

Whitney L. Casement, KS S. Ct. #25466
Office of the Kansas Attorney General
120 SW 10th St, Second Floor
Topeka, KS 66612-1597
Telephone (785) 296-2215

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)
)
Reva Friedman,)
LMSW #4101)

Case No. 13-MS-0041

Pursuant to K.S.A. 77-537

SUMMARY PROCEEDING ORDER

NOW, on this 26 day of February, 2015, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board (the "Board").

FINDINGS OF FACT

The Board finds that the following facts have been established by a preponderance of the evidence:

1. Reva Friedman ("Licensee") was at all times relevant hereto a Licensed Master 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 November 26, 2012, the Board's licensing department filed a Report of Alleged Violation stating Licensee may have violated certain statutes and regulations governing unprofessional conduct and prohibited acts.
3. Licensee was informed of the reported information in a letter dated November 26, 2012 and was given an opportunity to provide additional information.
4. As a result of the report and subsequent investigation, the Board finds that the

following facts have been established by a preponderance of the evidence:

- a) On July 31, 2012, Licensee renewed her license online and was randomly selected for audit. In addition, Licensee signed an attestation clause in the application that stated the information in the application was accurate.
- b) The Licensee failed to respond to the audit by sending the requested continuing education documents to the Board.
- c) On September 24, 2012, Board staff sent Licensee an e-mail stating that the Board had not received her audit material. Licensee responded that she would attempt to obtain the materials by the end of the week.
- d) On November 13, 2012, Board staff sent another e-mail to Licensee stating that the audit materials still had not been received and that, if the Board did ~~not~~^{not} receive the materials by November 9, 2012, the file would be referred for investigation for failure to cooperate with the audit, which may result in disciplinary action. On November 13, 2012, Licensee sent a response to this e-mail stating that she was unable to pass one of the courses she had taken and was going to try one more time.
- e) Licensee's license was set to expire on July 31, 2012.

CONCLUSIONS OF LAW

5. Based on the allegations and subsequent investigation, the Complaint Review Committee of the Board finds that Licensee, while a Licensed Master Social Worker, violated the following statute and regulations:

A. K.S.A. 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. K.A.R. 102-2-7. Unprofessional conduct.

Any of the following acts by a Licensee or applicant for a social work license shall constitute unprofessional conduct:

- (a) Obtaining or attempting to obtain a license for oneself or another by means of fraud, bribery, deceit, misrepresentation, or concealment of a material fact;
- (i) failing or refusing to cooperate in a timely manner with any request from the board for a response, information that is not obtained in the context of a confidential relationship, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the board. Each person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person acted in a timely manner;

C. K.A.R. 102-2-11a. Renewal audit.

- (a) A random audit of the continuing education documentation for 10 percent of the social worker licenses expiring each month shall be conducted by the board.
- (c) Upon board notification, each renewal applicant for a social worker license shall submit the following to the board within 30 days after the license expiration date:
 - (1) The completed renewal audit forms; and
 - (2) the original continuing education documents that validate all continuing education units claimed for credit during the current renewal period.
- (e) Failure to comply with this regulation shall be considered unprofessional conduct.

6. Proceedings under the Kansas Social Workers Licensure Act are subject to the Kansas Administrative Procedure Act (K.S.A. 77-501, *et seq.*) ("KAPA") pursuant to K.S.A. 65-6311. K.S.A. 77-537 of KAPA provides that the Board may use summary proceedings when necessary and appropriate.

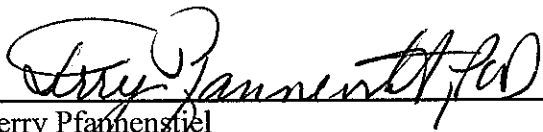
7. The Board is authorized to take disciplinary action against a Licensed Master Social Worker pursuant to K.S.A. 65-6311.

8. The Board has jurisdiction over Licensee because Licensee was at all times relevant hereto a Licensed Master Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto. The Board has been charged by the Kansas Legislature with the responsibility to protect the public health, safety, and welfare by assuring the current competence to practice of its licensees.

SANCTION

Based on the above Findings of Fact and Conclusions of Law, Licensee Reva Friedman's Kansas Licensed Master Social Worker license should be and is hereby **suspended** until further order of the Board.

IT IS SO ORDERED.


Terry Pfannenstiel
Chair, Complaint Review Committee

NOTICE OF RELIEF FROM SUMMARY PROCEEDING ORDER

Pursuant to K.S.A. 77-537 and K.S.A. 77-542, this Summary Proceeding Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for hearing to:

Max Foster, Executive Director
Behavioral Sciences Regulatory Board
700 SW Harrison St., Suite 420
Topeka, KS 66603-3929

Whitney L. Casement, Esq.
Kansas Office of the Attorney General
120 SW Tenth Ave., 2nd Floor
Topeka, KS 66612

Any such request must be filed within fifteen (15) days of service of this Notice. If a hearing is not requested in the time and manner stated, this Summary Proceeding Order becomes final and effective upon the expiration of the time for requesting a hearing and will be a Final Order of the Board.

CERTIFICATE OF SERVICE

This is to certify that on this 26 day of February, 2015, a true and correct copy of the above and foregoing Summary Proceeding Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Reva Friedman
1000 G
[REDACTED]

and a copy delivered via interoffice mail to:

Whitney L. Casement
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612
Disciplinary Counsel for the Board

Cindy D'Ercole
For the Board

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