

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

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

In the Matter of)
)
CAROL CUMMINGS, LSCSW)
License #2310,)
Respondent/Licensee)
_____)

Case No. 09-CS-0104

CONSENT AGREEMENT AND ORDER

NOW on this 29 day of June, 2009, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board), by and through Assistant Attorney General Marty M. Snyder, by agreement of Carol Cummings (Respondent/Licensee) and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Carol Cummings, Respondent/Licensee, was 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, from December 2, 2002, until January 31, 2009.

2. On or about March 13, 2009, the Board received a report of information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing the practice of social work related to her job as a Licensed Specialist Clinical Social Worker.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations. During the investigation, Licensee was informed of the reported information and was given the opportunity to respond to the allegations. Licensee did respond in a letter dated April 24, 2009.

4. As a result of the investigation, the Board finds probable cause that the following facts have been established by clear and convincing evidence:

a. On or about February 4, 2009, the Board received an application for renewal of Respondent/Licensee's license. Respondent/Licensee attested on her renewal that she had completed 48 hours of continuing education.

b. Upon review of Respondent/Licensee's renewal application, the Board determined that Respondent/Licensee's license had expired on January 31, 2009. Respondent/Licensee was therefore ineligible for renewal and would have to apply for reinstatement.

c. Respondent/Licensee contacted the Board on February 12, 2009, and advised that she did not actually have all of the continuing education hours to which she attested on her renewal application and that she would not apply for reinstatement until those hours had been obtained. Review by the Board indicated that, of the 48 hours Respondent/Licensee originally claimed she had completed, only four (4) hours were actually obtained before her license expired.

d. Respondent/Licensee's application for reinstatement was received by the Board on March 9, 2009, and her LSCSW license was reinstated on March 9, 2009.

5. The Complaint Review Committee of the Board finds that probable cause exists to believe Licensee has violated the following statutes and regulations:

A. **K.A.R. 102-2-7. Unprofessional Conduct.** Any of the following acts by a licensee or an applicant for a social work license shall constitute unprofessional conduct:

(a) Obtaining or attempting to obtain licensure for oneself or another by means of fraud, bribery, deceit, misrepresentation or concealment of a material fact....

B. **K.S.A. 65-6310. Unlawful acts; penalties.** Conviction of any of the following shall constitute a class B misdemeanor:

(a) Obtaining or attempting to obtain a license or certificate or renewal thereof by bribery or fraudulent representation;

(b) Knowingly making a false statement in connection with any application under this act;

(c) Knowingly making a false statement on any form promulgated by the board in accordance with the provisions of this act or the rules and regulations promulgated thereunder.

However, Respondent/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. 09-CS-0104.

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. 09-CS-0104.

WHEREFORE, the Board and Licensee agree to the following terms and conditions:

- (a) Respondent/Licensee accepts formal censure pursuant to K.S.A. 65-6311.
- (b) Respondent/Licensee shall prepare a ten-page professional quality paper on the subject of the importance of continuing education and submitted file documentation. The paper shall be in APA format, contain at least ten professional references, and be submitted to the Board within 90 days of the effective date of this Consent Agreement.
- (c) Respondent/Licensee shall be assessed a fine in the amount of \$250.00, to be paid within 30 days of the effective date of this Consent Agreement.
- (d) Respondent/Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.
- (e) Evidence of Respondent/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 Respondent/Licensee has in fact breached, violated or failed to comply with any conditions. Upon determination at such hearing that Respondent/Licensee has breached, violated or failed to comply with any condition, Respondent/Licensee understands and agrees that her Kansas Licensed Specialist Clinical Social Worker license could be suspended until such time as Respondent/Licensee can demonstrate compliance with all terms and conditions of this Consent Agreement and Order to the satisfaction of the Board.
- (f) Respondent/Licensee acknowledges that proof submitted to the Board by affidavit or other form of competent evidence that Respondent/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) Respondent/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.

(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) If the Board does not approve this Consent Agreement and Order, Respondent/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.

(j) This Consent Agreement and Order constitutes the entire agreement between Respondent/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, Respondent/Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval by 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 Respondent/Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.A.R. 102-2-7 and K.S.A. 65-6310 as a result of this proceeding.

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

APPROVED AND CONSENTED TO:

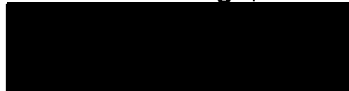
Carol Cummings
Carol Cummings, LSCSW
Respondent/Licensee

6-23-09
Date

CERTIFICATE OF SERVICE

This is to certify that on this 2nd day of July, 2009, a true and correct copy of the above Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Carol Cummings, LSCSW



Roger Kurlock
For the Behavioral Sciences Regulatory Board

January 26, 2010

Carol Cummings, LSCSW
9340 Bent Tree Circle
Wichita, Kansas 67226

Re: Consent Agreement and Order 09-CS-0104

Dear Ms. Cummings:

You have complied with all of the conditions set forth in the Consent Agreement and Order under which you have practiced since July 2, 2009.

You are now unconditionally licensed as a Licensed Specialist Clinical Social Worker.

Thank you for your cooperation in this matter.

Sincerely,

Bruno Langer
Special Investigator