

Jane E. Weiler, KS S. Ct. #25276
Assistant Attorney General
120 SW 10th Ave., Second Floor
Topeka, KS 66612
(785) 296-2215



BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of

**CORDELIA M. HOLBERT, LSCSW
License #2196**

Respondent

Case No. 19-CS-0059

Pursuant to K.S.A. 77-536

SUMMARY PROCEEDING ORDER OF SUSPENSION

NOW, on this 3 day of May, 2019, 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. Cordelia M. Holbert ("Respondent") was at all times relevant, a Licensed Specialist Clinical Social Worker ("LSCSW"), having been issued LSCSW License No. 2196 within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto.
2. On or about August 8, 2017, Respondent submitted to the Board the renewal for her LSCSW license.

3. Section II of this renewal, question 1, asks, “Since your last renewal has your license in Kansas *or any other state* been limited, restricted, suspended, revoked or subjected to disciplinary action?” Respondent answered “No” to this question.

4. At the time she submitted the renewal application on approximately August 8, 2017, Respondent certified that the information contained in the renewal application was true and correct.

5. However, on or about May 12, 2017, three (3) months before she submitted her 2017 renewal application, Respondent entered into a Consent Agreement for Voluntary Surrender with the Arizona Board of Behavioral Health Examiners. This Consent Agreement for Voluntary Surrender was considered a revocation of Respondent’s license to practice as a social worker in the State of Arizona.

6. This aforementioned Consent Agreement for Voluntary Surrender was an agreement between Respondent and the Arizona Board of Behavioral Examiners related to two (2) separate cases. Each case alleged Respondent practiced as a social worker contrary to the laws and regulations governing the practice of social work in the State of Arizona.

APPLICABLE LAW

7. Pursuant to K.S.A. 65-6311(c): Administrative proceedings and disciplinary actions regarding licensure under the social workers licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the social workers licensure act shall be in accordance with the Kansas judicial review act.

8. Pursuant to K.S.A. 2017 Supp. 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 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 standards 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.

9. Pursuant to 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.

10. Pursuant to K.S.A. 65-6311(a)(7): 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 has knowingly made a false statement on a form required by the board for a license or license renewal.

11. Pursuant to K.S.A. 65-6311(a)(10): 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 has had a license, registration or certificate to practice social work revoked, suspended or limited, or has had other disciplinary action taken, or an application for a license, registration or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia, or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

CONCLUSIONS OF LAW


12. Respondent is in violation of K.S.A. 65-6311(a)(7), in that Respondent made a false statement on her 2017 license renewal form when she answered “no” to the question, “Since your last renewal has your license in Kansas or any other state been limited, restricted, suspended, revoked or subjected to disciplinary action?” Additionally, Respondent certified that the information contained in her renewal application was true and correct. Contrary to her attestation, just three (3) months prior to the submission of her 2017 license renewal, Respondent had entered into a Consent Agreement for Voluntary Surrender with the Arizona Board of Behavioral Health Examiners, which was considered a revocation of her license to practice as a social worker in the State of Arizona.

13. Further, Respondent is in violation of K.S.A. 65-6311(a)(10), in that Respondent had disciplinary action taken against her license to practice as a social worker in the State of Arizona. Specifically, Respondent entered into a Consent Agreement for Voluntary Surrender with the Arizona Board of Behavioral Health Examiners. This Consent Agreement for Voluntary Surrender was considered a revocation of Respondent’s social worker’s license.

ORDER

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) and KAPA, K.S.A. 77-537, the Complaint Review Committee of behalf of the Board finds that the Kansas LSCSW license of Respondent Cordelia M. Holbert should be and is hereby **SUSPENDED** for thirty (30) days from effective date of this Summary Proceeding Order as set forth in the Notice of Relief and the Certificate of Service below.

IT IS SO ORDERED ON THIS 28th DAY OF April, 2019.


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 K.S.A. 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:

Max Foster, Executive Director
Behavioral Sciences Regulatory Board
700 SW Harrison St., Suite 420
Topeka, KS 66603-3929

This written request must be filed within fifteen (15) calendar days from the date indicated in the below Certificate of Service. Pursuant to K.S.A. 77-503(c), the 15-day period begins the day after the date indicated in the Certificate of Service 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 which 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.

CERTIFICATE OF SERVICE

This is to certify that on this 3 day of May, 2019, a true and correct copy of the above and foregoing Summary Proceeding Order of Suspension was deposited in the U.S. mail, first class postage prepaid, addressed to:

Cordelia M. Holbert, LSCSW

[REDACTED]
[REDACTED]

and a copy delivered via interoffice mail to:

Jane E. Weiler, Esq.
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612
Disciplinary Counsel for the Board

Cindy D'Ercole
For the Board