

Whitney L. Casement, KS S. Ct. # 25466
Office of the Kansas Attorney General
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
Renee Duxler, LMSW)
License #7684,) **Case No. 13-MS-0076**
Respondent)
_____)

SUMMARY PROCEEDING ORDER

NOW, on this 17 day of July, ²⁰¹⁸~~2016~~, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board (Board).

FINDINGS OF FACT

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

1. Renee Duxler (Licensee) was at all times relevant to this Summary Proceeding Order a Licensed Master Social Worker (LMSW) within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto.
2. Licensee's license expired on December 31, 2012, and was not reinstated until March 13, 2013.
3. During the period that her license was expired, Licensee was employed as a Social Worker and met with clients in her capacity as such.
4. On August 18, 2014, Licensee entered into a Consent Agreement and Order (2014 CAO) for violations concerning her practicing while her license was expired. (Ex. A, Consent

Agreement and Order dated 8/18/14).

5. Pursuant to the 2014 CAO, Licensee was required to complete the following terms and conditions:

- a. Licensee shall pay a fine of \$100.00 to the Board within 30 days of the effective date of this Consent Agreement and Order.
- b. Licensee shall notify clients or insurance companies billed for services during the time her license was expired, within 30 days of the effective date of this Consent Agreement and Order. This condition shall be deemed satisfied upon the Board's receipt of copies of the correspondence with the clients and insurance companies. Failure to provide the Board with copies of the correspondence with the clients and insurance companies within 30 days of the effective date is a violation of this Consent Agreement and Order and may result in further action by the Board.

6. To date, Licensee has failed to comply with these terms and conditions of the 2014 CAO.

7. The 2014 CAO states 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.S.A. 65-6311 and K.A.R. 102-2-7 as a result of this proceeding."

8. The Complaint Review Committee of the Board finds that Licensee has failed to comply with the above-referenced terms and conditions of the 2014 CAO.

9. Because Licensee has failed to comply with the 2014 CAO, the Board now initiates further disciplinary action.

CONCLUSIONS OF LAW

10. The Complaint Review Committee of the Board finds that Licensee 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 an applicant for a social work license shall constitute unprofessional conduct:

(yy) practicing social work after one's license expires;

(zz) using without a license, or continuing to use after the expiration of a license, any title or abbreviation prescribed by the board for use only by persons currently holding that type or class of license.

11. 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.

12. K.S.A. 77-537 of KAPA provides that the Board may use summary proceedings when necessary and appropriate.

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

14. 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.

15. 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 is hereby formally censured pursuant to K.S.A. 74-7508(f).

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 17 day of July, ~~2016~~²⁰¹⁸, 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:

Renee Duxler



Cindy D'Ercole
For the Board

Whitney L. Casement, No. 25466
Kansas Office of the Attorney General
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597

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BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
Renee Duxler, LMSW)
License #5825,)
Respondent)
_____)

Case No. 13-MS-0076

CONSENT AGREEMENT AND ORDER

NOW, on this 18 day of August, 2014, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [Board], by and through Assistant Attorney General Whitney L. Casement, by agreement of Renee Duxler [Licensee] and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Renee Duxler is currently, and was at all times relevant to this Consent Agreement and Order, 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 February 15, 2013, 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 February 15, 2013, and was given an opportunity to respond by March 15, 2013. The Board received Licensee's response to the reported information on March 11, 2013.
4. As a result of the report and subsequent investigation, the Board finds that the

following facts have been established by a preponderance of clear and convincing evidence:

- a. Licensee is a Licensed Master Social Worker currently licensed in Kansas.
- b. Licensee's license expired on December 31, 2012, and was not reinstated until March 13, 2013.
- c. During the period that her license was expired, Licensee was employed as a Social Worker and met with clients in her capacity as such.

5. The Complaint Review Committee of the Board finds that Licensee has 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 an applicant for a social work license shall constitute unprofessional conduct:

- (yy) practicing social work after one's license expires;
- (zz) using without a license, or continuing to use after the expiration of a license, any title or abbreviation prescribed by the board for use only by persons currently holding that type or class of license.

However, Licensee and the Board mutually desire to enter a Consent Agreement and Order in lieu of adjudicative proceedings to resolve the reported 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. 13-MS-0076.

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. 13-MS-0076.

WHEREFORE, Licensee consents to the following terms and conditions:

- (a) Licensee shall pay a fine of \$100.00 to the Board within 30 days of the effective date of this Consent Agreement and Order.
- (b) Licensee shall notify clients or insurance companies billed for services during the time her license was expired, within 30 days of the effective date of this Consent Agreement and Order. This condition shall be deemed satisfied upon the Board's receipt of copies of the correspondence with the clients and insurance companies. Failure to provide the Board with copies of the correspondence with the clients and insurance companies within 30 days of the effective date is a violation of this Consent Agreement and Order and may result in further action by the Board.
- (c) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.
- (d) 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.
- (e) 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.
- (f) 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.S.A. 65-6311 and 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.



Terry Pfannenstiel
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:

Renee Duxler
Renee Duxler
Licensee

08/06/14
Date

CERTIFICATE OF SERVICE

This is to certify that on this 18 day of August, 2014, 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:

Renee Duxler



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'Sercole
For the Behavioral Sciences Regulatory Board