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Kansas Attorney General's Office  
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BY: \_\_\_\_\_

**BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**

In the Matter of )  
)  
MELISSA BRAUN, LBSW, )  
License #5356, )  
Respondent )  
\_\_\_\_\_ )

Case No. 17-BS-127

**SUMMARY PROCEEDING ORDER**

NOW, on this 26 day of December, 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. Melissa Braun [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. In May of 2017, the Board received a complaint against Respondent alleging professional misconduct. The Board's Investigator sent a notification letter to Respondent's last registered address on May 22, 2017. It was not returned by the post office, but Respondent did not reply. The complaint and request for a written response

were sent again via email on August 31, 2017. Again, Respondent did not respond. The Board has no other contact information for this Licensee. On October 3, 2017, Respondent's last known employer confirmed that it did not have a new address for Respondent. To date, Respondent has failed to respond to the complaint for nearly seven months.

3. The Complaint Review Committee of the Board found that a preponderance of persuasive evidence supports the following facts:

a. Respondent was employed by the Kansas Department for Children and Families [DCF] as a child protection services social worker in Hays, Kansas. In that capacity, she had access to a great deal of confidential information regarding minor children and others.

b. Respondent dated JV for some time in 2016 and 2017. During that time, Respondent revealed confidential information regarding at least two highly confidential situations, including the identity of minors and alleged child abusers, and showed him copies of related documents. She told him not to reveal the information to anyone or she could lose her job.

c. After they broke up, Respondent began pushing JV for a meeting and referred to confidential DCF cases. When he declined to meet, she texted threats and visited JB, a casual friend of JV, at her work place while wearing her DCF badge.

d. JV later mentioned one of the DCF cases to JB because it involved her daughter as a victim. JB was extremely upset that Respondent revealed such confidential information to her boyfriend and stated that JV appeared to know more about the matter than she (the mother of the victim) did.

e. JV contacted DCF regarding Respondent's conduct, including threats involving him and his own daughter. On February 20, 2017, the DCF West Region personnel director placed Respondent on paid administrative leave pending completion of the investigation. Respondent resigned on March 13, 2017, while the investigation was still ongoing.

#### CONCLUSIONS OF LAW

4. Based upon the above facts, the Kansas Behavioral Sciences Regulatory Board finds that Respondent violated the following statutes and regulations:

**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;

**K.A.R. 102-2-7. Unprofessional Conduct.** Any of the following acts by a licensee . . . shall constitute unprofessional conduct:

(b)(3) failing to notify the Board when one has resigned 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, 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;

(i) failing or refusing to cooperate in a timely manner with any request from the board for a response to a report of alleged violation. 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) performing services clearly inconsistent with accepted professional standards for social work;
- (s) revealing information, a confidence, or secret of any client, or failing to protect the confidences, secrets, or information contained in a client's records;
- (t) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before releasing information concerning a client to a third party, except as required or permitted by law;
- (w) engaging in professional activities involving dishonesty, fraud, deceit, or misrepresentation;
- (xx) practicing social work in an incompetent manner.

5. The Kansas Administrative Procedure Act [KAPA], K.S.A. 77-501, *et seq.*, authorizes the use of summary proceedings when the specified statutory factors are present, K.S.A. 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 regulations, the Board hereby orders that the Kansas LBSW license of Melissa Braun should be and is hereby suspended for one year, effective on the date in the Certificate of Service and Notice of Relief below. At the expiration of one year, the Board will consider evidence of insight and responsibility regarding the above violations should Respondent petition for reinstatement.

IT IS SO ORDERED this 21<sup>st</sup> day of December, 2017.

  
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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 26 day of December, 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:

Melissa Braun



and emailed to: melbraun25@gmail.com

and a copy delivered via interoffice mail to:

Marty M. Snyder, Esq.  
Assistant Attorney General

Cindy D'Erroll  
For the Behavioral Sciences Regulatory Board