

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

RECEIVED
MAY 08 2017
BY: _____

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
ANGELIA J. SWANK, LSCSW,)
License #3718,)
Respondent)
_____)

Case No. 16-CS-063

CONSENT AGREEMENT AND ORDER

NOW, on this 9 day of May, 2017, the above-captioned matter comes before the Behavioral Sciences Regulatory Board [Board], by and through Assistant Attorney General Marty M. Snyder, by agreement of Angelia Swank [Respondent / Licensee], by and through counsel Mark W. Stafford, Simpson, Logback, Lynch, Norris, PA, and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Angelia J. Swank was a Licensed Specialist Clinical Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, at all times relevant.
2. On January 14, 2016, the Board received a 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 was informed of the reported information and responded in her letter received March 3, 2016. Licensee's work supervisor was also interviewed.

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

- a. Respondent, while working as a licensed LSCSW for the Robert J. Dole VA Medical Center at the Community Based Outpatient Clinic in Dodge City, KS, was employed to meet with veterans and provide therapy services. However, she engaged in a pattern of calling in ill, not presenting for duty when scheduled and missing scheduled appointments with veteran clients. This employment misconduct occurred in 2014, 2015 and 2016 and became progressively worse.
- b. When Respondent was unavailable with insufficient or no notice, other clinical staff had to step in to cover Respondent's duties in addition to their own.
- c. In her letter, Respondent did not deny the allegations, but stated she received a positive Performance Appraisal in September of 2015 and had terminated her employment with the VA on January 11, 2016 (two days after the complaint was signed).
- d. Respondent's supervisor stated that disciplinary proceedings were pending against Respondent that would have resulted in her employment termination had she not voluntarily resigned when she did. The supervisor stated that toward the end, Respondent's supervisors "didn't even know where she was" and couldn't contact Respondent for several weeks at the agency or at her residence.

5. The Complaint Review Committee concluded there is sufficient evidence upon which to find probable cause that the following statute and administrative regulation were violated by Respondent:

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:

(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.

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

(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;

(nn) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care.

However, Licensee and the Board mutually desire to enter 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. 16-CS-063.

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:16-CS-063.

WHEREFORE, the Board and Licensee consent and agree to the following terms and conditions:

- (a) When Licensee accepts employment in a position using her LSCSW license, she shall immediately contact the Board's special investigator to identify a Board-approved supervisor. The supervisor shall have a current clinical license and not be in any dual relationship with Licensee. Licensee shall provide a copy of this Consent Agreement and Order to the supervisor.
- (b) Supervision shall last for one year, and Licensee shall meet weekly face to face for at least one hour with her supervisor. Focus of the supervision shall be on continuity of care, and the supervisor shall provide quarterly written progress reports to the Board's special investigator.
- (c) Licensee shall obtain an additional three hours of Ethics CEUs on professional practices in person within six months of the effective date of this Consent Agreement and Order.
- (d) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.
- (e) 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 Specialist Clinical Social Worker license should be suspended or revoked.
- (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 and as otherwise required by law, including but not limited to the Kansas Open Records Act.

(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.

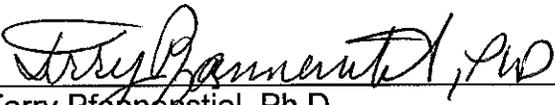
(h) This Consent Agreement and Order constitutes the entire agreement between the Licensee and the Behavioral Sciences Regulatory Board and may be modified or amended only by written agreement signed by Licensee and a designee of the Board.

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 5th day of May, 2017.



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

APPROVED AND CONSENTED TO:

Angelia Swank
Angelia Swank, Licensee / Respondent

4-27-17
Date

REVIEWED BY:

Mark W. Stafford
Mark W. Stafford, Esq.
Simpson, Logback, Lynch, Norris PA
Counsel for Licensee / Respondent

4/28/17
Date

CERTIFICATE OF SERVICE

This is to certify that on this 9 day of May, 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:

Angelia Swank
[Redacted]

Mark W. Stafford, Esq.
Simpson, Logback, Lynch, Norris PA
107 SW 6th Ave., Suite 210
Topeka, KS 66603

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