

Marty M. Snyder, Supreme Court #11317
Kansas Attorney General's Office
120 SW 10th St, Second Floor
Topeka, KS 66612-1597
(785) 296-2215

05 APR 2006 11:12

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
Valerie A. Harrington, LMSW #3024)
_____)

Case No. 02-MS-0056

CONSENT AGREEMENT AND ORDER

NOW on this 22 day of April, 2006, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Valerie A. Harrington (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Valerie A. Harrington is currently, and at all times relevant has been, 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 or about March 11, 2002, the Board received a report of information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing her practice as a Licensed Masters Social Worker.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations.

4. 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.

5. As a result of the investigation, the Board finds probable cause to believe the following facts:

When Licensee reported for work at a renal dialysis center on January 8, 2002, she was under the influence of alcohol. Her behavior and conversations were inappropriate and she had difficulty sitting, standing and walking. She refused a blood test and was suspended. Her employment was terminated on January 10, 2002.

Licensee states that she does not dispute these facts. She had developed alcohol dependence and made a poor decision to go to work while under the influence of alcohol. She did enter treatment for a year for [REDACTED] for approximately two years. While she did “complete” the treatment program, she did not “graduate” from it as one of the graduation requirements remained incomplete. When she attempted to submit the completed personal biography in to the program several months after completing the treatment portion of the program, she learned that it was too late for acceptance.

6. The Board finds by clear and convincing evidence that reasonable grounds exist to believe Licensee has committed unprofessional conduct in violation of K.S.A. 65-6311, defined as follows:

K.A.R. 102-2-7(h) - failing to recognize, seek intervention and otherwise appropriately respond when one’s own personal problems, psychosocial distress or mental health difficulties interfere with or negatively impact professional judgement, professional performance and functioning or the client’s best interests.

However, Licensee and the Board mutually desire to enter into 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. 02-MS-0056.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review in relation to Case No. 02-MS-0056.

WHEREFORE, Licensee acknowledges that she ceased all practice under her social worker license voluntarily for four (4) years in lieu of actual suspension of this license. She further agrees that she may return to practice only upon the following conditions:

(a) Licensee continues to attend meetings at her church that assist her with her sobriety,

(b) For twelve additional months from the date of return to practice, Licensee agrees to submit to random alcohol and drug screens, to occur at her physician's office or such other location as may be reasonable and at the Licensee's expense,

(c) During the first twelve months of working in a clinical social work setting, Licensee agrees to ongoing supervision to focus on her stress level and relapse prevention. Licensee will submit the name of the supervisor for board-approval. The supervisor must be a MSW or LSCSW. Meetings should occur weekly for one hour. Written status reports by the supervisor may be sent by email or letter to the Board office on a quarterly basis, but immediate contact is required if a problem is identified.

(d) Licensee shall furnish a copy of this Consent Agreement and Order to her supervisor to enable him or her to discharge these duties in a responsible manner,

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

(f) 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 pursuant to the Kansas Administrative Procedure Act, to determine whether Licensee has in fact breached, violated or failed to comply with any conditions. Licensee understands and agrees that such hearing will be held on an expedited basis so that any public or client protection concerns can be addressed as soon as practicable. If the evidence of the breach of the terms of this agreement tends to show that Licensee may be a danger to the public or clients, Licensee agrees to cease practice immediately until the KAPA hearing can be conducted,

(g) 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,

(h) 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,

(i) If the Board does not approve this Consent Agreement and Order, Licensee waives any right she may have to object to the composition of any subsequent hearing panel due to hearing panel members having knowledge of matters contained within this Consent Agreement and Order, and

(j) 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 an authorized 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 of the Complaint Review Committee, this 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 as defined by K.A.R. 102-2-7(h) as a result of this proceeding.

WHEREFORE, the Board further agrees that, at the conclusion of the conditional licensure period, upon determination of Licensee's compliance with the conditions stated herein and upon Board receipt of an acceptable reference from Licensee's substance abuse supervisor on a Board-approved form, Licensee shall be unconditionally licensed as a Licensed Masters Social Worker.

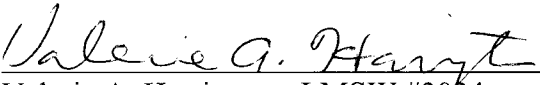
WHEREFORE, the foregoing provisions are consented to, are hereby made the final Order of the Kansas Behavioral Sciences Regulatory Board and become effective on the date indicated in the Certificate of Service below.

IT IS SO ORDERED.

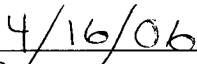


Wesley Jones, Ph.D.
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:




Valerie A. Harrington, LMSW #3924



Date

APPROVED:



Brian C. Wright, Esq.
4312 10th Street Place, Suite B
Great Bend, KS 67530

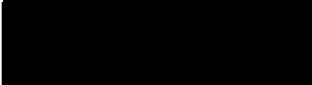
4-16-06

Date


Certificate of Service

This is to certify that on this 27th day of April, 2006, 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:

Valerie A. Harrington



Brian C. Wright, Esq.
202 Fairway Drive
La Crosse, KS 67548



For the Behavioral Sciences Regulatory Board