

Whitney L. Casement, KS S. Ct. # 25466
Marty M. Snyder, KS S. Ct. # 11317
Kansas Office of the Attorney General
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
JoAnn Peckham, MSW)
License #2750,)

Respondent)
_____)

Case Nos. 12-MS-0044
12-MS-0048

CONSENT AGREEMENT AND ORDER

NOW, on this 8 day of July, 2014, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board), by and through Assistant Attorneys General Whitney L. Casement and Marty M. Snyder, by agreement of JoAnn Peckham (Licensee) and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. JoAnn Peckham is currently, and was at all times relevant to this Consent Agreement and Order, a Licensed Master 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 October 21, 2011, the Board received three Reports of Alleged Violation stating Licensee may have violated certain statutes and regulations governing unprofessional conduct.
3. Licensee was informed of the reported information in a letter dated November 15, 2011, and was given an opportunity to respond by December 16, 2011. The Board received Licensee's response to the reported information on December 11, 2011.

4. As a result of the report and subsequent investigation, the Board finds probable cause that the following facts have been established by a preponderance of clear and convincing evidence:

- a. Licensee is a Master Social Worker currently licensed in Kansas.
- b. In 2011, Licensee worked at Adoption Connections, Inc. (ACI) in her role as a social worker.
- c. From at least October to December 2011, Licensee provided regular counseling services to a client (D.R.), including counseling regarding D.R.'s current living status, adoption decisions, anxiety, and depression.
- d. On October 7, 2011, D.R. signed a contract with ACI to undergo adoption negotiations with prospective adopting parents. According to the contract, the negotiations were to be conducted by ACI through its legal representative, Richard Peckham. Richard Peckham was, at the time, Licensee's spouse.
- e. The adopting parents agreed to pay an agency fee to ACI of \$8,000, which included legal fees. However, the adopting parents were only required to pay the fee *if* the birthmother continued with her decision to place the child for adoption with the adopting parents.
- f. The adopting parents also agreed to pay D.R.'s fees for professional services, including social work services.
- g. ACI provided a rental property for D.R. and other adoption clients to live in, with rent being paid by the adoptive parents.
- h. In the event that D.R. decided not to place the child for adoption, she agreed to immediately repay the adopting family all expenses paid by them.
- i. In August 2011, another adoption client of ACI, Ashley, approached ACI and was

matched with a couple.

j. Upon giving birth to her child, Ashley told a social worker at the hospital that she did not want contact with either ACI or the couple. The hospital social worker passed that message along to Licensee by phone. Licensee subsequently called the birthfather and left a voice message inquiring as to whether a decision had been made, whether the adopting parents should return home, and whether the birthmother had been released from the hospital.

k. The birthmother ultimately decided not to place the child for adoption.

5. The Complaint Review Committee of the Board finds that Licensee has 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:

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

B. K.A.R. 102-2-7. Unprofessional Conduct. Any of the following acts by a licensee or an applicant for a social work license shall constitute unprofessional conduct:

(aa) exercising undue influence over any client . . . in a manner that will exploit the client . . . for the financial gain, personal gratification, or advantage of oneself or a third party.

(tt) engaging in a dual relationship with a client, supervisee, or student;

C. K.A.R. 102-2-1a. Definitions.

(j) "Dual relationship" means a professional relationship with a client . . . in which the objectivity of the licensee is impaired or compromised because of any of the following present or previous relationships:

(5) financial;

However, Licensee and the Board mutually desire to enter a Consent Agreement and

Order in lieu of adjudicative proceedings to resolve the reported 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. 12-MS-0044 and 12-MS-0048.

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.12-MS-0044 and 12-MS-0048.

WHEREFORE, Licensee consents to the following terms and conditions:

(a) Licensee shall provide proof satisfactory to the Board's Complaint Review Committee that she has terminated any dual relationships with clients that have resulted from her work for an adoption agency.

(b) Licensee shall complete six extra hours of continuing education on ethics, focusing on dual relationships. The six additional hours of continuing education shall be conducted by Licensee in person within 90 days of the effective date of this Consent Agreement and Order. This condition shall be deemed satisfied upon the Board's receipt of Licensee's written proof of completion of the six extra hours of continuing education within 90 days of the effective date of this Consent Agreement and Order. Failure to provide the Board with written proof of completion of the extra continuing education hours within 90 days of the effective date is a violation of this Consent Agreement and Order and may result in further action by the Board.

(c) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.

(d) 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.

(e) 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.

(f) 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, K.A.R. 102-2-7, and K.A.R. 102-2-1a 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.

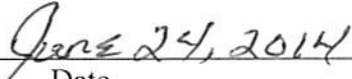
IT IS SO ORDERED.


Terry Pfannensiel
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:

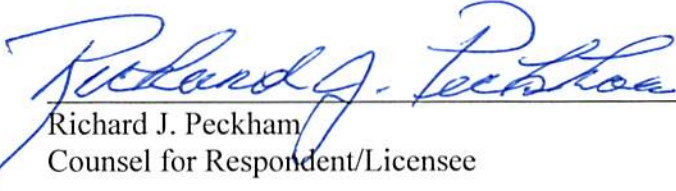


JoAnn Peckham
Licensee




Date

APPROVED BY:



Richard J. Peckham
Counsel for Respondent/Licensee



Date

CERTIFICATE OF SERVICE

This is to certify that on this 8 day of July, 2014, 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:

Richard Peckham
105 E. Rhondda
Andover, KS 67002
Counsel for Licensee

and a copy delivered via interoffice mail to:

Whitney L. Casement
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612
Disciplinary Counsel for the Board



For the Behavioral Sciences Regulatory Board