

'05 AUG 24 AM 9:42

Marty M. Snyder, Supreme Court #11317  
Kansas Attorney General's Office  
120 SW 10<sup>th</sup> St, Second Floor  
Topeka, KS 66612-1597

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

**In the Matter of** )  
 )  
**Tracy D. Walton, LBSW #6039** )  
\_\_\_\_\_ )

**Case No. 04-BS-61**

**CONSENT AGREEMENT AND ORDER**

NOW on this 24<sup>th</sup> day of August, 2005, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Tracy D. Walton (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Tracy D. Walton is currently, and at all times relevant has been, a Licensed Baccalaureate Social Worker within the meaning of the Kansas Licensure of Social Workers Act, K.S.A. 65-6301 *et seq.*, and amendments thereto.

2. On or about June 25, 2004, 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 Baccalaureate 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:

a) Based on a complaint from a foster mother, Licensee's supervisor learned that Licensee was not returning telephone calls and had not visited the family since October of 2003. However, Licensee's contact logs documented four visits during that period of time.

b) When confronted about the situation, Licensee admitted she had falsified the client contact records, that the logs were based on telephone contact and that the foster mother "drove her crazy." Her employment was terminated for this on May 14, 2004.

c) Licensee failed to report the termination for "misfeasance, malfeasance or nonfeasance" to the Kansas Behavioral Sciences Regulatory Board.

d) In her response to the complaint Licensee wrote: "Unfortunately, the facts alleged in the complaint are true. I did complete case logs stating that I had conducted home visits, when I had actually spoken to the family over the phone. I can offer no excuses for my inappropriate behavior. I unfortunately let my personal feeling for a client's adoptive family get in the way of completing my job responsibilities and my obligations as a social worker. This action was very atypical of the work I did while employed at Kansas Children's Service League. I completed visits with my other clients on my caseload on a monthly basis, and as stated I let my personal feeling override doing what was right.

I offer my sincerest apologies to the BSRB, KCSL and the [R] family for my inappropriate and unethical behavior. I am proud to be a social worker and of the work that I did for children in the foster care system. This is a situation that I have learned a big lesson from and will, undoubtedly,

have to live with the stigma of what I have done and the possible risks I exposed a child to. I am also aware that my actions will have consequences and will accept whatever decision the BSRB makes in this case.”

Licensee states that she does not dispute these facts.

6. The Board finds that reasonable grounds exist to believe Licensee has committed unprofessional conduct in violation of K.S.A. 65-6311 as defined in K.A.R. 102-2-7 as follows:

(a) (b)(3) – failing to notify the Board, within a reasonable period of time, that any of the following conditions applied to any person regulated by the Board .... has been ... terminated .... from employment for some form of misfeasances, malfeasance or nonfeasance.

(b) (w) – engaging in professional activities ... involving dishonesty, ... deceit or misrepresentation.

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

(d) (ll) – reporting distorted, erroneous, incomplete or misleading social work information.

(e) (nn) – failing to seek continuation of service or abandoning or neglecting a client under or in need of professional care without making reasonable arrangements for that care.

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. 04-BS-61.

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. 04-BS-61.

WHEREFORE, Licensee consents to the continuation of her license under the following conditions:

(a) Licensee shall provide to the Board immediately upon execution of this Consent Agreement and Order current information with regard to her employment. Upon employment as a social worker, for twelve (12) months Licensee's practice shall be supervised by a Board-approved Licensed Masters Social Worker or Licensed Specialist Clinical Social Worker who is not in a subordinate, familial or other dual relationship with Licensee.

(b) Licensee shall furnish a copy of this Consent Agreement and Order to the supervisor and shall cooperate to enable the supervisor to discharge his or her duties in a responsible manner. Any apparent departure from the professional standard of such reports shall be reported immediately by the supervisor to the Board. Otherwise, the supervisor shall file quarterly reports with the Board. The focus of this supervision shall be on client contact, documentation of contacts and ethics and supervision meetings shall be held weekly.

(c) Licensee shall attend an ethics workshop during the first six months of employment. Licensee shall be responsible for any costs incurred in satisfying the terms of this Consent Agreement and Order.

(d) 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 condition. Upon determination at such hearing that Licensee has breached, violated or failed to comply with any condition, Licensee understands and agrees that her baccalaureate 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 .

(e) 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.

(f) 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.

(g) 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.

(h) 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 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 of 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 as defined by K.A.R. 102-2-7 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, Licensee shall be unconditionally licensed as a Licensed Baccalaureate 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, PhD  
Wesley Jones, Ph.D.  
Chair, Complaint Review Committee

**APPROVED AND CONSENTED TO:**

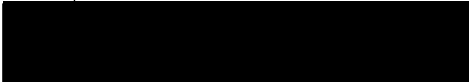
Tracy D. Walton  
Tracy D. Walton, LBSW #6039

8/12/05  
Date

**Certificate of Service**

This is to certify that on this 24<sup>th</sup> day of August, 2005, 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:

Tracy D. Walton



Roger Scurlock  
For the Behavioral Sciences Regulatory Board