

1011W 00387 01  
10 JUN 20 04:11:01

Marty M. Snyder, KS S.C. #11317  
Assistant Attorney General  
120 SW 10th Avenue, Second Floor  
Topeka, KS 66612-1597

**BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD**  
**712 South Kansas Avenue**  
**Topeka, KS 66603-3817**

In the Matter of )  
)  
**KATHERINE J. FREY, LMSW** )  
License #5049, )  
Respondent/Licensee )  
\_\_\_\_\_ )

**Case No. 10-MS-0038**

**CONSENT AGREEMENT AND ORDER**

NOW, on this 28 day of June, 2010, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board), by and through Assistant Attorney General Marty M. Snyder, by agreement of Katherine J. Frey (Respondent/Licensee) and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Katherine J. Frey, Licensee, at all times relevant, was a Licensed Masters Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301 *et seq.*, and amendments thereto.
2. On October 6, 2009, 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 as a Licensed Masters Social Worker.

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. Licensee did respond by letter dated November 10, 2009; by e-mail on January 20 and 21, 2010; and by letter dated April 5, 2010.

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

a. In April of 2006, the Board received a complaint that Licensee had been terminated for performance transgression and absenteeism. The investigation was brought before the Complaint Review Committee in August of 2006. As Licensee's social work license had expired on June 30, 2006, the Board had no jurisdiction but flagged Licensee's file in the event she chose to reinstate her license.

b. On October 2, 2009, Licensee submitted an online reinstatement application and marked that her employment had never been terminated or suspended for any form of misfeasance, malfeasance, or nonfeasance since her last renewal. A license was issued on October 6, 2009.

c. Upon Licensee's online renewal, her former employer was contacted regarding the 2006 complaint. According to the former employer, Licensee was terminated for falsifying documents by cutting and pasting notes from previous years' reports without actually seeing the clients or opening templates on cases so that it would appear work had been done on a file and for excessive unexcused absences.

d. Licensee advised that cutting and pasting was a practice employed by all social workers at her previous employment. The only performance transgression she was aware of was not having her progress notes completed by their deadlines. She was not aware that she was required to report her termination to the Board.

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

(b) except when the information has been obtained in the context of a confidential relationship, failing to notify the board, within a reasonable period of time, that any of the following conditions apply to any person regulated by the board . . ., including oneself:

(3) has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance

(ii) failing to maintain for each client a record that conforms to . . . minimal standards.

(jj) taking credit for work not performed personally, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information.

(ll) making or filing a report that one knows to be distorted, erroneous, incomplete, or misleading.

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 in relation to Case No. 10-MS-0038.

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. 10-MS-0038.

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

(a) Licensee shall prepare a ten-page professional quality paper on the importance of completing paperwork and on understanding the Kansas statutes and administrative regulations regarding professional standards for social work. The paper shall be in APA format, contain at least ten professional references, and be submitted to the Board within 60 days of the effective date of this Consent Agreement.

(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, Respondent/Licensee understands and agrees that her Kansas Licensed Masters 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 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.

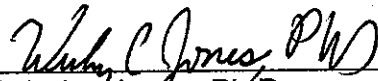
WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval by the Complaint Review Committee, this Consent Agreement and Order will become a Final Order of the Board. The Board has authorized the Complaint 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

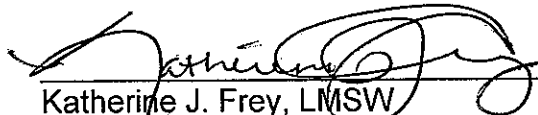
in relation to violations of K.S.A. 65-6311 and K.A.R. 102-2-7 as a result of this proceeding.

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.**

  
\_\_\_\_\_  
Wesley Jones, Ph.D.  
Chair, Complaint Review Committee

**APPROVED AND CONSENTED TO:**

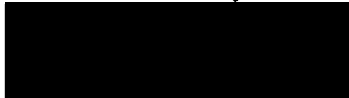
  
\_\_\_\_\_  
Katherine J. Frey, LMSW  
Licensee

6-23-10  
\_\_\_\_\_  
Date

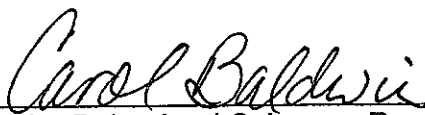
**CERTIFICATE OF SERVICE**

This is to certify that on this 1<sup>st</sup> day of July, 2010, 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:

Katherine J. Frey, LMSW



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

  
\_\_\_\_\_  
For the Behavioral Sciences Regulatory Board

September 7, 2010

Katherine Frey  
[REDACTED]  
[REDACTED]

Re: Consent Agreement and Order 10-MS-0038

Dear Ms. Frey,

This letter is to confirm that you complied with all of the conditions set forth in the Consent Agreement and Order dated June 28, 2010. You completed the conditions and your case is now closed.

You are now unconditionally licensed to practice as an LMSW.

Thank you for your cooperation in this matter.

Sincerely,

Carol Baldwin  
Special Investigator