

Marty M. Snyder, Supreme Court #11317
Kansas Attorney General's Office
120 SW 10th 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)
)
Marcie F. Ziemer, LMSW)
License #4867)
Respondent)
_____)

Case No. 04-MS-0034
04-MS-0035
04-MS-0036

CONSENT AGREEMENT AND ORDER

NOW on this ^{11th} ~~27~~ day of ^{July} ~~December~~, ²⁰⁰⁵ ~~2004~~, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Marcie F. Ziemer (Licensee) and the Board, through counsel Marty M. Snyder, for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Marcie F. Ziemer 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 February 20, 2004 the Board received a report of information concerning Licensee's conduct, alleging Licensee had failed to report suspected abuse as mandated by K.S.A. 38-1522 and failed to comply with SRS (the employer) regulations to investigate a sexual abuse assignment properly.

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 in a written response received March 25, 2004..

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

(a) Licensee attended meetings on July 17 and July 18, 2003 at the Family Resource Center in Topeka, Kansas, in which a minor client reported sexual abuse to her and her brother by their father and his girlfriend. Licensee copied the logs from this meeting and advised those in attendance that she would write up an intake and submit the information to SRS Child Protection intake.

(b) When a relative reported similar allegations in November of 2003, it was discovered that Licensee had failed to report the allegations in July. There is no documentation that Licensee ever completed the investigation; nor did she inform the others that she failed to report the abuse.

(c) Licensee admits that she did not report the suspected abuse.

(d) Licensee was reassigned and later terminated due to her conduct in this matter.

6. The Board finds that reasonable grounds exist to believe Licensee has committed unprofessional conduct in violation of K.S.A. 65-6311(a)(4) as defined as follows:

(a) K.A.R. 102-2-7(xx) - practicing social work in an incompetent manner by failing to report suspected child abuse and failure to follow agency procedures for investigating child abuse allegations.

7. The Board finds that reasonable grounds exist to believe Licensee has violated K.S.A. 38-1522(a) in failing to "report the matter promptly" when she, as a licensed social worker, had reason to suspect that a child had been injured as a result of physical, mental or emotional abuse or neglect

or sexual abuse.

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-MS-0034, 04-MS-0035 and 04-MS-0036.

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-MS-0034, 04-MS-0035 and 04-MS-0036.

WHEREFORE, Licensee's MSW license shall be suspended for a period of twelve (12) months from the date listed in the below Certificate of Service. However, the Board and Licensee consent to the following sanctions in consideration of a stay of suspension of the license while Licensee remains in compliance with the following terms and conditions:

(a) Licensee shall research and write a ten (10) page professional paper on the subject of the long-term effects of sexual abuse on children. At least ten (10) professional resources should be referenced in the paper. The paper must be submitted within ninety (90) days of the effective date of this agreement.

(b) For twelve (12) months from the date indicated in the below Certificate of Service, Licensee's practice as a Licensed Masters Social Worker shall be supervised by a Board-approved Qualified Mental Health Professional who is not in a subordinate, familial or other dual relationship with Licensee. Licensee is to submit the names of her proposed supervisor who is willing to serve in this capacity and to comply with the reporting requirement. Focus of the supervision is on compliance with the standards of professional conduct. The supervision schedule is a one-hour supervisory

session per week for a period of one year. The supervisor must furnish written progress reports to the Board on a quarterly basis regarding Licensee's compliance with the supervision process and the focus of supervision, but is to report any non-compliance immediately. Licensee will request and make every effort to ensure that the supervisor provides this status report to the Board.

(c) Licensee shall furnish a copy of the Consent Agreement and Order to her supervisor and shall cooperate to enable the supervisor to discharge his or her duties in a responsible manner.

(d) During the time this Consent Agreement and Order is in effect, Licensee shall not serve as a supervisor to any person licensed by the Board, any person attaining supervised experience in preparation for licensure by the Board or any unlicensed person, including students or volunteers, who participates in the delivery of social work services. For the first thirty (30) days of the probationary supervision period, Licensee shall not engage in any professional services involving minors.

(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, 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, Licensee understands and agrees that her Masters Social Worker license shall be suspended for three (3) months (reportable).

(g) 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.

(h) 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.

(i) 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.

(j) 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.

(k) 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 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 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 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.

August 4, 2010

Marcie Ziemer

[REDACTED]
[REDACTED]

Re: Consent Agreement and Orders 04-MS-0034, 0035, 0036

Dear Ms. Ziemer,

This letter is to confirm that you complied with all of the conditions set forth in the Consent Agreement and Order dated July 11, 2005. You completed those conditions and all above mentioned cases were closed in October of 2005.

Thank you for your cooperation in this matter.

Sincerely,

Carol Baldwin
Special Investigator