

MISSOURI STATE COMMITTEE FOR SOCIAL WORKERS

In the matter of the application of:)
)
AMY GAGLIARDI,)
) License No.: 2010002146
for a license as a Clinical Social Worker.)

**ORDER GRANTING PROBATIONARY LICENSE
AS A CLINICAL SOCIAL WORKER**

The Missouri State Committee for Social Workers (the "Committee") hereby issues its **ORDER** granting a **PROBATIONARY CLINICAL SOCIAL WORKER LICENSE**, License No. 2010002146, to Amy Gagliardi, pursuant to the provisions of § 324.038, RSMo, Cum. Supp. 2008. As set forth in § 324.038.2, RSMo, Gagliardi may submit a written request to the Administrative Hearing Commission seeking a hearing and review of the Committee's decision to issue a probationary clinical social worker 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 Gagliardi file a written request for review of this Order, the terms and conditions of this Order shall remain in force and effect unless and/or until such time as the Administrative Hearing Commission issues an Order to the contrary.

I.

Based upon the foregoing, the Board hereby states:

FINDINGS OF FACT

1. The Committee is an agency of the state of Missouri created and established pursuant to § 337.622, RSMo, Cum. Supp. 2008, for the purpose of licensing all persons engaged in the practice of clinical social work in this state. The Committee has control and supervision of the licensed occupations and enforcement of the terms and provisions of sections 337.600 through 337.689, RSMo (as amended).

2. On or about March 27, 2009, the Committee received a Registration of Supervision ("Registration") form from Gagliardi wherein she sought registration of her supervision by Sarah Harber. Harber has supervised Gagliardi in the State of Indiana. The Registration included a copy of a Contract for Supervision ("Contract") between Amy Gagliardi (at that time Amy Baker) and Sarah Harber. Gagliardi signed the Contract on February 9, 2009 and Harber signed on March 20, 2009. The Contract listed Gagliardi's address as 6927 Marquette Ave., St. Louis, Missouri and her employer as Saint Johns Mercy Medical Center in St. Louis, Missouri. The Contract includes Harber's address as 3431 Whitepine Drive, New Haven, Indiana and her employer as Parkview Behavioral Health in Fort Wayne, Indiana. The Registration included information only regarding supervision that had already occurred in Indiana and contained no information regarding supervision currently ongoing or planned to occur in the future in Missouri.

3. Since as early as February 9, 2009, Gagliardi has been employed by St. Johns Mercy Medical Center in St. Louis Missouri. Her duties included conducting

psychosocial assessments for an intake department and meeting with a supervisor. Gagliardi was not under the supervision of a licensed clinical social worker in Missouri and had not registered any Missouri supervision with the Committee other than the March 27, 2009 Registration.

4. On or about August 10, 2009, Gagliardi was issued a license to practice as a clinical social worker by the state of Indiana.

5. On or about September 11, 2009, the Committee received an Application for Licensure by Reciprocity from Gagliardi seeking a license to practice as a clinical social worker in Missouri. The Committee received no other applications for licensure from Gagliardi.

CONCLUSIONS OF LAW

6. The Committee has authority to deny or refuse a license application pursuant to § 337.630, RSMo 2000, which provides, in pertinent part:

1. 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.

2. 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:

...

(10) Assisting or enabling any person to practice or offer to practice social work licensed pursuant to this chapter who is not licensed and currently eligible to practice pursuant to the provisions of sections 337.600 to 337.689[.]

7. Pursuant to § 337.600(10), RSMo:

"Licensed clinical social worker", [means] any person who offers to render services to individuals, groups, organizations, institutions, corporations, government agencies, or the general public for a fee, monetary or otherwise, implying that the person is trained, experienced, and licensed as a clinical social worker, and who holds a current, valid license to practice as a clinical social worker[.]

8. Pursuant to § 337.600(2), RSMo:

"Clinical social work", [means] the application of social work theory, knowledge, values, methods, principles, and techniques of case work, group work, client-centered advocacy, community organization, administration, planning, evaluation, consultation, research, psychotherapy and counseling methods and techniques to persons, families and groups in assessment, diagnosis, treatment, prevention and amelioration of mental and emotional conditions[.]

9. In conducting psychosocial assessments for the intake department at St. Johns Mercy Medical Center, Gagliardi practiced as a clinical social worker without a Missouri license. As a result of Gagliardi practicing as a clinical social worker without a license, the Committee has cause to deny or refuse Gagliardi's application for a clinical social worker license pursuant to § 337.630.2(10), RSMo.

10. 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.

11. The Committee issues this Order in lieu of denial of Gagliardi's application for a clinical social worker license. The Committee has determined that this Order is necessary to ensure the protection of the public.

ORDER

12. Based on the foregoing, Amy Gagliardi is granted a clinical social worker license, which is hereby placed on **PROBATION** for the period of one (1) year from the effective date of this Order and subject to the terms and conditions set forth herein.

TERMS AND CONDITIONS

13. During the aforementioned probation, the following terms and conditions shall apply:

A. **Supervision.** During the one (1) year probationary period, Gagliardi shall be under the supervision of a licensed clinical social worker approved by the Committee. Gagliardi shall be responsible for ensuring that her supervisor prepares and provides directly to the Committee semi-annual reports on Gagliardi's clinical practice, recordkeeping and procrastination;

- 1) Gagliardi shall provide a list of five (5) clinical social workers who are willing to supervise her practice to the Committee within ten (10) days of the date of this Order. The list shall state how Gagliardi is related (i.e., professionally, socially, by consanguinity or by affinity), if at all, to each proposed supervisor and state the supervisor's relevant experience. The Committee encourages Gagliardi to share this Order with her proposed supervisors to ensure that they are willing to supervise her under the terms of this Order;
- 2) The Committee will pick a supervisor from Gagliardi's list, or may require her to provide another list upon ten (10) days notice;
- 3) Gagliardi shall be responsible for any payment associated with the supervision;
- 4) In no event shall Gagliardi practice clinical social work without a supervisor approved by the Committee;

5) In the event the approved supervisor becomes unable or decides not to continue serving in his/her capacity as a supervisor or otherwise ceases to serve as a supervisor during the period of probation, then Gagliardi shall:

i. Within three (3) business days of being notified of the supervisor's inability or decision not to continue serving as the supervisor or otherwise learning of the need to secure a supervisor, advise the Committee in writing that Gagliardi is needing to secure a supervisor and the reasons for such change;

ii. Within ten (10) business days of being notified of the supervisor's inability or decision not to continue serving as the supervisor, or otherwise learning of the need to secure a supervisor, provide a list of clinical social workers willing to provide her with supervision; and

iii. Gagliardi will not practice if she has not secured an approved supervisor;

6) Gagliardi shall keep the supervisor informed about all matters affecting the provision of clinical social work provided by Gagliardi and Gagliardi shall allow the supervisor complete access to all places and all records related to Gagliardi's practice. Gagliardi shall encourage her clients to allow the supervisor to observe Gagliardi's practice with particular clients upon the supervisor's request. The supervisor shall not be responsible for the professional services rendered by Gagliardi. Sharing of information with the supervisor is not a violation of any privilege of the Health Insurance Portability and Accountability Act (HIPAA) as the Committee is a health oversight agency and the supervisor is acting as the Committee's agent. The supervisor will maintain strict confidence of all information obtained pursuant to the provisions of § 324.001.8, RSMo;

7) Gagliardi shall cause her supervisor to provide reports to the Committee in writing on a quarterly basis during the disciplinary period, detailing the nature of Gagliardi's practice, evaluating her competency (particularly with regards to her knowledge and compliance with the statutes and rules governing the practice of social work), and reporting any known or suspected violation of the statutes or rules governing the practice of clinical social work. It is Gagliardi's responsibility to ensure that these reports are provided in a timely manner.

B. Gagliardi shall meet with the Committee or its representative at such times and places as required by the Committee after notification of a required meeting;

- C. Gagliardi shall keep the Committee apprized of her current home and work addresses and telephone numbers. Gagliardi shall inform the Committee within ten (10) days of any change of home or work address and home or work telephone number;
- D. Gagliardi shall comply with all provisions of sections 337.600 through 337.689, RSMo, (as amended) as they pertain to the practice of clinical social work; all applicable federal and state drug laws, rules and regulations; and all federal and state criminal laws. "State" here includes the State of Missouri and all other states and territories of the United States;
- E. During the probationary period, Gagliardi shall timely renew her license and timely pay all fees required for licensing and comply with all other Committee requirements necessary to maintain her license in an active and unexpired status;
- F. During the probationary period, Gagliardi shall accept and comply with unannounced visits from the Committee's representatives to monitor her compliance with the terms and conditions of this Order;
- G. If Gagliardi fails to comply with the terms of this Order, in any respect, the Committee may impose such additional or other discipline or conditions that it deems appropriate;
- H. Gagliardi shall notify within fifteen (15) days of the effective date of this Order, all facilities where Gagliardi practices of her probationary status. Any place where Gagliardi's practice begins subsequent to this Order shall be informed by Gagliardi of the probationary status prior to the start of any professional practice. Notification shall be in writing and Gagliardi shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Committee for verification by the Committee or its designated representative;
- I. For purposes of this Order, unless otherwise specified in this Order, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Committee in this Order shall be forwarded to: State Committee for Social Workers, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, Missouri 65102;
- J. This Order does not bind the Committee or restrict the remedies available to it concerning any other violation by Gagliardi of sections 337.600 through 337.689, RSMo, not specifically mentioned in this Order;
- K. The requirements of this Order shall remain in effect during any appeal; if any of the terms of this Order are stayed pending review, the passage of time under this Order shall be tolled. Termination of probation under this order shall be tolled upon the filing of a probation violation complaint until such time as the allegations of the complaint are finally resolved;

L. Any failure by Gagliardi to comply with any condition of discipline set forth herein constitutes a violation of this Order.

14. This Order does not bind the Committee or restrict the remedies available to it concerning any violation by Gagliardi of the terms and conditions of this Order, sections 337.600 through 337.689, RSMo (as amended), or the regulations promulgated thereunder.

15. The Committee will maintain this Order as an open, public record of the Committee as provided in Chapters 337, 610, and 324, RSMo (as amended).

SO ORDERED, EFFECTIVE THIS 21st DAY OF JANUARY, 2010.

MISSOURI STATE COMMITTEE FOR SOCIAL WORKERS



Tom Reichard, Executive Director