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Assistant Attorney General  
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11 APR 2011 11:06

**BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD**

In the Matter of )  
 )  
HEATHER CARPENTER, )  
Respondent )  
\_\_\_\_\_ )

Case No. 11-CS-04

**CONSENT AGREEMENT AND ORDER**

NOW on this 25<sup>th</sup> day of April, 2011, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Heather A. Carpenter (Licensee), by and through counsel Carol Bonebrake, and the Board, by and through counsel Assistant Attorney General Marty M. Snyder, for the purpose of resolving this case.

Respondent hereby acknowledges the following:

1. Heather Carpenter, Licensee, at all times relevant, was a Licensed Specialist Clinical Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto.
2. On July 14, 2010, the Board received a report of information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing the practice of social work related to her job Licensed Specialist Clinical Social Worker license.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations. During the investigation, Licensee was informed of the reported information and was given the opportunity to respond to the allegations. Counsel for Licensee did respond by letter dated August 13, 2010.

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

a. On June 14, 2010, Licensee appeared with counsel before the Board's Complaint Review Committee to answer questions about her request for early termination of the Consent Agreement and Order in Case No. 08-CS-26. During the Committee meeting, Licensee was asked questions about her Missouri license. She stated "I truly believe that I have been continuously licensed in Missouri" and stated that she had never let her Missouri license lapse.

b. However, Licensee was mistaken about her Missouri licensure history.

c. A report from the Missouri State Committee for Social Workers reveals that Licensee's Missouri license had lapsed twice between October of 2006 and November of 2008. [Exhibit A] Payment of a reinstatement fee was required each time, and Licensee paid those fees.

5. The Complaint Review Committee finds that probable cause exists to believe Licensee has violated the following regulation:

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

(w) engaging in professional activities, ... involving ... misrepresentation.

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 [KAPA] in relation to Case No. 11-CS-0004.

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. 11-CS-0004.

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

(a) Licensee will attend six hours of continuing education on professional ethics. The continuing education classes shall be attended in person and shall not be via internet. Licensee shall provide a copy of her certificate(s) of attendance to the Board within 90 days of the effective date of this Agreement. Such training shall be in addition to licensure requirements.

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

(c) Evidence of Licensee's breach, violation or failure to comply with any of the conditions will result in a hearing, with notice and opportunity to be heard, to determine whether Licensee has in fact breached, violated or failed to comply with any conditions. Upon determination at such hearing that Licensee has breached, violated or failed to comply with any condition, Licensee understands and agrees that her Licensed Specialist Clinical Social Worker license could 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.

(d) Licensee acknowledges that proof submitted to the Board by affidavit or other form of competent evidence that Licensee has breached, violated or failed to meet the conditions of this Consent Agreement and Order shall be good and sufficient evidence to support an alleged violation of breach, violation or non-compliance.

(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) 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.

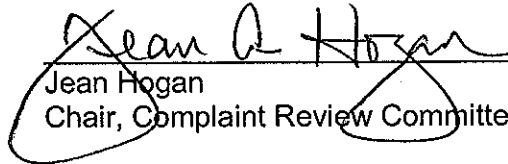
(g) This Consent Agreement and Order constitutes the entire agreement between Licensee and the Board and may be modified or amended only by written agreement signed by Licensee and the Board or a designee of the Board.

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.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.**

  
\_\_\_\_\_  
Jean Hogan  
Chair, Complaint Review Committee

**APPROVED AND CONSENTED TO:**

  
\_\_\_\_\_  
Heather A. Carpenter, LSCSW  
Licensee

4-11-11  
\_\_\_\_\_  
Date

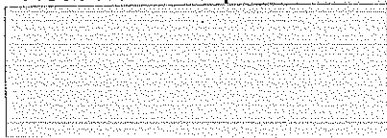
  
\_\_\_\_\_  
Carol Ruth Bonebrake, Esq.  
Counsel for Respondent

4-18-11  
\_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE**

This is to certify that on this 29<sup>th</sup> day of April, 2011, a true and correct copy of the above and foregoing Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Heather A. Carpenter



Carol Ruth Bonebrake, Esq.  
Attorney at Law  
Holbrook & Osborn, PA  
800 SW Jackson Street, Suite 900  
Topeka, KS 66612

Marty M. Snyder  
Assistant Attorney General  
120 SW 10th Ave., 2nd Floor  
Topeka, KS 66612

State Committee for Social Workers  
P.O. Box 1335  
Jefferson City, MO 65102

*Carol Baldwin*

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For the Board

State of Kansas  
Behavioral Sciences Regulatory Board

SAM BROWNBACK  
Governor

TOM HAWK, PhD  
Executive Director



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September 2, 2011

Heather Carpenter

Re: Consent Agreement and Order 11-CS-0004

Dear Ms. Carpenter,

This letter is to confirm that you complied with all of the conditions set forth in the Consent Agreement and Order dated April 25, 2011. You completed those conditions and the above mentioned case was closed on September 2, 2011.

You are now unconditionally licensed to practice as an LSCSW.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Carol Baldwin".

Carol Baldwin  
Special Investigator

Cc: Carol Bonebrake