

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)
)
Sarah Fleener, LMSW)
License #7388,)
Respondent)
_____)

Case No. 13-MS-0106

CONSENT AGREEMENT AND ORDER

NOW, on this 31~~st~~ day of October, 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 Sarah Fleener [Licensee] and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. Sarah Fleener 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 May 1, 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 April 30, 2013, and was given an opportunity to respond by May 31, 2013. The Board received Licensee’s response to the reported information on May 22, 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 the evidence:

- a. Licensee is a Licensed Master Social Worker currently licensed in Kansas.
 - b. On April 8, 2013, at 8:53 p.m., 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. The audit revealed Licensee completed thirteen continuing education hours, including three ethics continuing education hours, on April 8, 2013—after she renewed her license online.
 - c. Licensee’s license was set to expire on April 30, 2013.
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 . . . 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;

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.

- (d) Continuing education units that a renewal applicant for a social worker license earns after board receipt of the renewal application form shall not be approved for continuing education credit for the current renewal period.
- (e) Failure to comply with this regulation shall be considered unprofessional conduct.

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-0106.

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-0106.

WHEREFORE, Licensee consents to the following terms and conditions:

- (a) Licensee shall pay a fine of \$200.00 to the Board within 30 days of the effective date of this Consent Agreement and Order.
- (b) Licensee shall complete three hours of continuing education in ethics that are in addition to the biennial requirement. The three additional hours of continuing education in ethics shall be conducted by Licensee in person within 180 days of the effective date of this Consent Agreement and Order. This condition shall be deemed satisfied upon the Board's receipt of Licensee's written proof of completion of the three extra hours of continuing education in ethics within 180 days of the effective date of this Consent Agreement and Order. Failure to provide the Board with written proof of completion of the extra continuing education hours within 180 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 automatically audited by the Board upon her next two renewals.

- (d) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.
- (e) Licensee understands that a notification of this Consent Agreement and Order may be provided to any other state or federal agency with which Licensee is licensed, registered, or certified.
- (f) 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.
- (g) 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, K.A.R. 102-2-7, and K.A.R. 102-2-11a 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:



Sarah Fleener
Licensee

10-10-14

Date

CERTIFICATE OF SERVICE

This is to certify that on this 31 day of October, 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:

Sarah Fleener



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 Behavioral Sciences Regulatory Board

Received

OCT 15 2014

Kansas Attorney General