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**BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**

ELAINE ZIEGLER, LBSW, )  
Lic. # 6694, )  
Respondent )

Case No. 16-BS-009

**SUMMARY PROCEEDING ORDER OF SUSPENSION**

NOW on this 11 day of February, 2016, the above-captioned complaint comes before the Kansas Behavioral Sciences Regulatory Board [BSRB / Board] Complaint Review Committee [Committee].

**Findings of Fact**

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

1. Elaine Ziegler [Respondent / Licensee] at all relevant times has been a Licensed Bachelor Social Worker pursuant to the Kansas Social Worker Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto.
2. On July 13, 2015, the Board received a Report of Alleged Violation against Licensee, alleging misconduct in violation of Kansas statutes and administrative regulations governing the practice of social work.
3. The Board investigated the allegations and received a written response from Licensee. Based upon the investigation, the Board finds the following:
  - a. Licensee, while working as a social worker for St. Francis Community Services, had a minor client, GM. GM's mother was represented by a Kansas attorney.
  - b. During the time of these separate professional representations in the GM matter, Licensee and the attorney entered into a sexual relationship. Licensee texted the attorney on her work phone to discuss intimate details of the relationship and their meetings and referred to results from an Arizona connection to the GM matter, stating "I have worked hard for you. :-)" Neither the attorney nor his client was Licensee's client in the matter.

- c. When asked about the relationship by her work supervisor, Licensee initially denied it. However, when confronted with additional information including the texts, she admitted to an inappropriate relationship with her client's mother's attorney and withdrew from the GW matter.
- d. Licensee was given the choice to resign or have her employment terminated. She chose to resign but failed to report the employment resignation for misfeasance, malfeasance or nonfeasance to the Board as required.
- e. Licensee's Kansas LBSW license expired December 31, 2015, and she has taken no further action on an application for a Kansas LMSW license.

### **Conclusions of Law**

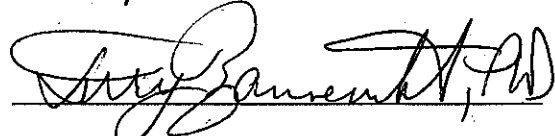
- 1. K.S.A.77-537 provides for summary proceedings in situations where the statutory conditions are present.
- 2. K.S.A. 65-6311 (a) provides grounds for discipline of social worker licensees as follows:
  - (2) fraud or deceit in connection with services rendered as a social worker;
  - (4) unprofessional conduct.
- 3. K.A.R. 102-2-7 – lists the following acts as constituting unprofessional conduct by a social worker:
  - (b) (3) failing to notify the Board that Licensee was asked to resign from employment for some form of misfeasance, malfeasance or nonfeasance;
  - (h) failing to recognize, seek intervention and otherwise appropriately respond when one's own personal problems interfere with professional judgment, professional performance or the ability to act in the client's best interest;
  - (i) failing to cooperate in a timely manner with any request from the Board for response or information within thirty days of the request;
  - (w) engaging in professional activities involving deceit or misrepresentation;
  - (tt) engaging in a dual relationship with a client; and
  - (xx) practicing social work in an incompetent manner.
- 4. The Board finds probable cause that Licensee has violated the above statute and administrative regulations and that the statutory conditions listed in K.S.A. 77-537 are present.

### Sanction

Based on the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 65-6311 and the Kansas Administrative Procedure Act K.S.A. 77-537, the Board finds that the expired Kansas LBSW license of Respondent Elaine Ziegler should be and is hereby suspended for a period of 180 days from the effective date of this Summary Proceeding Order as set forth in the Notice of Relief and the Certificate of Service below.

After 180 days of suspension, the Board may consider issuing an order of reinstatement of Respondent's license based upon receipt of a request for reinstatement with evidence of Respondent's insight into these violations and considering the status of her currently expired license.

IT IS SO ORDERED this 29 day of January, 2016.



Terry Pfannenstiel, Ph.D.  
Complaint Review Committee, BSRB

### NOTICE OF RELIEF

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

Max Foster, Executive Director, BSRB  
700 SW Harrison St.  
Eisenhower State Office Building, Suite #420  
Topeka, KS 66603

with a copy to:

Marty M. Snyder, Esq.  
Assistant Attorney General  
120 SW Tenth Ave., 2<sup>nd</sup> Floor  
Topeka, KS 66612

Any written request for hearing must be served within fifteen (15) days from the date indicated in the below Certificate of Service. 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.

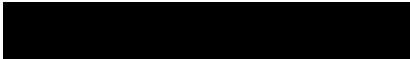
**CERTIFICATE OF SERVICE**

This is to certify that on this 11 day of February, 2016, a true and correct copy of the foregoing Summary Proceeding Order of Suspension was deposited in the U.S. mail, first class postage prepaid, addressed to her last registered address:

Elaine Ziegler



and emailed to:



and placed in building mail

to:

Marty M. Snyder, Esq.  
Assistant Attorney  
General

Cindy D'Ercole  
For the Board