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**BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**

**In The Matter Of** )  
)  
**Kristen Runk,** )  
**LMSW #4133** )  
\_\_\_\_\_ )

**Case No. 13-MS-0115**

Pursuant to K.S.A. 77-537

**SUMMARY PROCEEDING ORDER OF REVOCATION**

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. Kristen Runk ("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 May 20, 2013, the Board received a report of alleged violation concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing unprofessional conduct.
3. The Board conducted an investigation concerning Licensee's alleged violations of statutes and regulations. During the investigation, Licensee was informed of the initial complaint

and was given the opportunity to respond to the allegations. Licensee's response was received on June 7, 2013.

4. As a result of the report and subsequent investigation, the Board found that the following facts have been established by a preponderance of the evidence:

- a. On April 26 and 27, 2013, Licensee drank alcohol as a sleep aid during the night proceeding a day of work. After she arrived at work at approximately 10:00 a.m. on April 27, 2013, Licensee completed paperwork and met with clients. After another employee reported the smell of alcohol on her breath, Licensee was asked to take a breathalyzer test, which Licensee agreed to take. At approximately 4:00 p.m. the breathalyzer indicated Licensee had a blood alcohol level of .125 percent. A second test conducted shortly thereafter showed she had a blood alcohol level of .124 percent.
- b. Licensee was asked to leave the premises without her vehicle, at which point she walked to a nearby convenience store and waited for a friend or family member to pick her up. While at the convenience store, she saw a co-worker and asked him to help her retrieve her car from the facility grounds. The co-worker attempted to retrieve the car, but was stopped by another employee.
- c. Licensee's employment with Correct Care Solutions at the Topeka Correctional Facility was terminated after the above-described incident, and she has been prohibited from employment with any Kansas Department of Corrections facility.

5. Licensee and the Board entered into a Preliminary Consent Agreement and Order ("PCAO") that became effective on November 26, 2013, in which Licensee agreed to:

- a. contact the Board within 30 days to provide the name of a psychological and drug

and alcohol evaluator for the Committee's consideration;

- b. complete a psychological evaluation and drug and alcohol evaluation within 60 days;
  - c. cooperate with the evaluation and shall authorize and direct the evaluator to send a complete copy of the evaluation to Cindy D'Ercole, Investigator for the Board, upon completion;
  - d. send the evaluation to the Board within 60 days; and
  - e. be responsible for any costs incurred in satisfying the above agreed terms.
6. Licensee failed to comply with the terms of the PCAO within the agreed time periods.
7. Pursuant to the PCAO, the Board conducted a hearing with notice and opportunity to be heard in which it found Licensee in violation of the terms of the PCAO on July 2, 2014.
8. On June 28, 2014, the Board received correspondence from Respondent in which Respondent stated that she was surrendering her social work license.
9. Due to Licensee's breach of the terms and conditions of the PCAO and surrender of her license, the Board now initiates disciplinary action.

#### **CONCLUSIONS OF LAW**

10. Based on the allegations and subsequent investigation, the Complaint Review Committee of the Board finds that Respondent, while a Licensed Bachelor 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 Respondent or applicant for a social work license shall constitute unprofessional conduct:

(h) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;

(x) using alcohol or illegally using any controlled substance while performing the duties or services of a licensee;

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

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

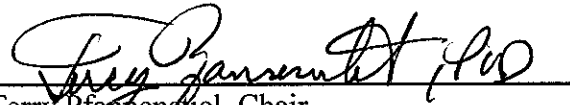
13. The Board is authorized to revoke the license of any licensee who voluntarily surrenders such person's license or registration pending investigation of misconduct or while charges of misconduct against the licensee are pending or anticipated, pursuant to K.S.A. 74-7508(e).

14. The Board has jurisdiction over Respondent because Respondent 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 Kristen Runk's Kansas Licensed Master Social Worker license should be and is hereby **revoked**.

**IT IS SO ORDERED.**



Terry Pfannenstiel, Chair  
Behavioral Sciences Regulatory Board  
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., 2<sup>nd</sup> 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:

Kristen Runk



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