

Marty M. Snyder, Supreme Court #11317
Kansas Attorney General's Office
120 SW 10th St, Second Floor
Topeka, KS 66612-1597
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BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD
712 South Kansas Avenue
Topeka, Kansas 66603-3817

In the Matter of)

PAMELA R. WHITE, LSCSW)
Respondent)
_____)

Case No. 08-CS-25

CONSENT AGREEMENT AND ORDER

NOW on this 18th day of April, 2008, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Pamela R. White (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

FACTS

Licensee hereby acknowledges the following facts:

1. Licensee was, at all relevant times, a Licensed Specialist Clinical 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 October 2, 2007, the Board received a report of information alleging that Licensee breached a confidential communication by her therapy client.

3. Licensee was informed about the complaint and was requested to provide a written response. Her response was received November 2, 2007.

4. Licensee met with her client [REDACTED] on or about August 3, 2007. At that session, Ms. [REDACTED] confided that her father's cancer had returned.

5. Later that month, a different client of Licensee, [REDACTED], telephoned Ms. [REDACTED] father (a minister) regarding his cancer. He was upset because this confidential information had not yet been shared with his congregation. Ms. [REDACTED] told him that Licensee was the source of her information.

6. Licensee's written response claims that she ran into Ms. [REDACTED] informally and not in a therapy session. She claims that Ms. [REDACTED] made several statements regarding [REDACTED] and his cancer but that she only passively acknowledged Ms. [REDACTED] statements.

7. Ms. [REDACTED] states that Licensee told her directly that [REDACTED] cancer had returned. This occurred while she was at Licensee's office. She told Licensee that she intended to call [REDACTED] to update him on her condition. Licensee then revealed that his cancer had returned and "he had a full plate" at that time.

VIOLATIONS

The Board finds that reasonable grounds exist to believe Licensee has violated the following statutes and regulations:

- (A) **KSA 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) **KAR 102-2-7. Unprofessional conduct.** Any of the following acts by a licensee shall constitute unprofessional conduct:

(s) revealing information, a confidence, or secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records...

(t) failing to obtain written, informed consent from each client...before...(3) releasing information except as required or permitted by law....

(aaa) violating any provision of KSA 65-6301 *et seq.* and amendments thereto or any regulation adopted thereunder.

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. 08-CS-25.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions in relation to Case No. 08-CS-25.

WHEREFORE, Licensee consents to suspension of her license for one year with said suspension to be stayed while she complies with the following terms and conditions:

(a) Twelve (12) months of supervised practice by a board-approved supervisor who is not in a

subordinate or familial relationship with the Licensee. Within 15 days of the effective date of this Agreement, Licensee shall provide a list of qualified supervisor candidates to the Board for the Board's selection. The supervisor shall be licensed at the clinical level. The focus of the supervision shall be on confidentiality in communications with clients. There shall be at least one one-hour supervision session per forty-hour work week so long as Licensee is employed in a position that requires her license.

(b) The supervisor shall provide written progress reports to the Board every three (3) months regarding Licensee's compliance with the supervision process. In the event of non-compliance, the supervisor shall report to the Board immediately. Licensee shall provide the supervisor with a copy of this Consent Agreement and shall make every effort to ensure that all conditions of the Agreement are met. Licensee shall cooperate with her practice supervisor to enable the supervisor to discharge his or her duties in a responsible manner.

(c) Licensee shall obtain three hours of continuing education on the subject of confidentiality in addition to the standard ethics requirement for licensure renewal to be completed within sixty (60) days of the effective date of this Agreement. The course completed in November of 2007 does satisfy this requirement.

(d) At the end of the first six months of supervision and after receiving two written quarterly progress reports from the supervisor, the Board will reconsider this matter and determine whether the remaining six months of supervision is still required or whether it can be waived and Licensee restored to unconditional practice.

(e) Supervised hours will not count toward any supervised experience requirement for the next level of licensure.

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

(g) 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 license shall 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.

(h) Licensee understands that a notification of this Consent Agreement and Order may 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) 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 Preliminary Order of the Board. The Board has authorized the Complaint Review


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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 foregoing provisions are consented to, are hereby made the Preliminary 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:


Pamela R. White, LSCSW
Respondent Licensee

4-11-08
Date

APPROVED BY:


David W. Andreas, Esq..
Counsel for Respondent

4/11/08
Date

Certificate of Service

This is to certify that on this 24th day of April, 2008, 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:

Pamela R. White



David W. Andreas, Esq.
104 ½ West 9th Street, Suite 303
Winfield, KS 67156

Roger Acurlock

For the Behavioral Sciences Regulatory Board

January 23, 2009

Pamela R. White, LSCSW
[REDACTED]
[REDACTED]

Re: Consent Agreement and Order 08-CS-0025

Dear Ms. White,

You were in compliance with the conditions set forth in the Consent Agreement and Order under which you have practiced since April 24, 2008. The Board has received an acceptable reference from your supervisor along with his recommendation that the Board no longer require you to maintain formal supervision.

On December 22, 2008, the Complaint Review Committee approved waiving the additional supervision required by the Order. You were restored to unconditional practice effective that date. You are now unconditionally licensed as a Licensed Specialist Clinical Social Worker.

Thank you for your cooperation in this matter.

Sincerely,

Roger Scurlock
Special Investigator