

KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

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

In the Matter of)
)
Kelli L. Badgerow, LMSW)
License #10653)
)
Licensee)
Pursuant to K.S.A. 77-537)

Case No. 23-MS-0034

SUMMARY PROCEEDING ORDER OF SUSPENSION

Now, on this 18 day of May, 2023, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board ("Board").

FINDINGS OF FACT

The Board finds that the following facts have been established by a preponderance of the evidence:

1. Kelly L. Badgerow ("Licensee") was at all times relevant, a Licensed Master Social Worker ("LMSW") within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto. The Board issued Licensee's original LMSW No. 10653 on approximately September 5, 2017. Licensee's LMSW license was set to expire on September 30, 2021.
2. On or about September 14, 2021, Licensee submitted to the Board her renewal application.
3. On or about September 15, 2021, Board staff notified Licensee that her LMSW license was randomly selected for an audit. As part of the audit, Licensee was to submit to the Board documentation for the Continuing Education Units ("CEUs") claimed as part of her renewal.
4. On October 22, 2021, Licensee had not provided the Board with the requested documentation. Board staff sent a second message to Licensee on this date, requesting documentation necessary to process Licensee's renewal.

5. On December 28, 2021, Licensee had not provided the Board with the requested documentation. Board staff sent a third message to Licensee on this date, requesting documentation necessary to process Licensee's renewal.

6. On July 5, 2022, Licensee had not provided the Board with the requested documentation. Board staff sent a fourth message to Licensee on this date, stating that Licensee must comply with the audit within 30 days, or a Report of Alleged Violation would be filed against her by the Board.

7. On August 26, 2022, Licensee had not contacted Board staff, so Board investigators filed a Report of Alleged Violation against Licensee for failing to comply with the license renewal audit.

8. On August 30, 2022, Board investigators sent a message to Licensee, requesting a written response to the Report of Alleged Violation no later than September 30, 2022.

9. On October 5, 2022, Licensee had not contacted Board investigators. On this date, Board investigators sent another message to Licensee requesting a response in writing no later than November 5, 2022.

10. On November 5, 2022, Licensee had not provided Board investigators with a response to the complaint.

11. To this date, Licensee has not provided the Board the CEUs claimed as part of her 2021 attempted license renewal. Further, Licensee has not provided the Board's investigators a response to the Board's investigation.

APPLICABLE LAW

12. Pursuant to K.S.A. 77-537(a) of the Kansas Administrative Procedure Act ("KAPA"), a state agency may use summary proceedings, subject to a party's request for a hearing on the order, if:

- (1) The use of those proceedings in the circumstances does not violate any provision of law;
- (2) the protection of the public interest does not require the state agency to give notice and an opportunity to participate to the persons other than the parties;
- (3) based upon an investigation of the facts by the state agency, beyond receipt of the allegations, the state agency believes in good faith that the allegations will be supported to the applicable standard of proof, provided however that an alleged failure to meet the standard set forth in this subsection shall not be subject to immediate judicial review and shall not invalidate any later agency action that has been supported to the applicable standard of proof; and
- (4) the order does not take effect until after the time for requesting a hearing has expired.

13. K.S.A. 65-6302(b): "Social work practice" means the professional activity of helping individuals, groups or communities enhance or restore their capacity for physical, social and economic functioning and the professional application of social work values, principles and techniques in areas such as psychotherapy, social service administration, social planning, social work consultation and social work research to one or more of the following ends: Helping people obtain tangible services; counseling with individuals, families and groups; helping communities or groups provide or improve social and health services; and participating in relevant social action. The practice of social work requires knowledge of human development and behavior; of social, economic and cultural institutions and forces; and of the interaction of all these factors. Social work practice includes the teaching of practicum courses in social work and includes the diagnosis and treatment of mental disorders as authorized under K.S.A. 65-6306 and 65-6319, and amendments thereto.

14. K.S.A. 65-6311 Grounds for suspension, limitation, condition, revocation or refusal to issue or renew license; procedure; licensure of applicant with felony conviction; requirements.

(a) The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee or an applicant for license:

(5) has violated a provision of the social workers licensure act or one or more rules and regulations of the board.

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

(i) failing or refusing to cooperate in a timely manner with any request from the board for a response, information that is not obtained in the context of a confidential relationship, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the board. Each person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person acted in a timely manner.

CONCLUSIONS OF LAW

16. Licensee is in violation of K.S.A. 65-6311(a)(5) and K.A.R. 102-2-7(i), in that Licensee has failed or refused to cooperate in a timely manner with a request for a response from the Board related to the Report of Alleged Violation filed against her for her failure to respond to the Board's audit.

SANCTION

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WHEREFORE, based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 65-6311(a)(5) and KS.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Kansas Licensed Masters Social Work license of Licensee Kelli L. Badgerow should be and is hereby **SUSPENDED** on the effective date of this Summary Proceeding Order as set forth in the Notice of Relief and the Certificate of Service below, and until such further order of the Board.

Additionally, Licensee shall pay a fine of **\$250.00** within thirty (30) days of the effective date of this Summary Proceeding Order to the Board's investigator at its offices located at 700 SW Harrison St., Suite 420, Topeka, KS 66603.

IT IS SO ORDERED ON THIS 18 DAY OF May, 2023.



Chairperson, Complaint Review Committee
On behalf of the Behavioral Sciences
Regulatory Board

NOTICE OF RELIEF FROM SUMMARY PROCEEDING ORDER

Pursuant to K.S.A. 77-537 and 77-542, this Summary Proceeding Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for hearing to:

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

This written request must be filed within fifteen (15) calendar days of the date listed in 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 and includes weekends and legal holidays. 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. A request is considered "filed" on the date it is received at the Board's office. If a hearing is not requested in the time and manner stated, this Summary Order becomes a final order subject to judicial review. A petition for judicial review should be directed to the above recipient.

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

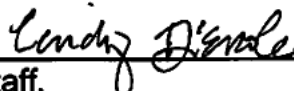
This is to certify that on this 18 day of May 2023, a true and correct copy of the above and foregoing Summary Proceeding Order was placed in the U.S. mail, first-class postage prepaid, addressed to:

Kelli Badgerow



And by e-mail to: Jeremy.Dorsey@ks.gov

Jeremy Dorsey
Disciplinary Counsel for the Board of the Behavioral Sciences Regulatory Board
503 S. Kansas Ave.
Topeka, KS 66603
785-296-0378



Staff,
Kansas Behavioral Sciences Regulatory Board