

Marty M. Snyder, KS S Ct #11317
Kansas Attorney General's Office
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597

BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

In the Matter of)
)
CHARLES R. HARPER, LBSW,)
License #7834,)
Respondent)
_____)

Case No. 17-BS-049

SUMMARY PROCEEDING ORDER

NOW, on this 25 day of August, 2017, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [BSRB, Board] Complaint Review Committee [Committee], by and through Assistant Attorney General Marty M. Snyder.

FINDINGS OF FACT

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

1. Charles R. Harper [Licensee / Respondent] was at all times relevant a Licensed Bachelor Social Worker [LBSW] within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto.

2. On October 13, 2016, Licensee sent a self-report to the Board containing information regarding misconduct. He was employed as a Child Protection Specialist with the Kansas Department for Children and Families [DCF] at the time, but the misconduct involves financial actions with his disabled mother. Subsequently, on October 20, 2016,

the Board received a report of misconduct from DCF based on its substantiated finding of Fiduciary Abuse in the same situation.

3. As a result of the self-reported information and information provided by DCF, the Board conducted an investigation and found the following facts:

- a. Licensee had a Durable Power of Attorney [DPOA] for his elderly and disabled mother who lived in an assisted living facility.
- b. The mother complained that Licensee was using her money for items other than her care that were not authorized by her.
- c. Licensee first claimed he was using the funds for his mother's expenses, then later claimed it was an authorized loan from his mother, which she denied.
- d. An investigation by the Bourbon County Sheriff's office confirmed ATM cash withdrawals and purchases unrelated to the mother's care totaled approximately \$10,600. Licensee was arrested on criminal charges for Mistreatment of a Dependent Adult. Felony charges are currently being pursued by the Kansas Attorney General's Office's Medicaid Fraud and Abuse Division.
- e. Licensee resigned his position with DCF in September 2016 and let his LBSW license expire in February of 2017. He states his current position requires a social work degree but not a license.

CONCLUSIONS OF LAW

4. Based upon the above facts, the Complaint Review Committee of the Board found that Licensee violated the following statutes 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:

(ww) failing to inform the proper authorities in accordance with KSA 39-1431 ... that one knows or has reason to believe that any of the following circumstances apply to an adult as defined in KSA 39-1430:

(1) is being or has been abused, neglected or exploited;


(2) is in a condition that is the result of abuse, neglect or exploitation.

5. The Kansas Administrative Procedure Act [KAPA], KSA 77-501, *et seq.*, authorizes the use of summary proceedings when the specified statutory factors are present, KSA 77-537. The Board concludes that the statutory requirements are present, and this matter may properly be handled through Summary Proceedings.

SANCTION

Based upon the above facts and the violations of the above-cited statute and regulation, the Board hereby finds that the Kansas LBSW license of Charles Harper should be and is hereby suspended for two years, effective on the date in the Certificate of Service and Notice of Relief below. At the expiration of two years, the Board will consider evidence of insight and responsibility regarding the above violations should Respondent petition for reinstatement. This matter may also be reviewed for further sanctions should Respondent be convicted of a felony crime.

IT IS SO ORDERED this 23rd day of August, 2017.


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

NOTICE OF RELIEF FROM THIS 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
Kansas Behavioral Sciences Regulatory Board
Eisenhower State Office Building, #430
Topeka, KS 66603

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 25 day of August, 2017, a true and correct copy of the above Summary Proceeding Order of Suspension was deposited in the U.S. mail, first class postage prepaid, addressed to:

Charles R. Harper



and emailed to: 

and a copy delivered via interoffice mail to:

Marty M. Snyder, Esq.
Assistant Attorney General

Cindy D'Ercole
For the Behavioral Sciences Regulatory Board