

KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

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

In the Matter of)
)
Reva C. Friedman)
LMSW License No. 4101,)
)
Licensee/Respondent.)

Case No. 23-MS-048

Pursuant to (K.S.A. 77-537)

Summary Proceeding Order

The above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (the "Board") for consideration of the reinstatement application filed by Reva C. Friedman for a license as a Licensed Master Social Worker. The Presiding Officers who considered his application were the following Board members: Deb Stidham, Donna Hoener-Queal, Jim Kilmartin, Jacqueline Lightcap, Andrea Perdomo-Morales, Cynthia Schendel, Laura Shaughnessy and David Stevens. Board members Mary Jones, David Anderson, Linda Heitzman-Powell and Richard Nobles were not present.

After reviewing its administrative records, the Board makes the following findings of fact, conclusions of law, and orders.

FINDINGS OF FACT

1. Reva C. Friedman ("License") was issued a Licensed Master Social Worker ("LMSW") license, no. 4101, on or about July 8, 1998, and thereafter was an LMSW within the meaning of the Kansas Social Worker Licensure Act, K.S.A. 65-6301 *et seq.*

2. On or about February 26, 2015, the Board entered a Summary Proceeding Order in Case No. 13-MS-0041 suspending Licensee's LMSW license relating to an audit of Licensee's continuing education during which Licensee failed to provide audit materials requested by the Board ("Summary Proceeding Order").

3. The Summary Proceeding Order was served on Licensee though first-class mail at her last known preferred mailing address on February 26, 2015 and became a final order of the Board on or about March 17, 2015. In relevant part, the Summary Order provided that Licensee's license was suspended until further order of the Board.

4. Licensee caused the Board to receive an Application for Reinstatement of all Levels of Social Work License (the "Reinstatement Application") on or about June 30, 2023.

5. Through further investigation and through a response from Licensee to an inquiry from the Board regarding the Reinstatement Application, it has been determined that Licensee was a professor at the University of Kansas for forty-four (44) years in good standing and is currently an associate professor emeritus retiring from her post on June 1, 2022. Licensee has held national elected office in professional organizations including the National Association for the Gifted and The Association for the Gifted, which focus on education for gifted children. During her career with the University of Kansas, Licensee has been awarded research grants and won awards. Moreover, during the past year, Licensee has served as a volunteer chaplain for a medical center in her community.

6. Licensee revealed that she does not have recollection of the Summary Order and attributes the issue potentially to moving residences and mail not forwarding properly. Licensee apologized to the Board for the situation and revealed that she is highly motivated to rectify this situation. Licensee desires to devote her professional energies to improving the mental health needs of children, youth and families.

APPLICABLE LAW

7. The Kansas Social Worker Licensure Act, K.S.A. 65-6301 *et seq.* (the "Act"), authorizes the Board to reinstate a license as a LMSW to applicants who meet the requirements of the Act, and provides the Board with evidence satisfactory to establish that they have met conditions for reinstatement including completion of forty (40) hours of continuing education within the two (2) years prior to the application. See K.S.A. 65-6313(d). Because Licensee has previously been licensed as LMSW, the license is on suspended status, and Licensee has applied for reinstatement of the license, the Board has jurisdiction over Licensee and this matter.

8. K.A.R. 102-2-11(g) provides:

(g) If the license of any individual has been suspended and if the individual thereafter makes an application for license renewal or reinstatement, the individual shall submit the following:

- (1) The completed reinstatement application forms;
- (2) the required renewal fee and, if a reinstatement, a penalty fee equal to the renewal fee;
- (3) proof satisfactory to the board of compliance with the continuing education requirements;
- (4) proof satisfactory to the board of compliance with the terms of the suspension; and
- (5) any materials, information, evaluation or examination reports, or other documentation as requested by the board, that will enable the board to satisfactorily evaluate and determine whether or not the license should be renewed or reinstated. Factors to be considered by the board in

determining whether or not the license should be renewed or reinstated shall include the following:

- (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.

9. K.A.R. 102-2-1a(p) defines "merits the public trust" as follows:

(p) . . . an applicant or licensee possesses the high standard of good moral character and fitness required to practice social work as demonstrated by the following personal qualities:

- (1) Good judgement;
- (2) integrity;
- (3) honesty;
- (4) fairness;
- (5) credibility;
- (6) reliability;
- (7) respect for others;
- (8) respect for the laws of the state and the nation;
- (9) self-discipline;
- (10) self-evaluation;
- (11) initiative; and
- (12) commitment to the social work profession values and ethics.

10. 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

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

12. Applicant has demonstrated to the satisfaction of the Board that she meets the requirements of licensure under the Act, that reinstatement is warranted pursuant to K.A.R. 102-2-11(g), and further, that good cause exists for the lifting of the suspension imposed by the Summary Order.

ORDER

After consideration of the above findings of fact and conclusions of law, the Board hereby Orders that Applicant's Reinstatement of all Levels of Social Work License is hereby GRANTED and Licensee's LMSW no. 4101 is hereby reinstated.

IT IS SO ORDERED.

Entered this 5th day of September, 2023



Mary Jones, Chairperson
Kansas Behavioral Sciences Regulatory Board

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 24th day of September, 2023, 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:

Reva C. Friedman



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

A handwritten signature in blue ink, appearing to read "Leslie Allen", written over a horizontal line.

Staff,
Kansas Behavioral Sciences Regulatory Board

CERTIFICATE OF SERVICE

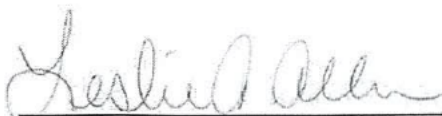
This is to certify that on this 5th day of September, 2023, a true and correct copy of the above and foregoing Summary Proceeding Order was placed in the U.S. mail, first-class postage prepaid, addressed to:

Resner 9/7/23

Reva C. Friedman

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