

**BEFORE THE MISSOURI STATE COMMITTEE FOR
SOCIAL WORKERS**

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In the Matter of the Application of)
)
DANA EVANS BOYLAND,)
)
Applicant.)

ORDER OF THE STATE COMMITTEE FOR SOCIAL WORKERS
ISSUING A PROBATIONARY MASTER SOCIAL
WORKER LICENSE TO DANA EVANS BOYLAND

The State Committee for Social Workers (the "Committee") hereby issues its **ORDER** issuing a **PROBATED MASTER SOCIAL WORKER LICENSE** to Dana Evans Boyland (hereafter "Boyland"), **subject to PROBATION for TWO (2) years subject to the terms and conditions described below**, pursuant to the provisions of § 324.038, RSMo. As set forth in § 324.038.2, RSMo, Boyland may submit a written request to the Administrative Hearing Commission seeking a hearing and review of the Committee's decision to issue a probated license. Such written request must be filed with the Administrative Hearing Commission within 30 days of delivery or mailing of this Order of the Committee. The written request should be addressed to the Administrative Hearing Commission, P.O. Box 1557, Truman State Office Building, Room 640, Jefferson City, MO 65102-1557. If no written request for review is filed with the Administrative Hearing Commission within the 30-day period, the right to seek review of the Committee's decision shall be considered waived. Should Boyland file a written request for review of this Order, the terms and conditions of this Order shall remain in force and effect unless or until such time as the Administrative Hearing Commission issues an Order to the contrary.

I.

Based upon the foregoing, the Committee hereby states:

FINDINGS OF FACT

1. The Committee is an agency of the state of Missouri created and established pursuant to § 337.600, RSMo Cum. Supp. 2009, for the purpose of licensing all persons engaged in the practice of social work in this state. The Commission has control and supervision of the licensed occupations and enforcement of the terms and provisions of Chapter 337.600 to 337.689, RSMo (as amended).

2. On or about July 20, 2010, Boyland applied for licensure as a master social worker. In addition to her application, Boyland submitted a letter dated July 16, 2010. The letter stated that she in 2007 she took the ASWB clinical examination for LCSW and requested that the passing score on the clinical examination be accepted in lieu of taking the test for the LMSW.

3. On her application, Boyland answered “yes” to the following questions: “Has your license or social work privileges ever been revoked, restricted, or have you ever been the subject of disciplinary action by any licensing agency, institution or other entity?” and “Have you ever been disciplined for unethical behavior or unprofessional conduct?”

4. In support of her responses of yes, Boyland included a notarized letter explaining her responses. The letter stated that in January 2007, during her practicum, Boyland began a relationship with a client. She stated it was “an extremely stressful time.” The letter stated that at the time she thought the relationship was mutual. However, she states, “[n]ow I have a clear understanding of the power differential between therapist and client, between social worker and consumer, and of the harm such a breach in ethics can cause.” The letter stated she self-reported her actions to her supervisor in November 2008 and her employment was terminated. She stated that her supervisor reported the incident to the Committee but also wrote a letter in support. Her

letter stated the Committee rescinded her provisional license and the Department of Mental Health investigated and put her on the disqualification list. Finally, she stated she has a strong support system that “has enabled me to set boundaries both personally and professionally.” She stated she meets with her pastor weekly and is employed in a hospital setting as a medical social worker. She stated she continues to educate herself and has taken responsibility for her actions.

5. On or about November 4, 2008, the Committee received a complaint from Teri Kleusner regarding Boyland. Kluesner stated that she was Boyland’s supervisor and Boyland informed her of inappropriate conduct and a past relationship with a client. The complaint stated that Boyland provided therapy to the client from September 2006 to January 2007 when they made a mutual decision to stop therapy because goals were met. The complaint stated it was at that time the personal relationship started and continued until March 2008. The complaint stated Boyland realized the relationship was improper and considered ending it several times before March 2008. She eventually ended the relationship out of fear. The complaint finally stated Boyland had sought therapy herself as a result of the incident.

6. On or about November 6, 2008, the Committee received a complaint from Judith Johnson regarding Boyland. Ms. Johnson was the clinical director of the Community Counseling Center where Boyland worked at the time of the relationship with her client. The complaint stated that Boyland engaged in a sexual relationship with a client and as clinical director, Ms. Johnson discharged her from her position with the agency.

7. In response to the complaints, Boyland provided a written response dated November 17, 2008. The Committee received the response on December 4, 2008. The response admitted the personal relationship with a client, explained the relationship with the client, explained her failure to consult with her supervisor at the time of therapy with the client or at the time of the relationship. It also explained what she did after the relationship including

psychiatric treatment, therapy and medication. She stated she worked on developing personal and professional boundaries and changed positions of employment. She stated she learned how to use supervision effectively and had continued her own therapy and treatment.

8. In March, 2009, as a result of Boyland's relationship with a client, the Committee voted to rescind Boyland's provisional license.

II.

CONCLUSIONS OF LAW

9. Regulation 20 CSR 2263-3.040, Client Relationships, states, in relevant part:

(1) A member of the profession shall not enter into or continue a dual or multiple relationship, including social relationship, business relationship, or sexual relationship, as defined by the committee, with a current client or with a person to whom the member has at any time rendered psychotherapy (clinical social work) or other professional social work services for the treatment or amelioration of mental and emotional conditions.

10. The Committee has authority to deny or refuse a license application pursuant to § 337.630.1, RSMo 2000, which provides:

The committee may refuse to issue or renew any license required by the provisions of sections 337.600 to 337.689 for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

10. Pursuant to § 337.630.2, RSMo 2000, the Committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 337.600 to 337.689 or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

...

- (5) Incompetency, misconduct, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of a social worker license pursuant to this chapter;

...

- (6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.600 to 337.689, or any lawful rule or regulation adopted pursuant to sections 337.600 to 337.689;

...

- (13) Violation of any professional trust or confidence;

...

- (15) Being guilty of unethical conduct as defined in the ethical standards for clinical social workers adopted by the committee by rule and filed with the secretary of state.

11. Boyland's relationship with a client as described in paragraphs 3 through 8 above, violated 20 CSR 2263-3.060(1) and therefore the Committee has cause to deny Boyland's license pursuant to § 337.630.2(6), RSMo.

12. Boyland's relationship with a client as described in paragraphs 3 through 8 above constitute unethical conduct as adopted by the Committee in rule 20 CSR 2263-3.060 for which the Committee has cause to deny Boyland's license pursuant to § 337.630.2(15), RSMo.

13. Boyland's relationship with a client as described in paragraphs 3 through 8 above constitutes incompetency, misconduct, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of a social worker license pursuant to this chapter and violation of a professional trust or confidence for which the Committee has cause to deny Boyland's license pursuant to § 337.630.2(5) and (13), RSMo.

14. As an alternative to refusing to issue a license, the Committee may, at its discretion, issue a license subject to probation, pursuant to § 324.038.1, RSMo, which provides:

Whenever a Board within or assigned to the division of professional registration, including the division itself when so empowered, may refuse to issue a license for reasons which also serve as a basis for filing a complaint with the administrative hearing commission seeking disciplinary action against a holder of a license, the Board, as an alternative to refusing to issue a license, may, at its discretion, issue to an applicant a license subject to probation.

15. The Committee issues this Order in lieu of denial of Boyland's application for master social worker license. The Committee has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

Based on the foregoing, Dana Evans Boyland is granted a master social worker license, which is hereby placed on **PROBATION** for two (2) years, subject to the terms and conditions set forth below. The period of probation shall constitute the "disciplinary period." During the disciplinary period, Boyland shall be entitled to practice as a master social worker under Chapter 337, RSMo, as amended, provided Boyland adheres to all the terms of this agreement.

IV.

TERMS AND CONDITIONS

During the aforementioned probation, Boyland shall be entitled to present herself and serve as a licensed master social worker subject to the following terms and conditions:

- A. During the probationary period, if Boyland wishes to pursue a clinical social worker license, Boyland shall inform her supervisor of the issues identified in Section I, paragraphs 3 through 8 and have her supervisor acknowledge that information in the contract for supervision. Boyland's supervisor shall address the information in an annual progress report to the Committee. The first progress report shall be due December 1, 2011.
- B. During the probationary period, Boyland shall comply with all relevant provisions of Chapters 324 and 337, RSMo and all applicable Committee regulations and all federal and state criminal laws. "State" includes the state of Missouri, all other states and territories of the United States, and the ordinances of their political subdivisions.

- C. Upon the expiration of the disciplinary period, the license of Boyland shall be fully restored if all requirements of law have been satisfied; provided, however, that in the event the Committee determines that Boyland has violated any term or condition of this Settlement Agreement, the Committee may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke or otherwise lawfully discipline Boyland's provisional license.
- D. Boyland shall submit quarterly written reports to the Committee during the probationary period stating truthfully whether there has been compliance with all terms and conditions of this Order. The first such report shall be received by the Committee on or before March 1, 2011.
- E. Boyland shall meet with the Committee or its representative at any such time and place as required by the Committee or its designee upon notification from the Committee or its designee. Said meetings will be at the Committee's discretion and may occur periodically during the probationary period.
- F. Boyland shall immediately submit documents showing compliance with the requirements of this Order to the Committee when requested by the Committee or its designee.
- G. If Boyland fails to comply with the terms of this order, in any respect, the Committee may impose such additional discipline or other discipline that it deems appropriate, including revocation of the license following a hearing before the Board.
- H. Boyland shall notify the Committee in writing of any changes of the telephone number and address within ten (10) working days of any such change.
- I. Boyland shall keep the Committee apprised of her current home or work addresses and telephone numbers. Boyland shall inform the Committee within ten (10) days of any change of home or work addresses or telephone numbers.
- J. This Order does not bind the Committee or restrict the remedies available to the Committee for any violation of §§ 337.600 to 337.689, RSMo, not specifically mentioned in this document.
- K. During the probationary period, Boyland shall timely renew her license, timely pay all fees required for licensure and comply with all other Committee requirements necessary to maintain her license current and active.
- L. If, at any time during the probationary period, Boyland changes her residence from the state of Missouri, or fails to keep the Committee advised of all current places of residence and business, the time of absence or unknown whereabouts shall toll the disciplinary period and shall not be deemed or taken as an part of the probationary period.
- M. If, at any time during the probationary period, Boyland ceases to maintain her Missouri license as current, the time of unlicensed status shall toll the probationary period and shall not be deemed or taken as any part of the probationary period.

- N. If the Committee determines that Boyland has violated a term or condition of this Order, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court, the Committee may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Order in its determination of appropriate legal actions concerning that violation.
- O. Any failure by Boyland to comply with any condition of discipline set forth herein constitutes a violation of this Order.
- P. Unless otherwise specified by the Committee, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Committee shall be forwarded to: State Committee for Social Workers, P.O. Box 1335, Jefferson City, Missouri 65102.
- Q. The Committee will maintain this Order as an open record of the Committee as provided in Chapters 324, 337 and 610, RSMo.

This Order does not bind the Committee or restrict the remedies available to it concerning any violation by Respondent of the terms and conditions of this Order, Chapters 324 and 337, RSMo (as amended), or the regulations promulgated thereunder.

SO ORDERED, EFFECTIVE THIS 9th DAY OF November, 2010.

STATE COMMITTEE FOR SOCIAL WORKERS



Tom Reichard, Executive Director