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BY: _____

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In The Matter Of)

Michael Duran,)
LBSW #2146)

Case No. 14-BS-0114

Pursuant to K.S.A. 77-537

SUMMARY PROCEEDING ORDER

NOW, on this 7 day of May, 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. Michael Duran ("Licensee") was at all times relevant hereto a Licensed Bachelor 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 April 30, 2014, the Board received a Report of Alleged Violation stating Licensee may have violated certain statutes and regulations governing unprofessional conduct and prohibited acts.
3. The Board sent several letters to Licensee informing him of the reported information and requesting him to respond. The letters were sent to the addresses Licensee provided to the Board along with several forwarding addresses. At least one letter was not returned. Notice was also

provided to Licensee via the email address he provided to the Board. Licensee never responded to the reported information.

4. As a result of the report and subsequent investigation, the Board makes the following findings of fact:

- a) Licensee began employment with KVC Behavioral Healthcare (“KVC”) on August 13, 2014, and in over eight months, he completed only 41 total logs despite having a case load of 14 families a month. Licensee was given the opportunity by KVC to complete the required paperwork by February 28, 2014, but he failed to do so.
- b) On March 31, 2014, a KVC employee discovered that Licensee still had only entered 41 logs on three cases. It was also discovered at that time that Licensee rarely completed a monthly report on his families to submit to the Kansas Department of Children and Families as required by contract.
- c) Other failures in documentation were subsequently discovered.
- d) Licensee also missed a court hearing without explanation.
- e) Licensee’s employment was terminated with KVC on April 11, 2014 because of documentation and other failures.
- f) Licensee never reported the termination to the Board.
- g) Licensee never responded to repeated requested for information from the Board regarding possible violations of certain statutes and regulations governing unprofessional conduct and prohibited acts.

CONCLUSIONS OF LAW

5. Based on the allegations and subsequent investigation, the Complaint Review Committee of the Board finds that Licensee, 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 Licensee or applicant for a social work license 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;

(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;

(j) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, and experience and with accepted professional standards for social work;

(xx) practicing social work in an incompetent manner;

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 Bachelor

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 Bachelor 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 Michael Duran's Kansas Licensed Bachelor 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

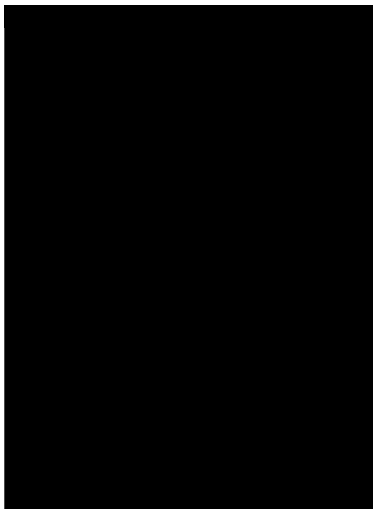
Whitney L. Casement, Esq.
Kansas Office of the Attorney General
120 SW Tenth Ave., 2nd Floor
Topeka, KS 66612

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 7 day of May, 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:

Michael Duran



and sent via e-mail to:

Michael Duran



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