

KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

Eisenhower State Office Building
700 SW Harrison Street, Suite 420
Topeka, Kansas 66603-3240

In the Matter of)
)
Dene't L. Wyckoff,)
LMSW License No. 4213,)
)
Licensee/Respondent)
Pursuant to (K.S.A. 77-537)

Case No. 24-MS-0036

Summary Proceeding Order

Now on this 23 day of September, 2024, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board (the "Board"). After reviewing its administrative records and otherwise being duly advised in the premises, the Board makes the following findings of fact, conclusions of law, and orders.

FINDINGS OF FACT

1. The Board is the duly constituted and acting agency of the State of Kansas authorized to administer and enforce the provisions of the Kansas Social Workers Licensure Act, K.S.A. 65-6301 *et seq.*, and amendments thereto (the "Act").
2. Respondent Dene't L. Wyckoff ("Respondent") is an individual with a last known mailing address of [REDACTED]
3. At all times relevant hereto, Respondent has been licensed as a Licensed Master Social Worker (LMSW) within the meaning of the Act.
4. Respondent renewed her LMSW online on or about January 3, 2023. Therein, Respondent represented that she had obtained forty (40) units of documented and Board-approved continuing education required to renew her LMSW license pursuant to K.S.A. 65-6313(b)(1) and K.A.R. 102-2-4a(a).
5. On or about February 6, 2023, the Board notified Respondent via email and regular mail that she was subject to an audit of her continuing education pursuant to K.A.R. 102-2-11a. The Board requested Respondent return completed renewal audit forms and the original continuing education documents that validate all continuing education credit claimed for credit during the renewal period within thirty (30) days.

6. Respondent did not respond to the February 6, 2023 notice. As a result, the Board sent Respondent another notice on May 18, 2023 by email and regular mail.

7. Respondent responded to the May 18, 2023 email on August 18, 2023 and represented that she located the May 18, 2023 email in her spam folder. Respondent relayed that she did not intend to renew her license and had previously notified the Board of the same. Moreover, Respondent represented that she had not worked in Kansas in fifteen (15) years and did not have time to complete her continuing education hours because of personal health reasons.

8. In response, the Board's renewal specialist informed Respondent that she had renewed her LMSW license on January 3, 2023 and had been sent multiple notices. The renewal specialist informed Respondent that if she intends to respond to the audit, she should advise regarding how much time she needs to complete the audit.

9. On August 24, 2023, Respondent replied via email acknowledging she had renewed her LMSW license with the knowledge that she had not completed the requisite continuing education hours and represented that she was not in the best place due to her health. Respondent also acknowledged receiving a notice in the mail from the Board and represented that she had not been checking her email regularly. Respondent represented that after receiving the notice in the mail she found the emails which she had overlooked from the Board.

10. Respondent requested until September 30, 2023 to respond to the audit; however, Respondent did not provide the required completed renewal audit forms and the original continuing education documents that validate all continuing education credit claimed for credit during the renewal period by September 30, 2023, or at any time thereafter.

11. On or about September 13, 2023, the Board sent a report of alleged violation ("RAV") to Respondent and requested Respondent respond to the RAV which alleged Respondent had failed to respond and participate in the continuing education audit.

12. Respondent did not respond to the September 13, 2023 notice, and as a result, the Board sent a second and final notice to Respondent via email on October 31, 2023.

13. Respondent has failed to respond to any and all requests from the Board to respond to the continuing education audit, failed to comply with the continuing education audit, and failed to respond to the RAV initiated relating to her failure to respond to the continuing education audit.

APPLICABLE LAW

14. The Act authorizes the Board to condition, limit, revoke or suspend a license as an LMSW, and/or publicly or privately censure a licensee or impose a fine not to exceed \$1,000 per violation upon a finding that a licensee violates any provision of K.S.A. 65-6311(a)(1) – (11).

15. K.S.A. 65-6311(a)(5) and (9) provide in relevant part that the board may condition, limit, revoke or suspend a license, publicly or privately censure a licensee or may impose a fine not to exceed \$1,000 per violation upon a finding that a licensee:

(5) has violated a provision of the social workers licensure act or one or more rules and regulations of the board;

....

(9) has been found to have engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the board;

16. K.A.R. 102-2-11a provides:

(a) A random audit of the continuing education documentation for 10 percent of the social worker licenses expiring each month shall be conducted by the board.

(b) Each licensee selected for the random audit shall be notified in writing after the board has received the social worker's renewal application form required by K.A.R. 102-2-11.

(c) Upon board notification, each renewal applicant for a social worker license shall submit the following to the board within 30 days after the license expiration date:

(1) The completed renewal audit forms; and

(2) the original continuing education documents that validate all continuing education units claimed for credit during the current renewal period.

(d) Continuing education units that a renewal applicant for a social worker license earns after board receipt of the renewal application form shall not be approved for continuing education credit for the current renewal period.

(e) Failure to comply with this regulation shall be considered unprofessional conduct.

17. K.A.R. 102-2-7 provides in relevant part, that the following acts constitute unprofessional conduct:

(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;

18. Pursuant to K.S.A. 77-537(a) of the Kansas Administrative Procedure Act ("KAPA"), a state agency may use summary proceedings, subject to a party's request for a hearing on the order, if:

- (1) The use of those proceedings in the circumstances does not violate any provision of law;
- (2) the protection of the public interest does not require the state agency to give notice and an opportunity to participate to the persons other than the parties;
- (3) based upon an investigation of the facts by the state agency, beyond receipt of the allegations, the state agency believes in good faith that the allegations will be supported to the applicable standard of proof, provided however that an alleged failure to meet the standard set forth in this subsection shall not be subject to immediate judicial review and shall not invalidate any later agency action that has been supported to the applicable standard of proof; and
- (4) the order does not take effect until after the time for requesting a hearing has expired.

CONCLUSIONS OF LAW

19. The use of summary proceedings pursuant to KAPA is appropriate in this case.

20. Respondent is in violation of K.S.A. 65-6311(a)(5) for violating a rule and regulation of the Board, namely K.A.R. 102-2-7(c)(1) and (2), for failing to submit to the Board within thirty (30) days of notification from the Board completed renewal audit forms and the original continuing education documents that validate all continuing education units claimed for credit during the current renewal period.

21. Respondent is in violation of K.S.A. 65-6311(a)(9) for engaging in unprofessional conduct as defined in K.A.R. 102-7-11(i) for failing or refusing to cooperate in a timely manner with a Board request for information.

ORDER

WHEREFORE, in consideration of the above findings of fact and conclusions of law, and pursuant to the authority granted by K.S.A. 65-6311(a)(5) and (9) and K.S.A. 77-537, the Complaint Review Committee on behalf of the Board hereby finds and orders that:

- A. Respondent's LMSW License No. 4213 should be and is hereby **SUSPENDED** on an indefinite basis effective as of the date this Summary Proceeding Order becomes a final order of the Board, and until further order of the Board;
- B. Pursuant to K.S.A. 65-6311(a)(5) and (9), Respondent is subject to an administrative fine in the amount of two hundred fifty dollars (\$250.00) which is due and payable within thirty (30) days of the effective date of this Summary Proceeding Order.
- C. Respondent may petition the Board for reinstatement of her LMSW license pursuant to K.A.R. 102-7-11(g). In connection with the request for reinstatement, the Board may consider any materials, information, evaluation

or examination reports, or other documentation that the Board may request that will enable the Board to satisfactorily evaluate and determine whether or not the license should be reinstated, including without limitation the following factors:

- (A) the extent to which the individual presently merits the public trust;
 - (B) the individual's demonstrated consciousness of the wrongful conduct that resulted in the license suspension;
 - (C) the extent of the individual's remediation and rehabilitation in regard to the wrongful conduct that resulted in the license suspension;
 - (D) the nature and seriousness of the original misconduct;
 - (E) the individual's conduct subsequent to the license suspension;
 - (F) the time elapsed since the license suspension; and
 - (G) the individual's present competence in social work knowledge and skills
- D. In the event the Board approves the reinstatement of Respondent's LMSW license(s), the Board reserves the right to impose such other conditions or limitations as the Board in its discretion may deem necessary to protect the public interest.
- E. Except as otherwise provided herein, Respondent shall submit to the Board's investigator at its offices at 700 SW Harrison, Suite 420, Topeka, Kansas, 66603, any and all documents and payments required for compliance with the terms and conditions required by this Summary Proceeding Order.

IT IS SO ORDERED.

Entered this 23 day September, 2024.



Mary Jones, Chairperson
Kansas Behavioral Sciences Regulatory Board
Complaint Review Committee

NOTICE OF RELIEF FROM SUMMARY PROCEEDING ORDER

Pursuant to K.S.A. 77-537 and 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:

David Fye, Executive Director
Behavioral Sciences Regulatory Board
700 SW Harrison St., Suite 420
Topeka, KS 66603

This written request must be filed within eighteen (18) calendar days of the date listed in the Certificate of Service below (15 calendar days plus 3 calendar days for mail service). Pursuant to K.S.A. 77-503(c), the 18-day period begins the day after the date shown in Certificate of Service below and includes weekends and legal holidays. If the 18th day falls on a Saturday, Sunday, or legal holiday, then the 18-day period runs until 5:00 p.m. on the next day that is not a Saturday, Sunday, or legal holiday. A request is considered "filed" on the date it is received at the Board's office. If a hearing is not requested in the time and manner stated, this Summary Order becomes a final order subject to judicial review. A petition for judicial review should be directed to the above recipient.

The Board's designee who may receive service of a request for a hearing on behalf of the Board is:

David Fye, Executive Director
Behavioral Sciences Regulatory Board
700 SW Harrison, Suite 420
Topeka, Kansas 66603

NOTICE OF ADMINISTRATIVE RELIEF

In the event that you do not timely request a hearing, the above Order will become a final order the day following the 18th day referenced above (i.e., 19 calendar days following the date listed in the Certificate of Service below). Pursuant to K.S.A 77-529, a party may file with the Board a petition for reconsideration within 15 days from the date the Summary Proceeding Order becomes a final order. Such petition must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking judicial review.

Pursuant to K.S.A. 77-528, a party may file, if applicable, a petition for stay of effectiveness of the order prior to the expiration of the time in which to file a petition for judicial review. The filing of a petition for a stay of effectiveness is not a prerequisite for seeking judicial review.

NOTICE OF JUDICIAL RELIEF

If a petition for reconsideration is not filed pursuant to K.S.A. 77-613, a party may file within 30 days from the date the Summary Proceeding Order becomes a final order a petition for judicial review with the appropriate district court as provided in the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*

The designee who may receive service of a petition for reconsideration, a petition for stay, or a petition for judicial review on behalf of the Board is:

David Fye, Executive Director
Behavioral Sciences Regulatory Board
Eisenhower State Office Building
700 SW Harrison, Suite 420
Topeka, Kansas 66603-3240

CERTIFICATE OF SERVICE

This is to certify that on this 23 day of September, 2024, a true and correct copy of the above and foregoing Summary Proceeding Order was placed in the U.S. mail, first-class postage prepaid, addressed to:

Dene't L. Wyckoff



And by e-mail to:

Timothy D. Resner
Frieden & Forbes, LLP
1414 SW Ashworth Place, Suite 201
Topeka, KS 66604
tresner@fflawllp.com
Counsel for the Board of the Behavioral Sciences Regulatory Board

Cindy D'Ercole
Staff,
Kansas Behavioral Sciences Regulatory Board