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Marty M. Snyder, KS S Ct #11317
Assistant Attorney General
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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)
)
SHERRY DESCOTEAUX,)
LSCSW #2309)
_____)

Case No. 10-CS-0035

CONSENT AGREEMENT AND ORDER

NOW, on this 2nd day of May June, 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 Sherry DesCoteaux [Licensee] and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. At all times relevant to the complaint herein, Licensee was practicing as 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 5, 2009, the Board received information that Licensee had failed to report discipline by the state of Arizona when she renewed her Kansas license in December of 2008.

3. Licensee was informed about the complaint and was requested to respond in writing. The Board received Licensee's written response on or about October 29, 2009, in which Licensee indicated that, since the Arizona Board did not deny her license, she did not report it.

4. On January 11, 2010, the Board issued a Summary Proceeding Order of Suspension, suspending the Licensed Specialist Clinical Social Workers license of Licensee until further order of the Committee, and requiring Licensee to obtain a psychological evaluation from Acumen Assessments within 30 days of the Summary Proceeding Order.

5. Licensee timely requested a hearing on the Summary Proceeding Order, thus staying the suspension, and obtained the required psychological evaluation. A copy of the evaluation was provided to the Board on March 18, 2010.

6. Following review of Licensee's psychological evaluation, the Complaint Review Committee of the Board finds that Licensee violated the following statutes and regulations:

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

(b) except when the information has been obtained in the context of a confidential relationship, failing to notify the board, within a reasonable period of time, that any of the following conditions apply to any person regulated by the board or applying for a license or registration, including oneself:

(3) has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance.

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-CS-0035.

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-CS-0035.

WHEREFORE, the Board and Licensee agree as follows:

(a) Licensee's Specialist Clinical Social Worker license shall not be suspended, and the Summary Proceeding Order is hereby withdrawn.

(b) Licensee shall begin individual supervision with a Board-approved supervisor within 30 days of the date on the certificate of service of this Consent Agreement and Order. Licensee shall meet with her supervisor bi-monthly for general supervision for a period of six months. Licensee shall provide a copy of the Acumen evaluation and this Consent Agreement to the supervisor and authorize the supervisor to provide written quarterly reports to Carol Baldwin, Special Investigator for the Board, during the term of this Consent Agreement and Order.

(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 her Kansas Licensed Specialist Clinical 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.

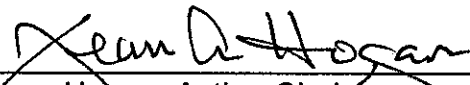
(h) This Consent Agreement and Order constitutes the entire agreement between the Licensee and the Board and may be modified or amended only by written agreement signed by Licensee and the Board or a designee of the Board.

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, Acting Chairperson
Complaint Review Committee

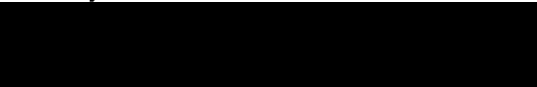
APPROVED AND CONSENTED TO:


Sherry DesCoteaux, LSCSW
Licensee

5-17-10
Date

CERTIFICATE OF SERVICE

This is to certify that on this 3rd day of June, 2010, a copy of the above and foregoing Consent Agreement and Order was placed in the U.S. mail, first-class postage prepaid, addressed to:

Sherry DesCoteaux


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

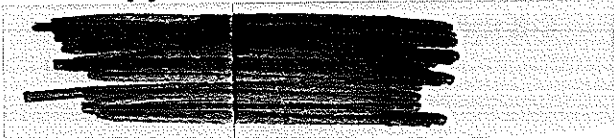
Comprehensive Counseling
204 South Santa Fe, Suite 204
Salina, KS 67401



For the Board

April 12, 2011

Sherry J DesCoteaux, LSCSW



Re: Report of Alleged Violation 10-CS-0035

Dear Ms. DesCoteaux,

This letter is to confirm that you complied with all of the conditions set forth in the Consent Agreement and Order dated June 2, 2010. You completed those conditions and your case was closed on April 11, 2011.

You are now unconditionally licensed to practice as a LSCSW.

Thank you for your cooperation in this matter.

Sincerely,

Carol Baldwin
Special Investigator