

**BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD**

IN THE MATTER OF ) Case No. 99-0754  
 )  
 )  
BRENDA FATZER, LBSW )  
 )  
Respondent )  
\_\_\_\_\_)  
Pursuant to K.S.A. Chapter 77

**CONSENT AGREEMENT AND ORDER**

Now on January 8, 2001, the above-captioned matter comes before the Behavioral Sciences Regulatory Board (Board) by agreement of Brenda Fatzer (Licensee) and the Behavioral Sciences Regulatory Board for the purpose of resolving the above-captioned matter.

Licensee hereby acknowledges the following:

1. Brenda Fatzer is currently, and at all times relevant, has been, licensed as a Licensed Baccalaureate Social Worker (LBSW) pursuant to 65-6301, et seq. with LBSW license #3219.

2. On or about March 5, 1999, the Board received information concerning Licensee's conduct alleging Licensee may have violated certain statutes and regulations governing the conduct and activities of Licensed Baccalaureate Social Workers in the State of Kansas pursuant to 65-6301, et seq.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations.

4. During the investigation, Licensee was informed of the reported information, and was given the opportunity to respond to the allegations, and did respond to the allegations by admitting that she certified to the Board on her Social Work Continuing Education Reporting form for the year 1999 for licensure renewal that she had completed a computer course on Ethics when in fact she had not so completed said course.

5. As a result of the investigation, the Board finds reasonable cause to believe the following facts:

On or about March 5, 1999, Licensee knowingly and falsely verified by way of her notarized signature that she had completed three (3) continuing education hours of Ethics. Licensee's signature and listing of continuing education credit hours was reported by Licensee on a form entitled "Social Work Continuing Education Reporting Form," which the Board requires licensees to complete and verify prior to renewing a license to practice social work in the State of Kansas. In doing so, Licensee knowingly falsified the number of continuing education hours required for Licensee's social work license renewal.

6. As a result of the investigation, the Board through its investigative committee determines that reasonable grounds exist to believe that Licensee has committed acts that constitute violations of K.S.A. 65-65-6311(a) (4) and K.A.R. 102-2-7(a) which prohibit a licensee from obtaining licensure by false statement or misrepresentation.

HOWEVER, Licensee and the Board mutually desire to enter into a Consent Agreement and Order in lieu of adjudicative proceedings to resolve the alleged violation.

WHEREFORE, Licensee waives all rights to an adjudication of facts and law which could be determined pursuant to a hearing conducted in accordance with the Kansas administrative procedure act in relation to the facts set forth herein.

WHEREFORE Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas act for judicial review in relation to the facts set forth herein.

WHEREFORE Licensee consents and agrees to perform the following during all times that she holds any license issued by the Board:

**A. Research Paper.** Licensee shall research and write a ten (10) page professional paper, single-spaced and properly referenced, on the subject of the importance of ethics as part of continuing education for social workers. The Board, in its sole discretion, shall determine whether the professional paper is acceptable. In the event the Board determines the professional paper to be unacceptable, the Licensee shall have thirty (30) days from the rejection date to submit a revised professional paper for the Board's consideration. Said completed research paper shall be submitted to the Board for review and approval not later than 3 months after the effective date of the order.

**B. License Suspension - Stayed.** Licensee's LBSW license #3219 shall be suspended for a period of not less than 6 months commencing the date of the order,

and until Licensee provides proof to the satisfaction of the Board that she has complied fully and completely with each, every and all provisions of the Consent Agreement and Order. Said suspension shall be stayed for a period of 6 months commencing the date of the order. In the event Licensee does not provide proof to the satisfaction of the Board that she has complied fully and completely with each, every and all provisions of the Consent Agreement and Order within 6 months of the effective date of the order, the stay shall be lifted and the suspension shall become actual suspension until such proof of completion is made to the satisfaction of the Board.

**C. Continuing Education.** Licensee shall attend and complete 3 hours of continuing education during the period of suspension of Licensee's license, with the 3 hours to be related to the topic of ethics. Said 3 hours herewith imposed shall be in addition to all other continuing education requirements for license renewal, and shall not be applied to any other continuing education requirement. Licensee shall provide proof to the satisfaction of the Board that Licensee has completed said supplemental 3 hours of continuing education as a condition of lifting the suspension of Licensee's license. Licensee shall comply with all continuing education requirements for social workers licensed by the Board during the period of suspension imposed by the Consent Agreement and Order.

**D. Notification of All Locations of Practice.** Within 10 days of the effective date of the Order, Licensee shall notify the Board, in writing, of all locations where he is currently engaged in the practice that requires a LBSW license, setting forth the name of any employer (if applicable), address, and telephone number for each such location.

Further, Licensee shall notify the Board within 10 days of any change of location.

Licensee acknowledges an affirmative duty to notify the Board with 10 days of any changes in personal or professional status which would inhibit compliance with any term or condition of the Consent Agreement and Order. In the event of such change in status, the Board reserves the right to modify or amend the Consent Agreement and Order upon reasonable notice to Licensee.

**E. Acknowledgments and Affirmations.** Licensee acknowledges that she has read the Consent Agreement and Order in its entirety and affirms that she enters into it voluntarily, after the opportunity to consult with counsel and with full understanding of its legal consequences. Licensee executes and submits the Consent Agreement and Order to the Board with the acknowledgment that once it is accepted, approved and made an order of the Board, it shall be given the same force and effect as a Final Order entered as a result of a formal disciplinary proceeding, specifically the pending administrative petition on file with the Board in case number 99-0794.

Licensee acknowledges that the Consent Agreement is not effective unless and until accepted by the Board as an order of the Board. If the Board does not accept the Consent Agreement and Order, Licensee waives any right she may have to object to the composition of any subsequent hearing panel due to the hearing panel members having knowledge of matters contained within the Consent Agreement and Order.

**G. Violations Of The Consent Agreement and Order.** It is the responsibility of Licensee to take all appropriate actions to comply fully with the Consent Agreement and Order. Licensee understands and agrees that any violation of the Consent Agreement

and Order shall constitute a violation of a Board Order and thus constitute grounds for further disciplinary action. If the Board has reasonable grounds to believe that a violation of the Consent Agreement and Order has occurred, the Board may on its own motion initiate disciplinary action, including the issuance of a summary order lifting the stay of suspension and imposing actual suspension, or other appropriate discipline, as provided by K.S.A. 77-537. In the event of the issuance of a summary order, and subsequent timely request by Licensee for hearing on the summary order, the issues to be addressed at such hearing shall be limited solely to: (1) whether the Licensee committed the violations believed by the Board to have occurred, and (2) what disciplinary sanctions should be imposed in addition to the summary lifting of the stay of suspension. The pendency of any disciplinary action against Licensee shall not affect Licensee's obligation to comply with the terms of the Consent Agreement and Order.

**H. Reporting to Other Jurisdictions.** Licensee acknowledges that notification of the Consent Agreement and Order shall be provided to another state licensing board if Licensee is also licensed, registered or certified in another state or states, and the Board shall disclose the Consent Agreement and Order to another licensing board upon request.

**I. Costs and Expenses.** Licensee shall be responsible for any costs incurred in satisfying the terms of the Consent Agreement and Order.

**J. Restoration of License.** Upon proof to the satisfaction of the Board of completion of each and every term and condition of the Consent Agreement and Order, the suspension of Licensee's license LBSW #3219, will be lifted and said license

restored to unconditional status.

**K. Consent Agreement and Order Constitutes Entire Agreement.** Licensee acknowledges that the Consent Agreement and Order constitutes the entire agreement between Licensee and the Board, and may be modified or amended only by written agreement signed by Licensee and the Board or a designee of the Board, except as otherwise provided in the Consent Agreement and Order.

WHEREFORE licensee consents and agrees that any violation of the consent agreement and order shall constitute a prima facie violation of K.S.A. 65-65-6311(a) (4) and K.A.R. 102-2-7(a).

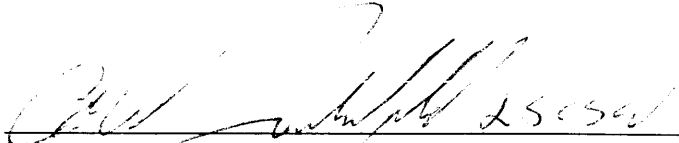
WHEREFORE Licensee consents to the submission of the Consent Agreement and Order to the Behavioral Sciences Regulatory Board and understands that upon approval of the Board, the Consent Agreement and Order becomes a final order of the Board.

WHEREFORE the Board agrees that it will not initiate further disciplinary action against Licensee in relation to violation of K.S.A. 65-65-6311(a) (4) and K.A.R. 102-2-7(a) unless Licensee does any act or omission that violates the consent agreement and order in which case said violation shall constitute a prima facie violation of K.S.A. 65-65-6311(a) (4) and K.A.R. 102-2-7(a), as noted elsewhere herein.

WHEREFORE the provisions above are consented to and are hereby made the final order of the Behavioral Sciences Regulatory Board which becomes effective on


the date indicated in the below Certificate of Service.

IT IS SO ORDERED.

  
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Member, Behavioral Sciences Regulatory Board

**APPROVED AND CONSENTED TO:**

  
\_\_\_\_\_  
Brenda Fatzer

  
\_\_\_\_\_  
(date)



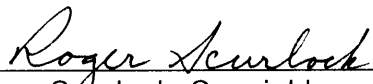
**CERTIFICATE OF SERVICE**

This to certify that on the 13<sup>th</sup> day of February, 2001, a true and correct copy of the above and foregoing Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Brenda Fatzer



Alan Varner  
Assistant Attorney General  
120 S.W. 10<sup>th</sup> Street, Second Floor  
Topeka, Kansas 66612-1597

  
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Roger Scurlock, Special Investigator  
Behavioral Sciences Regulatory Board