

KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

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

In the Matter of)
)
Margo O. Fund,)
LMSW License No. 6936,)
)
Licensee/Respondent)
Pursuant to (K.S.A. 77-537)

Case No. 24-MS-0102

Summary Proceeding Order

Now on this 2 day of May, 2025, 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 Margo O. Fund ("Respondent") is an individual with a last known mailing address of 14425 W. 90th Terr., Lenexa, KS 66215.
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 September 13, 2023. Therein, Respondent represented that she had obtained forty (40) units of continuing education (CEUs) 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 September 13, 2023, the Board sent a Notice of Audit to Respondent via email that she was subject to an audit of her CEUs 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 CEUs claimed for credit during the renewal period within 30 days.
6. Respondent did not respond to the September 13, 2023 Notice of Audit. As a result, the Board sent Respondent a second notice via email and first class mail on October 30,

2023. Because Respondent did not respond to the October 30, 2023 notice, Respondent was sent a final notice via email and first class mail on December 29, 2023 regarding her obligation to comply with the audit. Respondent did not respond to the December 29, 2023 notice.

7. On or about February 19, 2024, Respondent was sent a report of alleged violation (“RAV”) regarding her failure to comply with the CEU audit.

8. Because Respondent did not respond to the RAV, a follow up request was sent to her via email on April 10, 2024.

9. Respondent responded to the April 10, 2024 email on April 11, 2024 and informed the Board’s investigator that she had taken continuing education classes while substituting as a school social worker, that she left her continuing education certificates in her office and could not return to the school due to the school’s security requirements. Respondent further represented that she had attempted to obtain the certificates from the school social worker and principal but was unable to do so. As a result, Respondent relayed that she was completing additional CEUs in order to make up the outstanding CEUs.

10. The Board also notes that Respondent was disciplined pursuant to a Consent Agreement and Order in Case No. 14-MS-0026 for completing CEUs after submitting her renewal application.

APPLICABLE LAW

11. 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);

12. 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;

13. 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.

14. 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;

15. 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

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

17. 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. 102-2-11(c), 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 CEUs claimed for credit during the current renewal period.

18. Respondent is in violation of K.S.A. 65-6311(a)(9) for engaging in unprofessional conduct as defined in K.A.R. 102-2-7(i) for failing or refusing to cooperate in a timely manner with a Board request for information and K.A.R. 102-2-11a(e) for failing to comply with the requirements of said regulation in responding to the Board's CEU audit.

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. 6936 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 five hundred dollars (\$500.00) 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, Respondent must complete the outstanding CEU audit and all other requirements of K.A.R. 102-7-11(g). In addition, 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 and/or subject to further discipline, 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 2 day May, 2025.



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

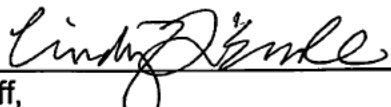
This is to certify that on this 2 day of May, 2025, a true and correct copy of the above and foregoing Summary Proceeding Order was placed in the U.S. mail, first-class postage prepaid, addressed to:

Margo O. Fund



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