

Marty M. Snyder, Kansas 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)
)
SCOTT C. HOLLENBECK, LBSW)
License #5187,)
Respondent)
_____)

Case No. 10-BS-0096

CONSENT AGREEMENT AND ORDER

NOW, on this 24th day of November, 2010, 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 Scott C. Hollenbeck [Licensee], by and through counsel James C. Heathman, and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Scott C. Hollenbeck, at all times relevant, was a Licensed Bachelor 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 17, 2010, the Board received a report concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations related to his job as a Licensed Bachelor Social Worker.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations. During the investigation, Licensee was given the opportunity to respond in writing to the possible violations. Licensee did respond by letter from counsel dated March 22, 2010.

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. During his employment as a case manager at TFI Family Services, Licensee was on medical leave from December 19, 2009 to January 27, 2010. Prior to going on medical leave, Licensee was given directives to ensure that all of his documentation was entered and all case plans were completed.

b. During Licensee's absence, it came to the attention of staff that Licensee's logs and case plans had not been completed. Arrangements were made for Licensee to work from home to get caught up.

c. Licensee returned to work on January 28, 2010, and gave written notice of his resignation, to be effective February 11, 2010. He was advised that he was behind in his logs, had past due case plans, and that his normal case manager job responsibilities needed to be accomplished before his last date of work.

d. Licensee called in sick on February 2 and February 3, 2010. When Licensee's supervisor came to work on February 4, 2010, she allegedly found a pile of incomplete documentation, sticky notes, and other client documentation information for case notes, accompanied by a note from Licensee that he quit.

5. The Complaint Review Committee of the Board finds that Licensee has violated the following regulations:

A. K.A.R. 102-2-7. Unprofessional Conduct. Any of the following acts by a licensee . . . shall constitute unprofessional conduct:

- (ii) . . . failing to maintain for each client a record that conforms to . . . minimal standards;
- (oo) abandoning employment under circumstances that seriously impair the delivery of professional care to clients . . .

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. 10-BS-0096.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act in relation to Case No.10-BS-0096.

WHEREFORE, Licensee consents to the continuation of his license under the following terms and conditions:

(a) Within six months from the date on the certificate of service of this Consent Agreement and Order, Licensee shall complete six (6) hours of continuing education on the subject of record keeping. Such training shall be in person, not via the internet, and shall be in addition to the continuing education requirements for licensure renewal. Licensee shall provide a copy of the certificates of attendance to Carol Baldwin, Special Investigator for the Board, upon completion of each course.

(b) Licensee shall prepare a ten-page professional quality paper on the importance of accuracy and up-to-date record-keeping. The paper shall be in APA format, contain at least ten professional references, and be submitted to the Board within six months of the effective date of this Consent Agreement.

(c) Licensee shall be responsible for any costs and expenses 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 conditions. Upon determination at such hearing that Licensee has breached, violated or failed to comply with any condition, Licensee understands and agrees that his Kansas Bachelor Social Worker license may 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 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.

(g) 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.

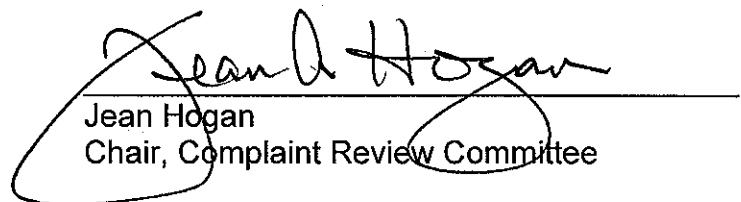
(h) This Consent Agreement and Order constitutes the entire agreement between the Licensee and the Behavioral Sciences Regulatory Board and may be modified or amended only by written agreement signed by Licensee and the Board or a designee of the Board.

WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval 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 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 as a result of this proceeding.

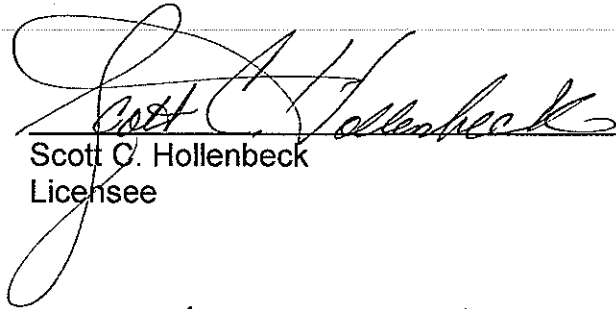
WHEREFORE, the foregoing provisions are consented to, are hereby made the final Order of the Kansas Behavioral Sciences Regulatory Board and become effective on the date indicated in the Certificate of Service below.

IT IS SO ORDERED.



Jean Hogan
Chair, Complaint Review Committee

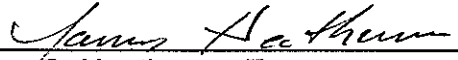
APPROVED AND CONSENTED TO:



Scott C. Hollenbeck
Licensee

11-11-10

Date




James C. Heathman, Esq. #14582
Attorney for Licensee

11-11-10

Date

CERTIFICATE OF SERVICE

This is to certify that on this 29th day of November, 2010, 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:

Scott C. Hollenbeck


James C. Heathman
3706 SW Topeka Blvd., Suite 402
Topeka, KS 66609

Marty M. Snyder
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612



For the Behavioral Sciences Regulatory Board

May 9, 2011

Scott Hollenbeck

[REDACTED]
[REDACTED]

Re: Consent Agreement and Order 10-BS-0096

Dear Mr. Hollenbeck,

This letter is to confirm that you complied with all of the conditions set forth in the Consent Agreement and Order dated November 24, 2010. You completed those conditions and the above mentioned case was closed on May 9, 2011.

You are now unconditionally licensed to practice as an LBSW.

Thank you for your cooperation in this matter.

Sincerely,

Carol Baldwin
Special Investigator