

SETTLEMENT AGREEMENT

Sara Hartley (“Licensee”), and the Missouri State Committee for Social Workers (“Committee”), enter into this settlement agreement for the purpose of resolving the question of whether Licensee’s clinical social worker license will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo,¹ the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri (“AHC”) regarding cause to discipline the Licensee’s license, and, additionally, the right to a disciplinary hearing before the Committee under § 621.110, RSMo.

Licensee acknowledges that Licensee understands the various rights and privileges afforded Licensee by law, including the right to a hearing of the charges against Licensee; the right to appear and be represented by legal counsel; the right to have all charges against Licensee proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Licensee; the right to present evidence on Licensee’s own behalf at the hearing; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against Licensee and, subsequently, the right to a disciplinary hearing before the Committee at which time Licensee may present evidence in mitigation of discipline; and the right to recover attorney’s fees incurred in defending this action against Licensee’s license. Being aware of these rights provided Licensee by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this settlement agreement and agrees to abide by the terms of this document, as they pertain to Licensee.

¹ All statutory references are to the Revised Statutes of Missouri, 2000, as amended, unless otherwise indicated.

Licensee acknowledges that Licensee has received a copy of the investigative report and other documents relied upon by the Committee in determining there was cause to discipline Licensee's license, along with citations to law or regulations the Committee believes were violated.

For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this settlement agreement are true and stipulates with the Committee that Licensee's clinical social worker license, numbered 000630, is subject to disciplinary action by the Committee in accordance with the provisions of Chapters 621 and 337, RSMo.

Joint Stipulation of Facts and Conclusions of Law

1. The Committee is an agency of the state of Missouri, created and existing pursuant to § 337.622, RSMo, for the purpose of carrying out the provisions of §§ 337.600 through 337.689, RSMo.

2. Licensee, Sara Hartley, is a natural person residing at 91-1300 Enterprise Street, Kapolei, Hawaii.

3. Licensee is a licensed clinical social worker, license number 000630, which, except as noted herein, was at all times relevant herein, and is now, current and active.

4. On September 28, 2011, Licensee's license was renewed in inactive status.

5. On or about November 21, 2011, the Committee received an Application to Renew License from Licensee requesting reactivation of her inactive license. Attached to this application was a letter from Licensee to the Committee stating: "This notarized letter is being sent to document my promise to complete the required 30 hours of CEUs within one year of my license reactivation. My CSW license number is 000630."

6. On November 21, 2011, Licensee's license was reactivated effective November 22, 2011. This reactivation of Licensee's license was based upon Licensee's notarized written affirmation that she would complete the required 30 hours of continuing education within one year of reactivation.

7. On November 22, 2012, the Committee contacted Licensee via e-mail and requested documentation from Licensee that she had completed the required continuing education hours.

8. On November, 27, 2012, Licensee responded to the Committee via e-mail stating: "Thank you for your email. I had an unexpected job transfer earlier this year to Hawaii so I am going to just let my Missouri license expire and start new licensure in Hawaii. Hawaii doesn't have license reciprocity with Missouri. Please let me know if you need anything further from me."

9. Licensee failed to timely provide documentation of any continuing education hours to the Committee for the renewal period and reactivation as promised and required.

10. Licensee failed to timely complete any continuing education hours for the renewal period and reactivation as promised and required.

11. On or about July 11, 2013, Licensee submitted her application and fee to renew her license. However, Licensee failed to submit proof of continuing education for the appropriate renewal period with her application. On or about July 12, 2013, the Committee rejected Licensee's renewal application due to the lack of continuing education and requested that Licensee submit proof of continuing education compliant with the Committee's rules and regulations.

12. On or about September 19, 2013, Licensee submitted the required proof of continuing education as requested by the Committee on July 12, 2013. The Committee renewed Licensee's license on December 16, 2013.

13. Section 337.618, RSMo, provides:

Each license issued pursuant to the provisions of sections 337.600 to 337.689 shall expire on a renewal date established by the director. The term of licensure shall be twenty-four months. The committee shall require a minimum number of thirty clock hours of continuing education for renewal of a license issued pursuant to sections 337.600 to 337.689. The committee shall renew any license upon application for a renewal, completion of the required continuing education hours and upon payment of the fee established by the committee pursuant to the provisions of section 337.612. As provided by rule, the board may waive or extend the time requirements for completion of continuing education for reasons related to health, military service, foreign residency, or for other good cause. All requests for waivers or extensions of time shall be made in writing and submitted to the board before the renewal date..

14. State regulation 20 CSR 2263-2.075 provides, in pertinent part:

(2) Each licensed social worker shall provide the committee with a completed renewal form issued by the committee that shall contain:

...

(J) Affirmation that the licensee has fulfilled the ethical standard of maintaining continued competence by the completion of at least thirty (30) clock hours of continuing education.

...

15. State regulation 20 CSR 2263-2.082 provides, in pertinent part:

(1) As a condition for renewing a license to practice, all licensed social workers shall be required to have completed thirty (30) clock hours of acceptable continuing professional education courses prior to the renewal of the license.

...

(11) A licensee shall be responsible for maintaining records of continuing education activities. Each licensee shall retain documentation of the continuing education verified on the renewal form for two (2) years following license renewal. The committee may conduct audits of licensees to verify compliance with the continuing education requirements.

(12) Upon request of the committee, the licensee shall provide all documentation of completion of continuing education activities. Failure to provide the committee with the proof of compliance with the continuing education requirement when requested will be considered a violation of the practice act and shall be cause for discipline. Documentation of continuing education may consist of—

- (A) Certificates or affidavits provided by the program/sponsor;
- (B) Receipts for fees paid to the sponsor;
- (C) Educational transcripts;
- (D) Written verification from the university practicum instructor that the licensee provided supervision of undergraduate or graduate students;
- (E) Copy of publication and letter from editor/publisher;
- (F) A written announcement of a presentation schedule and/or brochure specifically identifying the licensee as the presenter of a course/seminar/program.

16. State regulation 20 CSR 2263-2.090 provides, in pertinent part:

- (5) If an inactive licensee wishes to return a license to active status, the licensee shall complete a renewal form and pay the renewal fee as stated in the rules promulgated by the committee. In addition the licensee shall:
- (A) Furnish evidence of completion of at least thirty (30) hours of continuing education within the prior two (2) years, or agree to complete thirty (30) hours within one (1) calendar year from the date of reactivation[.]

17. Section 337.630, RSMo, provides, in pertinent part:

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 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 licensed 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 of any lawful rule or regulation adopted pursuant to sections 337.600 to 337.689;

...

(13) Violation of any professional trust or confidence;

...

4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the committee may censure or place the person named in the complaint on probation on such terms and conditions as the committee deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license.

18. Licensee's actions as set forth in paragraphs 5 through 12 constitute misrepresentation or dishonesty in the performance of the functions or duties of a social worker licensed pursuant to this chapter, for which the Committee has cause to take disciplinary action against Licensee's clinical social worker license.

19. Licensee's actions as set forth in paragraphs 5 through 12 constitute violation of lawful rules and regulations adopted pursuant to §§ 337.600 to 337.689, RSMo, as set forth in paragraphs 11 through 15, for which the Committee has cause to take disciplinary action against Licensee's clinical social worker license.

20. Licensee's actions as set forth in paragraphs 5 through 12 constitute violation of any professional trust or confidence, for which the Committee has cause to take disciplinary action against Licensee's clinical social worker license.

21. Accordingly, cause exists for the Committee to take disciplinary action against Licensee's clinical social worker license under § 337.630.2(5), (6) and (13), RSMo.

Joint Agreed Disciplinary Order

22. The terms of discipline shall include that the Licensee's clinical social worker license, license number 000630, shall be placed on **PROBATION** for a period of **three (3) years**. During the probation period, Licensee shall be entitled to retain Licensee's clinical social worker license and may offer and engage in the practice of clinical social work as provided in Chapter 337, RSMo, provided Licensee adheres to all of the terms of this Settlement Agreement.

A. PROBATION REQUIREMENTS

1. Licensee shall meet with the Committee or its representatives at such times and places as required by the Committee after notification of a required meeting.
2. Licensee shall submit reports to the Missouri State Committee for Social Workers, Post Office Box 1335, Jefferson City, Missouri 65102, stating truthfully whether Licensee has complied with all the terms and conditions of this Settlement Agreement by no later than January 1, April 1, July 1 and October 1 during each year of the disciplinary period. The first report shall be due April 1, 2014. Such reports shall be submitted regardless of whether Licensee is offering or providing clinical social work services.
3. Licensee shall keep the Committee apprised of Licensee's current home and work addresses and telephone numbers. Licensee shall inform the Committee within ten days of any change of home or work address and home or work telephone number.
4. Licensee shall comply with all provisions of the Chapter 337, RSMo; 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.
5. During the probation period, Licensee shall timely renew Licensee's licenses and timely pay all fees required for licensing and comply with all other Committee requirements necessary to maintain Licensee's licenses in a current and active state.
6. During the probation period, Licensee shall accept and comply with unannounced visits from the Committee's representatives to monitor Licensee's compliance with the terms and conditions of this Settlement Agreement.

23. If Licensee fails to comply with the terms of this Settlement Agreement, in any respect, the Committee may impose such additional or other discipline that it deems appropriate, including the imposition of revocation.

24. This Settlement Agreement does not bind the Committee or restrict the remedies available to it concerning any other violation of Chapter 337, RSMo, by Licensee not specifically mentioned in this document.

25. The parties to this Settlement Agreement understand that the Missouri State Committee for Social Workers will maintain this Settlement Agreement as an open record of the Committee as provided in Chapters 337, 610 and 324, RSMo.

26. The terms of this Settlement Agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise provided herein, neither this Settlement Agreement nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

27. Licensee, together with Licensee's heirs and assigns, and Licensee's attorneys, do hereby waive, release, acquit and forever discharge the Committee, its respective members and any of its employees, agents, or attorneys, including any former Committee members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case, its settlement, or from the negotiation or execution of this Settlement

Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this Settlement Agreement in that it survives in perpetuity even in the event that any court of law deems this settlement agreement or any portion thereof to be void or unenforceable.

28. If no contested case has been filed against Licensee, Licensee has the right, either at the time the settlement agreement is signed by all parties or within fifteen days thereafter, to submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the Settlement Agreement constitute grounds for denying or disciplining the license of the licensee. If Licensee desires the Administrative Hearing Commission to review this Agreement, Licensee may submit this request to: **Administrative Hearing Commission, Truman State Office Building, Room 640, 301 W. High Street, P.O. Box 1557, Jefferson City, Missouri 65101.**

29. If Licensee has requested review, Licensee and Committee jointly request that the Administrative Hearing Commission determine whether the facts set forth herein are grounds for disciplining Licensee's license and issue findings of fact and conclusions of law stating that the facts agreed to by the parties are grounds for disciplining Licensee's license. Effective the date the Administrative Hearing Commission determines that the Settlement Agreement sets forth cause for disciplining Licensee's license, the agreed upon discipline set forth herein shall go into effect.

LICENSEE



Sara Hartley, Licensee
License number 000630

Date 1/18/2014

COMMITTEE



Tom Reichard, Executive Director
State Committee for Social Workers

Date 1-23-14