

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

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BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
STACEY M. COOPER,)
LMSW License #8330)
LMAC License #085)
Respondent)
_____)

Case No. 16-MS-126

CONSENT AGREEMENT AND ORDER

NOW, on this 11 day of September, 2017, 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 Stacey Cooper [Licensee / Respondent], by and through counsel Diane L. Bellquist, Esq., and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Stacey Cooper has been a Licensed Masters Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, and a Licensed Masters Addiction Counselor within the meaning of the Kansas Addiction Counselor Licensure Act, K.S.A. 65-6607, *et seq.*, at all times relevant.
2. In June of 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 did respond to the Special Investigator's letter requesting a written response in a five-page letter dated September 29, 2016, and a two-page undated letter received March 24, 2017.
4. As a result of the investigation, the Board has found that the following facts have been established by a preponderance of the evidence:
 - a. Respondent Cooper [Schauer] has previously been disciplined for engaging in an intimate relationship with a current and recent former client [CC]. That individual is the current complainant and alleges that Respondent's previous claims to have ended the relationship were false.
 - b. Complainant and Respondent had a contentious breakup with various charges being leveled by each against the other. Among CC's current charges against Respondent are that the two shared a laptop computer in their home and that Respondent downloaded highly confidential and private social work client information onto the shared device that is now in CC's possession.
 - c. Respondent acknowledges that she did this but states (1) that she thought she had verbal authorization from her employer [DCF] to download confidential client files for access in her home after office hours and (2) that CC must have 'hacked' through security passwords to obtain the highly confidential client documents that were attached to the complaint.

- d. The Investigator confirmed with DCF authorities that Respondent had no authorization to access or place confidential client documents on a home computer, and in fact pursuant to DCF IT security policies, DCF employees receive internal online training on the Agency's prohibition on doing so.
 - e. No evidence was presented by Respondent that any of the affected clients had authorized the security breach of their confidential information and documents or had even been informed of the unauthorized disclosure.
5. The Complaint Review Committee concludes there is probable cause to find the following violations based upon the above facts involving unauthorized disclosure of confidential client information.

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:

(9) has been found guilty of unprofessional conduct as defined by rules established by the board;

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

(v) failing to exercise due diligence in protecting information regarding and the confidences and secrets of the client from disclosure by other persons in one's work or practice setting.

K.S.A. 65-6315. Confidential information and communications.

K.S.A. 65-6615. Refusal to grant licensure; other licensure actions; grounds; procedure.

(a) The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly censure a licensee or

may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee:

- (9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board.

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 [KAPA] in relation to Case No. 16-MS-126.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act [KJRA] in relation to Case No.16-MS-126.

WHEREFORE, the Board and Licensee consent and agree that Licensee's LMSW and LMAC licenses shall be suspended for one year. However, the suspensions shall be stayed so long as Licensee meets the following terms and conditions:

- (a) Within thirty (30) days of the effective date of this Consent Agreement and Order, Licensee shall practice under the supervision of a Board-approved supervisor for one year while employed in a position using either license, supervision to be provided by an employment supervisor who has access to clients' records. The focus of the supervision shall be on client confidentiality and the importance of safeguarding client records. Weekly meetings shall be for at least one hour with no more than two meetings per month by telephone. The supervisor shall receive

a copy of this Consent Agreement and shall provide monthly written progress reports to the Board's Special Investigator. The employer must furnish proof to the Investigator of receiving a copy of this CAO.

- (b) Licensee shall obtain an additional three hours of ethics CEUs to focus on confidentiality and electronic records within six (6) months of the effective date of this CAO.
- (c) Licensee shall notify the owners of all disclosed records that an unauthorized person accessed records, with written acknowledgement provided to the Investigator within sixty (60) days of the effective date of this CAO.
- (d) Licensee shall write an original ten-page paper in APA format to be submitted to the Board's Investigator within six (6) months of the effective date of this CAO. The focus of the paper should be on review and understanding of Kansas statutes and regulations governing confidentiality of client information and records.
- (e) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.
- (f) 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 Masters Social Worker license and / or Licensed Masters Addiction Counselor License should be suspended or revoked.
- (g) 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.

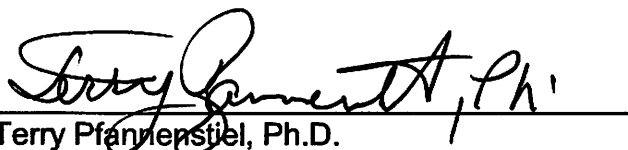
- (h) Licensee acknowledges an affirmative duty to notify the Board within five (5) days of any changes in personal or professional status which would inhibit compliance with any condition of this Consent Agreement and Order.
- (i) This Consent Agreement and Order constitutes the entire agreement between the Licensee and the Behavioral Sciences Regulatory Board and may be modified or amended only by written agreement signed by Licensee and 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, K.A.R. 102-2-7, K.S.A. 65-6615 and K.A.R. 102-7-11 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 8th day of August, 2017.


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

APPROVED AND CONSENTED TO:

Stacey Cooper
Stacey Cooper, LMSW, LMAC
Licensee / Respondent

8/30/17
Date

APPROVED BY:

Diane L. Bellquist
Diane L. Bellquist, Esq.
Counsel for Licensee / Respondent

8/31/17
Date

CERTIFICATE OF SERVICE

This is to certify that on this 11 day of September, 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:

Stacey Cooper


Diane L. Bellquist, Esq.
Joseph, Hollander, Craft
1508 SW Topeka Blvd.
Topeka, KS 66612

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