

Marty M. Snyder, Supreme Court #11317
Kansas Attorney General's Office
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BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD
712 South Kansas Avenue
Topeka, Kansas 66603-3817

In the Matter of)
)
SARAH K. WIEGERT, LMSW #6540,)
)
Respondent)
_____)

Case No. 08-MS-12

CONSENT AGREEMENT AND ORDER

NOW on this 9 day of May, 2008, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) by agreement of Sarah K. Wiegert (Licensee) and the Kansas Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

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

2. On or about July 17, 2007, the Board received a report of information concerning Licensee's conduct, indicating 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:

(a) Licensee received a Masters of Social Work degree from Washburn University in May of 2006. Washburn has confirmed that her transcript became available the second week in June of 2006. She had already filed her application for licensure with the Board in February of 2006. The statements "I further understand that the official transcript from the registrar's office must be received by the Board before I can be issued a license. It is my responsibility to request the official transcript" appear directly above Licensee's dated signature.

(b) Licensee took and passed the licensing examination and received a letter of congratulations from the Board's credentialing assistant **again reminding her in writing** that the Board was waiting on the transcript before it could issue the license. However, she failed to have it submitted until October 19, 2006. The Board issued her license the following day on October 20, 2006.

(c) In July of 2007, the Board learned that Licensee had actually practiced social work for her employer during August, September and October of 2006 with the knowledge that she had not yet received her license.

(d) Licensee states that she delayed sending the transcript due to a course in independent study at KU that she did not complete until June of 2006, and for some

reason she thought KU or Washburn was responsible for transmitting the transcripts without her formal request. However, the KU course was not required for her Masters degree, which was granted in May from Washburn.

(e) Licensee further states she was told by her employer's human resources department that it was not a problem to begin her work while her license application was pending. This is an erroneous statement in direct conflict with the statute, and Licensee did not confirm it with anyone at the licensing agency.

(f) According to Licensee's supervisor Ricardo Viera, Licensee's period of unlicensed practice cost the department several thousand dollars in funding.

6. The Board finds that reasonable grounds exist to believe Licensee has committed unprofessional conduct in violation of K.S.A. 65-6303, "(a) No person shall engage in the practice of social work for compensation or hold forth as performing the services of a social worker unless such person is licensed in accordance with the provisions of this act (d) Any violation of this section shall constitute a Class B misdemeanor."

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-MS-12.

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-MS-12.

WHEREFORE, Licensee consents to the following terms in lieu of holding a formal disciplinary hearing on the complaint:

(a) Licensee shall pay a fine of \$250.00. The payment must be received at the Board office within 15 days of the effective date of this Consent Agreement and Order.

(b) Licensee shall obtain an additional three hours of continuing education in addition to the number of required hours. The additional continuing education shall be on ethical practice of social work, and proof of completion shall be furnished to the Board within sixty days of the effective date of this Consent Agreement and Order.

(c) Licensee shall write a professional quality paper on licensure and ethical practice. The paper shall be typewritten, at least five pages long, in APA format and shall contain at least five professional references or resources. The paper must be received at the Board office within sixty days of the effective date of this Consent Agreement and Order.

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

(e) 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 of this Consent Agreement and Order. 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 could be suspended or revoked.

(f) 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.

(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, 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 Order.

(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 its designee.

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 terms, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 65-6303 in Case No. 08-MS-12, nor will the Board or any of its agents refer this matter for other action by any regulatory or law enforcement agency.

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 this 9 day of May, 2008.

Wesley L Jones, Ph.D.

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

APPROVED AND CONSENTED TO:

Sarah K. Wiegert, LMSW
Sarah K. Wiegert, LMSW
Respondent

4/26/08
Date

Certificate of Service

This is to certify that on this 20th day of MAY, 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:

Sarah K. Wiegert, LMSW



Roger Acurlock
For the Behavioral Sciences Regulatory Board