

KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD
700 SW Harrison Street, Suite 420
Topeka, Kansas 66603-3929

In The Matter Of)
)
PAMELA R. WHITE, LSCSW,) Case No. 23-CS-0168
License No. 2446,)
)
)
Respondent.)

CONSENT AGREEMENT AND FINAL ORDER

Now, on this 31 day of December, 2024, the above-captioned matter comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board ("Board") by agreement of Pamela R. White, LSCSW ("Respondent"), for the purposes of resolving the above-captioned matter.

1. The Board is represented herein by its counsel, Timothy D. Resner of Frieden & Forbes, LLP, 1414 S.W. Ashworth Place, Suite 201, Topeka, Kansas 66604. Respondent appears through her attorney Christopher A. Bräckman of Franke Schultz & Mullen, P.C., 7101 College Blvd., Suite 550, Overland Park, KS 66210.

2. 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") Pursuant to applicable provisions of the Act and the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.* ("KAPA"), whenever it is established that the applicant and/or Respondent has committed any of the acts described in K.S.A. 65-6311(a), the Board may refuse to issue, renew or reinstate a license, and/or revoke, suspend, censure, condition, and/or limit a Respondent and/or assess a fine against the applicant and/or Respondent in an amount not in excess of \$1,000.00 per violation

3. The Board's Complaint Review Committee has received certain information, has investigated and has determined that there are reasonable grounds to believe that Respondent has committed one or more acts in violation of the Act and/or the Board's Regulations that would justify, pursuant to the provisions of K.S.A. 65-6311(a), the imposition of disciplinary action against her license and the assessment of a civil fine against Respondent in an amount not to exceed \$1,000.00 per violation.

4. Respondent hereby admits and waives any further proof in this or any other proceeding before or initiated by the Board, and upon motion duly made, seconded and passed, the Board's Complaint Review Committee makes the following findings of fact, conclusions of law and approves of the disposition set forth herein.

I. FINDINGS OF FACT

5. Respondent is currently and was at all times relevant to this Consent Agreement and Final Order, an LSCSW within the meaning of the Act.

6. In April of 2023 Respondent began providing marriage counseling to married persons AM and MM, and at the same time provided individual counseling to AM and MM.

7. The Board received a complaint from MM which asserted that Respondent had breached confidentiality by sharing certain information AM had provided to Respondent during an individual session, with MM during a subsequent individual session. The example provided in the complaint was that AM confided in Respondent during an individual counseling session that MM had not slept in the same bed as AM in over a year, and instead MM would sleep in the couple's child's bed. Respondent questioned MM why he continued to sleep in the couple's child's bed in a subsequent individual counseling session with MM.

8. MM also complained that Respondent, in response to being notified of an incident wherein AM was physically abusive towards their children instructed MM to be patient after MM had become irate and was yelling. After this, MM lowered his tone and disclosed to Respondent that he had already reported the incident and obtained a protection from stalking and abuse order and that it was being served that day. Respondent responded that the protection from stalking and abuse order may result in AM losing her job.

9. In response to the complaint, Respondent denied a breach of confidentiality and maintained that MM sleeping in the couple's child's bed was discussed during a joint couple's session. However, Respondent admitted that AM brought up the issue again during individual counseling stating that nothing had changed in regard to MM not sleeping in bed with AM, which caused Respondent to question MM later in individual counseling regarding the issue.

10. Respondent also admitted to not obtaining written informed consent to communicate information about each client to the other.

11. In consideration of this matter, it is also noted that Respondent was disciplined through a consent agreement and order entered in Case No. 08-CS-25,

pursuant to KSA 65-6311 for unprofessional conduct as defined in KAR 102-2-7(s), (t) and (aaa) for revealing confidential information of a client to another client.

II. APPLICABLE LAW

12. Pursuant to K.S.A. 65-6311(a)(9): The board may refuse to issue, renew or reinstate a license, may condition, limit, revoke or suspend a license, may publicly or privately censure a Respondent or may impose a fine not to exceed \$1,000 per violation upon a finding that a Respondent has engaged in unprofessional conduct as defined by applicable rules and regulations adopted by the Board.

13. K.A.R. 102-2-7 provides in relevant part, that any of the following acts by a licensee shall constitute unprofessional conduct:

(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, except when at least one of these conditions is met:

- (1) Disclosure is required or permitted by law;
- (2) failure to disclose the information presents a clear and present danger to the health or safety of an individual or the public; or
- (3) the licensee is a party to a civil, criminal, or disciplinary investigation or action arising from the practice of social work, in which case disclosure is limited to that action;

(t) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of these actions:

- (1) Electronically recording sessions with that client;
- (2) permitting a third-party observation of their activities; or
- (3) releasing information concerning a client to a third party, except as required or permitted by law;

III. CONCLUSIONS OF LAW

14. Based on the facts stipulated to herein, Respondent is subject to sanction pursuant to K.S.A. 65-6311(a)(9) for engaging in unprofessional conduct as defined by applicable rules and regulations adopted by the Board, namely K.A.R. 102-2-7(s) and (t).

IV. AGREEMENT

15. Respondent and the Board mutually desire to enter into a Consent Agreement and Final Order in lieu of further adjudicative proceedings at this time.

WHEREFORE, Respondent agrees and consents to, and the Board further orders, the following terms and conditions:

a. Respondent shall be required to obtain three (3) additional continuing education hours in client confidentiality and recordkeeping. These hours may not be used toward the total number of continuing education hours required for license renewal.

b. Within ninety (90) days of the effective date of this Consent Agreement and Final Order, Respondent shall submit to the Board's investigator documentation of completion of the three (3) additional continuing education hours.

c. Respondent shall be responsible for any costs incurred in satisfying the terms of the Agreement.

d. Respondent shall submit to the Board's investigator at its offices located at 700 SW Harrison St, Suite 420, Topeka, Kansas, 66603, any and all documents evidencing compliance with the terms and conditions required by this Consent Agreement and Final Order.

V. ADDITIONAL STIPULATIONS

16. Respondent agrees that all information in the possession of the Board's Complaint Review Committee, its staff, its investigators and its attorney regarding the matters which led to this disciplinary action, the investigation and all information discovered during the pendency of the disciplinary action may be disclosed to and considered by the Board's Complaint Review Committee as part of the presentation and consideration of the proposal of settlement in the form of this Consent Agreement and Final Order, with or without the presence of the Respondent or her attorney. In the event that this Consent Agreement and Final Order is not accepted and approved by the Board's Complaint Review Committee, Respondent waives any objection to such Board members' consideration of this Consent Agreement and Final Order or the information mentioned in the preceding sentence and further waives the disqualification of any Board member, including any right to seek the disqualification of any Board member, based on such Board member's consideration of said document and information.

17. The stipulations and orders contained herein shall not become binding until this Consent Agreement and Final Order is approved and entered by the Complaint Review Committee. Respondent acknowledges that the approval of the Board's Counsel shall not constitute the approval of the Board or bind the Board to approve this Consent Agreement and Final Order.

18. Respondent agrees that this Consent Agreement and Final Order is in conformance with Kansas and federal law and the Board has jurisdiction to enter into it.

Respondent further agrees that the Act referenced in paragraph 2 above is constitutional on its face and as applied in this case.

19. This stipulation constitutes the entire agreement of the parties and may only be modified by a subsequent writing signed by them. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

20. Respondent acknowledges that she has the following rights:

- (a) To have formal notice of charges served upon her;
- (b) To file a response to the charges;
- (c) To have notice of and participate in a formal adjudicative hearing with the Board or its designee making specific findings of facts and conclusions of law based only upon evidence admitted at such hearing; and
- (d) To take advantage of all applicable provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 et seq. and the Kansas Judicial Review Act, K.S.A. 77-601 et seq.

Respondent freely waives these rights and acknowledges that such waiver is made voluntarily and in consideration of avoiding an administrative hearing and the Board's agreement to limit the disciplinary action taken against her in accordance with the terms and conditions provided for herein. Respondent also waives all of her rights to seek reconsideration, administrative review and/or judicial review of this Consent Agreement and Final Order or to otherwise challenge or contest this Consent Agreement and Final Order in any direct or collateral administrative or judicial proceedings.

21. Respondent acknowledges that she enters into this Consent Agreement and Final Order freely and voluntarily after consultation or a reasonable opportunity for consultation with counsel of her choosing. Respondent further acknowledges that her representatives have read this Consent Agreement and Final Order in its entirety, that they understand its legal consequences and that they agree that none of its terms or conditions is unconscionable, arbitrary, capricious or unreasonable.

22. Time is of the essence to this Consent Agreement and Final Order. Respondent acknowledges and agrees that any violation of this Consent Agreement and Final Order shall constitute a violation of a lawful Board order pursuant to K.S.A. 65-6311(a)(11) and grounds for further disciplinary action against him. The pendency of any disciplinary action arising out of any alleged violation of this Consent Agreement and Final Order shall not affect the obligation of Respondent to comply with all terms and conditions of this Consent Agreement and Final Order.

23. This Consent Agreement and Final Order constitutes the entire and final agreement of the parties. In the event any provision of this Consent Agreement and Final Order is determined to be invalid or unenforceable by a court of competent jurisdiction, it shall be severed and the remaining provisions of this Consent Agreement and Final Order shall be given full force and effect.

24. Upon execution by all parties and entry as an order by the Board, this Consent Agreement and Final Order shall be a public record in the custody of the Board

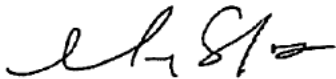
25. This Consent Agreement and Final Order shall become effective on the day it is approved by the signature of the Complaint Review Committee's Chairperson or designee below.

26. Respondent acknowledges that she has been advised by the Board that after the Consent Agreement and Final Order becomes effective Respondent has the right within 15 days after service of this Consent Agreement and Final Order to file a petition for reconsideration with the Board and the right within 30 days after service of the Consent Agreement and Final Order to file a petition for judicial review in the District Court of Shawnee County, Kansas in accordance with the Kansas Judicial Review Act, K.S.A. 77-601 et seq., which must be served on the Kansas Behavioral Sciences Regulatory Board by serving David Fye, its Executive Director, at 700 SW Harrison Street, Suite 420, Topeka, KS 66603-3240. However, Respondent expressly waives these rights.

27. In accordance with K.S.A. 77-531(a)(3), Respondent consents to service of this Consent Agreement and Final Order via electronic mail, addressed to Respondent at: [REDACTED]

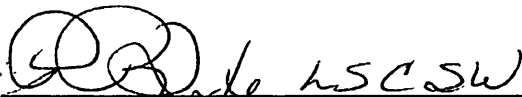
WHEREFORE, the parties consent to these provisions, which are hereby made the Final Order of the Kansas Behavioral Sciences Regulatory Board in the above-captioned case.

IT IS SO ORDERED.



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

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AGREED AND CONSENTED TO BY:


Pamela R. White, LSCSW Date 12/23/2024
Respondent

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CERTIFICATE OF SERVICE

This is to certify that on this 31 day of December, 2024, a true and correct copy of the above and foregoing Consent Agreement and Final Order was served via electronic mail only, addressed to:


Pamela R. White, LSCSW



Christopher A. Brackman
Franke Schultz & Mullen, P.A.,
7101 College Blvd., Ste. 510
Overland Park, KS 66210
cbrackman@fsmllawfirm.com

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*



Staff,
Kansas Behavioral Sciences Regulatory Board