

COPY



BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD
712 Kansas Avenue
Topeka, Kansas 66603-3817
(913) 296-3240

In the Matter)
))
 of) Case No. 552
))
Shelley G. Bartel, LSCSW))
)

CONSENT AGREEMENT AND ORDER

Now on this 11 day of March, 1996, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board, by agreement of Shelley Galbraith Bartel, L.S.C.S.W., (licensee/respondent) and the Kansas Behavioral Sciences Regulatory Board (Board) for the purpose of settling the above-captioned case.

Licensee hereby acknowledges the following:

1. The Behavioral Sciences Regulatory Board is duly constituted under the laws of the State of Kansas, specifically, K.S.A. § 74-7501, et. seq.
2. Licensee, Shelley Galbraith Bartel, is a Licensed Specialist Clinical Social Worker. The Board issued her license number 0995 on March 31, 1990.
3. Licensee's address last known to the Board is 


4. It is alleged that from February 2, 1990 to late December, 1993, licensee maintained a social worker relationship with the complainant, ██████████ Roberts.

5. On or about October 12, 1994, the Board received a report of information concerning licensee's conduct and alleging that licensee may have committed the following acts in violation of the Kansas Social Workers Act: (a) engaged in unprofessional conduct as prohibited by K.S.A. § 65-6311(a)(4) and defined at K.A.R. 102-2-7(b)(10), (11), (19)(A), (B), (20), (21), (24), (27), (42), (43), and (45), and (b) has been found guilty of negligence or wrongful actions in the performance of duties, in violation of K.S.A. § 65-6311(a)(5).

6. The Board conducted an investigation concerning licensee's alleged violations. During the investigation, licensee was informed of the reported information, was given the opportunity to respond to the allegations, and did respond to the allegations. As a result of the investigation, the Board determined that reasonable grounds existed to believe respondent violated certain statutes and regulations pertinent to social work practice with regard to her social work relationship with ██████████ Roberts.

7. It has been alleged that respondent carried on conversations with the complainant's alternative personalities in the presence of a third person which had the effect of revealing client confidences, in violation of K.S.A. § 65-6311(a)(4), and K.A.R. 102-2-7(b)(19)(A), revealing a confidence or secret of any client, without it being required by law and without full

disclosure of the information to be revealed and the persons to whom the information was being revealed, and (B), without obtaining consent of the client.

8. It has been alleged that when the complainant needed a place to live, respondent moved her into the home of respondent's parents instead of referring her to SRS for the appropriate services. It has further been alleged that respondent then denied Roberts access to Roberts' own child, told her that she was an unfit mother, and threatened to have the complainant's children taken away from her permanently if complainant did not follow respondent's guidelines. Further, respondent allegedly revealed the nature of Roberts' illness and other confidences to members of the church, and respondent's family, and used that information to justify depriving Roberts of access to the child, and to coerce Roberts to babysit respondent's child. In addition, complainant was allegedly coerced into authorizing the respondent to take control of complainant's automobile. These actions on the part of respondent, if true, violate K.S.A. § 65-6311(a)(4), and K.A.R. 102-2-7(b)(11), practicing inhumane treatment toward a person, or group of persons, (20), using a confidence or secret of the client to the client's disadvantage, (21), using a confidence or secret of any client for the benefit of the social worker or a third person without obtaining the client's consent after full disclosure of the purpose, (24), failing to exercise due diligence in protecting the confidences and secrets of the client from disclosure by employees, associates and others whose services are utilized by the social

worker, (27), exercising undue influence on a client, and (45), practicing social work in an incompetent manner.

9. It has been alleged that respondent read and discussed letters written by the complainant's alternative personalities with various members of respondent's family in violation of K.S.A. § 65-6311(a)(4), and K.A.R. 102-2-7(19), revealing a confidence or secret of any client, without it being required by law and without full disclosure of the information to be revealed and the persons to whom the information was being revealed, and (B), without obtaining consent of the client.

10. It has been alleged that when the complainant called respondent and informed her that she was suicidal, respondent argued with complainant and informed her that she did not have time to talk. It is also alleged that respondent otherwise refused to take appropriate steps to prevent the suicide attempt. As a result, complainant did attempt suicide, and was nearly successful. Respondents behavior with regard to this incident, if substantiated, constitutes a violation of K.S.A. § 65-6311(a)(4), and K.A.R. 102-2-7(45), practicing social work in an incompetent manner.

11. When it became apparent that the relationship no longer served the clients needs, respondent sought the advice of a colleague on the appropriate manner and method of termination. Even though she received feedback from the colleague, respondent did not follow the recommended termination schedule, but instead kept the relationship in tact for approximately six months beyond

the recommended termination date, all in violation of K.S.A. § 65-6311(a)(4) and K.A.R. 102-2-7(b)(42) failing to terminate the social worker relationship when it is apparent that the relationship no longer serves the clients needs and (45) practicing social work in an incompetent manner.

12. It has been alleged that respondent advised the complainant on how to expedite the death of complainant's terminally ill child, [REDACTED]. Respondent allegedly told complainant to take the child out in the cold so that he would catch pneumonia, and to allow another sick child, [REDACTED] to come into contact with [REDACTED], so that [REDACTED] would become more ill, and die sooner. Giving a client such advice, if such advice was given, violates K.S.A. § 65-6311(a)(4), and K.A.R. 102-2-7(27), exercising undue influence on a client, and (45), practicing social work in an incompetent manner.

13. Shortly after termination of the relationship in December, 1993, respondent delivered the records relative to complainants treatment to complainant's residence, in violation of K.S.A. § 65-6311(a)(4), and K.A.R. 102-2-7(b)(43) failing to maintain a record of each client which accurately reflects the clients contact with the social worker for at least two years after the date of termination of the contact or contacts.

14. On October 27, 1994, an adjudicatory hearing was held before the Kansas Chapter of the National Association of Social Workers (K-NASW) regarding respondents relationship with [REDACTED] Roberts. Evidence was submitted in the form of live testimony and

documentation. Many of the allegations contained in Roberts' complaint to K-NASW were the same or similar to the ones at issue in the instant case pending before the Behavioral Sciences Regulatory Board. Most of the allegations in the two cases arose out of the same set of facts.

As a result of the hearing, K-NASW made findings of fact, and concluded that most of Roberts' allegations were substantiated. Some of the findings of fact were as follows:

(a) Respondent used the complainant as a baby-sitter while telling her she was an unfit mother.

(b) Respondent admitted that she had made arrangements for complainant to live with respondent's mother, and that respondent had made arrangements for the church to get involved with the complainant and the complainant's children.

(c) Respondent discussed information received during therapy sessions, and letters written by complainant's alternative personalities with respondent's mother.

(d) Respondent acknowledged that complainant's needs were beyond respondent's skills and competence, but that respondent was repeatedly unable to terminate the relationship, or transfer treatment to another therapist.

15. Based on the findings of the hearing panel of K-NASW, respondent has been found guilty of negligence or wrongful actions in the performance of her duties in violation of K.S.A. § 65-6311(a)(5). Based on respondents actions noted in paragraph (d), above, she has also misrepresented her professional competency by

performing or offering to perform services clearly inconsistent with her training, education and experience in violation of K.S.A. § 65-6311(a)(4) and K.A.R. 102-2-7(b)(10).

16. A copy of the Dispositional document reflecting the outcome of the K-NASW hearing is attached as Exhibit A and incorporated herein by reference.

17. Respondent disputes any intentional violation of the statutes and regulations, and contends that she was at all times acting in good faith, and according to what she believed to be the best interest of her client.

HOWEVER, licensee and the board mutually desire to enter into this 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 in relation to case No. 552. Licensee states, however, that execution of this Consent Agreement shall not constitute an admission regarding any of the allegations contained in this Consent Agreement.

WHEREFORE, licensee waives the right to file a motion for reconsideration, a petition for stay and all rights of appeal or petition for judicial review pursuant to the Kansas act for judicial review, in relation to Case No. 552.

WHEREFORE, licensee consents to the following conditions on her license to continue practice as a social worker in the State of Kansas.

I. Supervision

A. Respondent agrees to make arrangements with an experienced licensed specialist clinical social worker to provide supervision of the therapy provided by respondent. Such supervision shall include a bi-weekly review of all therapy notes documenting the services provided by respondent and shall last for a period of two years from the date the supervision begins. Respondent agrees to refrain from providing therapy services until a qualified individual has agreed in writing to serve in a supervisory role and carry out the responsibilities called for in this agreement.

B. The Supervisor must agree to and will focus his/her review on the following issues:

1. Therapist/client boundary issues;
2. Dual relationship issues;
3. Social worker ethics;
4. Clinical diagnosis and intervention;
5. Professional judgment and scope of therapy;
6. Referral services.

In reviewing these areas of respondent's practice, the supervisor will notify the Behavioral Sciences Regulatory Board in writing should a deficiency be noted in any of the areas listed above. These areas will be supervised for a period of two years.

C. Supervisor will prepare quarterly a written report to be submitted to the Behavioral Sciences Regulatory Board evidencing respondent's adherence to this agreement and whether progress has been made in the areas listed in subparagraph (B) above. All progress and deficiencies shall be noted in such report.

D. The supervisor is to be appointed or approved by the Behavioral Sciences Regulatory Board.

E. During the period of supervision provided for in subparagraph (B) of this paragraph (I), respondent agrees not to act in a supervisory capacity or otherwise oversee the therapy or counseling provided by any other individual licensed by the Behavioral Sciences Regulatory Board.

II. Continuing Education

A. Respondent agrees to acquire additional education and training in the areas listed in subparagraph (B) of paragraph (I) above in addition to any training the board deems appropriate under the circumstances. Respondent will bear the costs associated with such training and will provide evidence of satisfactory completion of the same. Such training will be completed within two (2) years of the date of this agreement is executed.

III. Scope of Therapy

A. Respondent agrees not to provide therapy services to a client known to suffer from borderline personality disorder as classified by the DSM IV (Classification 3401.83) or dissociative identity disorder as classified by the DSM IV (Classification 300.14). When a client presents with symptoms or features

consistent with such disorders, respondent will immediately refer the client to a qualified therapist or entity. Furthermore, respondent agrees to refer a client to a qualified therapist or entity when it becomes apparent respondent's services no longer serve the needs of the client.

B. Only upon written request from respondent and authorization by the board will respondent engage in the diagnosis and treatment of the disorders listed in subparagraph (A).

IV. Treatment Records

A. Respondent agrees to maintain a record for each client which accurately reflects the client's contact with the social worker. All records will be retained for at least two years after the date of termination of the contact or contacts and will be kept in accordance with Kansas Law.

V. Confidentiality

A. Respondent agrees to exercise due diligence in protecting and maintaining the confidences or secrets of a client. Such diligence will extend to protection from disclosure by respondent's employees, associates, or others whose services are utilized by respondent. Only when required by law, after full disclosure of the information to be revealed and the persons to whom the information will be revealed, and after obtaining the consent of the client will a confidence or secret be divulged.

VI. Licensure in Other States

A. In the event respondent seeks licensure in a state other than the State of Kansas within the five (5) years following

execution of this Consent Agreement, respondent understands the Behavioral Sciences Regulatory Board will voluntarily provide a copy of this Consent Agreement to that state's licensing board. Respondent will not contest such disclosure so long as the disclosure is carried out in accordance with this subparagraph (A).

B. In the event respondent seeks licensure in a state other than the State of Kansas beyond the time limit set forth in subparagraph (A), respondent understands and the Behavioral Sciences Regulatory Board agrees that this Consent Agreement will not be voluntarily disclosed to that state. This is contingent upon respondent's satisfaction of this Consent Agreement.

WHEREFORE, licensee consents to the submission of this Consent Agreement and Order to the Kansas Behavioral Sciences Regulatory Board, and understands that upon approval of the parties, this Consent Agreement and Order becomes a final administrative order of the board.

WHEREFORE, the Board agrees that so long as licensee complies with the above conditions that the Board will not initiate further disciplinary action against licensee in Case No. 552, in relation to violations of K.S.A. § 65-6311(a)(4) and (5), and the accompanying regulations.

WHEREFORE, the provisions above are consented to and are hereby made the final order of the Kansas Behavioral Sciences Regulatory Board which becomes effective on the date indicated in the below Certificate of Service.

IT IS SO ORDERED.

John Homlish
John Homlish, Chairman
Behavioral Sciences Regulatory Board

APPROVED AND CONSENTED TO:

Shelley G. Bartel, L.S.C.S.W.
Shelley G. Bartel, L.S.C.S.W.
Licensee/Respondent

Feb. 26, 1996
(date)

Todd A. Scharnhorst
Todd A. Scharnhorst
Attorney for Respondent

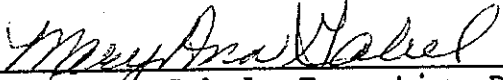
February 26, 1996
(date)

Certificate of Service

This is to certify that on the _____ day of _____, 1996, 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:

Shelley Galbraith Bartel, L.S.C.S.W.
[REDACTED]
[REDACTED]

Todd A. Scharnhorst
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Mary Ann Gabel, Executive Director
Behavioral Sciences Regulatory Board