

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

Eisenhower State Office Building
700 SW Harrison, Suite 420
Topeka, Kansas 66603-3240

In the Matter of)
)
Barbara L. Stuhlsatz) Case No. 22-MS-013
)
Applicant for Licensure as a)
Master Social Worker)

SUMMARY PROCEEDING ORDER

The above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) for consideration of the application filed by Barbara L. Stuhlsatz for licensure as a master social worker. The Presiding Officers who considered his application were the following Board members: David Anderson, Donna Hoener-Queal, Jacqueline Lightcap, Johnna Norton, Andres Perdomo-Morales, Laura Shaughnessy, Ric Steel, and Deb Stidham. Board members Mary Jones, Bruce Nystrom, Leslie Sewester, and Carolyn Szafran were not present.

After reviewing its administrative records, the Board makes the following findings of fact, conclusions of law, and orders.

Findings of Fact

1. The Board received an application for licensure as a master social worker from Barbara L. Stuhlsatz (Applicant.). In her application, she answered "Yes" to the following question, "Have you ever identified yourself as a social worker in Kansas (excluding student work)?"

2. Applicant stated she worked for TFI Family Services as a permanency case manager for two years and had a caseload of children. While at work, she identified herself as a social worker because she assumed it referred to the work she did. However, she identified herself as a case manager to the public. Applicant said she was not aware that an unlicensed person was prohibited from using the title social worker and she would no longer refer to herself as a social worker until licensed as such.

Conclusions of Law

3. The Kansas Social Workers Licensure Act (Act), K.S.A. 65-6301 *et seq.*, authorizes the Board to issue a license as a master social worker to applicants (LMSW) who meet the requirements. See K.S.A. 65-6306(b). K.S.A. 65-6302(b) provides the

definition for "social work practice." Because she has applied for licensure as a master social worker, the Board has jurisdiction over Applicant and this matter.

4. The Board conducts administrative proceedings regarding licensure under the Act in accordance with the Kansas Administrative Procedure Act (KAPA), K.S.A. 77-501 *et seq.* K.S.A. 2021 Supp. 65-6311(c). Under the KAPA, the Board may use summary proceedings to issue an order, subject to a party's request for a hearing. The Board finds that the use of summary proceedings in this matter does not violate any law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than the parties. See K.S.A. 77-537.

5. A person who possesses a valid, unsuspended and unrevoked license under the Act has the right to practice and use the title and the abbreviations prescribed by the Board for use by person holding that license. K.S.A. 65-6307(a). Any person who does not hold a license issued by the Board is prohibited from engaging in the practice of social work for compensation or holding forth as performing the services of a social worker. K.S.A. 65-6303(a).

7. The Act authorizes the Board to deny a license, limit or condition a license, or impose a fine up to \$1,000 per violation upon finding that an applicant has violated a provision in the Act or a regulation adopted by the Board or has engaged in unprofessional conduct as defined by the Board in a regulation. K.S.A. 2021 Supp. 65-6311(a)(5) and (a)(10), respectively. In pertinent part, the definition of unprofessional conduct includes using without a license any title or abbreviation prescribed by the Board for use only by persons currently holding that type or class of license. K.A.R. 102-2-7(zz). The Board has prescribed the titles and abbreviations for licensed social workers in K.A.R. 102-2-1a(l), (m), and (n).

8. Applicant admitted she referred to herself as a social worker for two years while she worked at TFI when she did not hold any social worker license. The Board concludes that by referring to herself as a social worker to others when not licensed as such, Applicant violated K.S.A. 2021 Supp. 65-6311(a)(5) by not complying with K.S.A. 65-6303(a) and K.S.A. 65-6307(a). She also violated K.S.A. 2021 Supp. 65-6311 (a)(10) by committing unprofessional conduct as defined in K.A.R. 102-2-7(zz). However, upon learning she could not do so, Applicant ceased to refer to herself as a social worker. Based upon her violation for two years, the Board further concludes that imposing a \$200.00 fine is appropriate rather than denying, conditioning, or limiting her license as a master social worker.

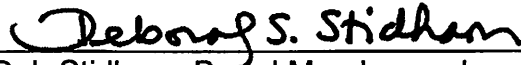
9. Based upon the above findings of facts and conclusions of law, the Board determines that Applicant shall be granted a master social worker license subject to paying a fine of \$200.00 within thirty (30) days of the date on the Certificate of Service below and passing the examination provided by the Association of Social Work Boards.

Order

WHEREFORE, after consideration of the above findings of facts and conclusions of law, it is the decision and order of the Board that the application filed by Barbara L. Stuhlsatz for licensure as a master social worker should be granted, subject to Applicant paying a fine in the amount of \$200.00 within thirty (30) days from the date on the Certificate of Service below and passing the examination by the Association of Social Work Boards.

IT IS SO ORDERED.

Kansas Behavioral Sciences Regulatory Board



Deb Stidham, Board Member and
Presiding Officer

NOTICE OF ADMINISTRATIVE RELIEF

Pursuant to K.S.A. 77-537(b) and 77-542(a), a party may file a written request for a hearing before the Board on the above Summary Proceeding Order with the Board within fifteen (15) days of the date listed on the Certificate of Service below. Pursuant to K.S.A. 77-503(c), the 15-day period begins the day after the date shown in Certificate of Service below. 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 that is not a Saturday, Sunday, or legal holiday. Receipt of a written request occurs on the date the Board's office receives it. If the Board does not receive a request for a hearing in the time and the manner stated, the above Summary Proceeding Order becomes effective upon expiration of the 15-day period.

The Board's designee who may receive service of a request for a hearing on behalf of the Board is:

David Fye, Executive Director
Behavioral Sciences Regulatory Board
700 SW Harrison, Suite 420
Topeka, Kansas 66603

CERTIFICATE OF SERVICE

This is to certify that on this 20th day of July 2022 I placed a copy of the above and foregoing Summary Proceeding Order and Notice of Administrative Relief in the U.S. mail, first-class postage prepaid and addressed to:

Barbara L. Stuhlsatz



A handwritten signature in blue ink that reads "Justine A. Allen".

Staff,
Kansas Behavioral Sciences Regulatory Board