing social work in an incompetent manner.

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 in relation to Case No.15-BS-019.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act in relation to Case No.15-BS-019.

WHEREFORE, Licensee consents to the following terms and conditions:

- (a) Licensee shall obtain three additional CEU hours in Ethics / dual relationships to be obtained in person within six (6) months of the effective date of this CAO.
- (b) If Licensee is employed at a position requiring her Kansas Bachelor Social Worker license, she shall provide a copy of this CAO to her clinical supervisor. She shall practice only under supervision by a Board-approved supervisor with in-person meetings at least one hour per work week with a focus on accurate documentation and personal integrity. The supervisor shall provide written quarterly reports for two years to the Board's special investigator regarding Licensee's compliance.
- (c) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this CAO.
- (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

Bachelor Social Worker license should 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 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.
- (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 CAO. In such event, a designee of the Board is authorized to modify or amend this CAO in writing.
- (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 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 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 6th day of January, 2016.

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

APPROVED AND CONSENTED TO:

Amber D. Reinecke
Amber D. Reinecke, Licensee / Respondent

12-26-15
Date

CERTIFICATE OF SERVICE

This is to certify that on this 12 day of January, 2016, 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:

Amber S. Reinecke Amber S. Reinecke Amber S. Reinecke



and a copy delivered via interoffice mail to:

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

Cindy D'Ercole
For the Behavioral Sciences Regulatory Board