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BEFORE THE STATE COMMITTEE FOR SOCIAL WORKERS  
STATE OF MISSOURI

In the Matter of the Application of:

Tausha L. Helton

ORDER ISSUING A PROBATED LICENSED MASTER  
SOCIAL WORKER LICENSE

The State Committee for Social Workers (the "Committee"), pursuant to Section 324.038, RSMo 1, issues this order granting a PROBATED LICENSED MASTER SOCIAL WORKER LICENSE to Tausha L. Helton ("Helton" or "Licensee"), 417 W. Main Street, Truman, Arkansas 72472.

As set forth in Section 324.038, RSMo, Licensee may submit a written request for hearing to the Administrative Hearing Commission seeking review of the Committee's decision set forth in this Order. Such written request must be filed within the Administrative Hearing Commission within 30 days of the date the Committee mails this Order to Licensee. The written request should be addressed to the Administrative Hearing Commission, Room 640, Truman State Office Building, P.O. Box 1557, Jefferson City, Missouri 65102-1557.

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

Any such request should set forth that the applicant is qualified for non-probated licensure pursuant to the laws and administrative regulations relating to Licensee's profession. If such review is requested, a hearing shall be held pursuant to Chapter 621, RSMo. A Commissioner of the Administrative Hearing Commission will preside over the hearing. The hearing will be on the record and recorded by a court reporter. At the hearing, Licensee shall have the right to present testimony, call witnesses on her behalf, introduce evidence, cross-examine any witnesses called by the Committee, and object to any evidence introduced by the Committee and make legal argument to the Administrative Hearing Commission.

Following the hearing, the Administrative Hearing Commission will issue an order including findings of fact, conclusions of law and a decision based on the evidence admitted at the hearing. A copy of the Administrative Hearing Commission's order will be delivered to the parties. Chapter 536, RSMo, sets forth the procedures for review of the order of the Administrative Hearing Commission.

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. Section 324.038.2, RSMo. Should Licensee make written request for review of this Order, the terms and conditions of this Order shall remain in full force and effect unless and until such time as the Administrative Hearing Commission or reviewing court orders otherwise.

### Relevant Statutes

1. Section 324.038, RSMo, authorizes the Committee to issue a license subject to probation in lieu of denial and states:

I. 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.

2. The board shall notify the applicant in writing of the terms of the probation imposed the basis therefor, and the date such action shall become effective. The notice shall also advise the applicant of the right to a hearing before the administrative hearing commission, if the applicant files a complaint with the administrative hearing commission within thirty days of the date of delivery or mailing by certified mail of written notice of the probation. If the board issues a probated license, the applicant may file, within thirty days of the date of delivery or mailing by certified mail of written notice of the probation, a written complaint with the administrative hearing commission seeking review of the board's determination. Such complaint shall set forth that the applicant or licensee is qualified for non-probated licensure pursuant to the laws and administrative regulations relating to his or her profession. Upon receipt of such complaint the administrative hearing commission shall cause a copy of such complaint to be served upon the board by certified mail or by delivery of such copy to the office of the board, together with a notice of the place of and the date upon which the hearing on such complaint will be held. Hearings shall be held pursuant to chapter 621. The burden shall be on the board to demonstrate the existence of the basis for imposing probation on the licensee. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered waived.

3. If the probation imposed includes restrictions or limitations on the scope of practice, the license issued shall plainly state such restriction or limitation. When such restriction or limitation is removed, a new license shall be issued.

2. Section 337.643.1, RSMo, requires a license to engage in the practice of master social work and states:

1. No person shall use the title of licensed master social worker and engage in the practice of master social work in this state unless the person is licensed as required by the provisions of this section and section 337.644.

2. A licensed master social worker shall be deemed qualified to practice the applications of social work theory, knowledge, methods and ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. "Master social work practice" includes the applications of specialized knowledge and advanced practice skills in the management, information and referral, counseling, supervision, consultation, education, research, advocacy, community organization, and the development, implementation, and administration of policies, programs, and activities. Under supervision as provided in sections 337.600 to 337.689, the practice of master social work may include the practices reserved to clinical social workers or advanced macro social workers for no more than forty-eight consecutive calendar months for the purpose of obtaining licensure under section 337.615 or 337.645. No licensed master social worker shall practice independently the scope of practice reserved for clinical social workers or advanced macro social workers. This shall mean that any practices reserved to licensed clinical social workers or licensed advanced macro social workers performed by a licensed master social worker shall be for the purpose of obtaining licensure under section 337.615 or 337.645 in an employment setting where either a licensed clinical social worker or a licensed advanced macro social worker is a registered supervisor approved by the state committee for social work.

3. Section 337.644, RSMo, sets forth the requirements for licensure as a licensed master social worker and states:

1. Each applicant for licensure as a master social worker shall furnish evidence to the committee that:

(1) The applicant has a master's or doctorate degree in social work from an accredited social work degree program approved by the council of social work education;

(2) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be determined by the state committee for social workers;

(3) The applicant is at least eighteen years of age, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted of a felony during the ten years immediately prior to application for licensure;

(4) The applicant has submitted a written application on forms prescribed by the state board;

(5) The applicant has submitted the required licensing fee, as determined by the committee.

2. Any applicant who answers in the affirmative to any question on the application that relates to possible grounds for denial of licensure under section 337.630 shall submit a sworn affidavit setting forth in detail the facts which explain such answer and copies of appropriate documents related to such answer.

3. Any person holding a valid unrevoked and unexpired license, certificate, or registration from another state or territory of the United States having substantially the same requirements as this state for master social workers may be granted a license to engage in the person's occupation in this state upon application to the committee accompanied by the appropriate fee as established by the committee under section 337.612.

4. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subsection I of this section or with the provisions of subsection 3 of this section. The license shall refer to the individual as a licensed master social worker and shall recognize that individual's right to practice licensed master social work as defined in section 337.600.

4. Section 337.630, RSMo, authorizes the Committee to deny an application for a licensed master social worker license and states, in relevant portion:

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.

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:

\* \* \*

(8) Revocation or suspension of a license or other right to practice social work licensed pursuant to this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

\* \* \*

(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.

### **Parties and Background**

5. The Committee is an agency of the State of Missouri created and existing pursuant to Section 337.622, RSMo, for the purpose of carrying out the provisions of Sections 337.600 through 337.689, RSMo.

6. Tausha L. Helton is a natural person who has registered her business address with the Committee at 417 W. Main Street, Truman, Arkansas 72472.

7. Helton submitted her "Application for Licensure by Reciprocity" to the Committee that she signed before a notary public on October 14, 2015 (the "Application").

8. Helton holds a valid, unrevoked and unexpired Licensed Master Social Work license issued by the Arkansas Social Work Licensing Board.

9. Arkansas has substantially the same requirements as Missouri for the issuance of a master social work license.

10. Helton has met the statutory requirements for licensure.

### **Basis for Probation**

11. On the Application, Helton answered "yes" to the question that stated:  
Have you ever been disciplined for unethical behavior or unprofessional conduct?

12. Along with the Application, Helton provided a written explanation of the prior discipline.

13. By "Findings of Fact, Conclusions of Law and Order" entered on August 17, 2015, the Arkansas Social Work Licensing Board suspended Helton's Arkansas social worker license for 5 business days and placed her under supervision for a period of one year. (The "Arkansas Discipline").

14. In the Arkansas Discipline, the Arkansas Social Work Licensing Board found Helton engaged in patient abandonment by resigning from her position without notice and without closure or referral with patients and this authorized suspension under Ark. Code Ann. Section 17-103-305 for "violation of the Social Work Licensing Act", "gross negligence in the practice of social work" and "engaging in a course of unprofessional conduct as defined by the rules established by the board or violation of the code of ethics made and published by the board." Arkansas Discipline, p. 2, paragraph 2.

15. The Arkansas Discipline cited Arkansas Social Work Licensing Regulation XI.K. defining unprofessional conduct as "neglecting or abandoning a client in need of immediate care or who is under the social worker's care." Arkansas Discipline, p. 2, paragraph 3.

16. The Arkansas Discipline cites Arkansas Social Work Licensing Regulation X.G.2. that states "a social worker must not violate such positions of trust and dependency by committing any act detrimental to a client, student or supervisee." Arkansas Discipline, p.2, paragraph 4.

17. Section 337.630, RSMo, authorizes revocation or suspension for the grounds that formed the basis for the Arkansas Discipline.

18. The Committee has cause to deny Helton's application for a licensed master social worker license pursuant to Section 337.330.2 (8), RSMo.

19. The Committee finds that issuance of a probated master social worker license, subject to certain terms and conditions, in lieu of denial, will ensure protection of the public.

**Issuance of Probated License Subject to Terms and Conditions**

The Committee, in lieu of denial, hereby issues a licensed master social worker license to Tausha Helton, on **PROBATION** for a period of **ONE (1) YEAR** (the "Disciplinary Period") subject to the terms and conditions contained in this Order and set forth below. During the Disciplinary Period, Licensee shall be entitled to practice as a licensed master social worker, subject to compliance with this Order.

**Terms and Conditions of the Disciplinary Period**

20. Licensee shall comply with the following terms and conditions of probation during the Disciplinary Period:

- a. Licensee shall keep the Committee informed of Licensee's current work and home telephone numbers and addresses. Licensee shall notify the Committee in writing within ten (10) business days of any change in this information. If Licensee utilizes e-mail, Licensee shall provide the Committee with her current and active e-mail address;

- b. Licensee shall submit written reports of compliance on or before the first day of each month during the Disciplinary Period. Each written report of compliance shall state truthfully whether Licensee has complied with all conditions of the Disciplinary Period and, if she has not, shall provide full disclosure of the failure to comply. Each written report of compliance shall be due regardless of whether Licensee is engaged in the practice of social work;
- c. 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;
- d. Licensee shall comply with all provisions of Chapter 337, RSMO, and its regulations, and all state and federal criminal laws and all state and federal laws related to the practice of licensed master social work, including compliance with state revenue laws;
- e. Licensee shall engage in no conduct that would give the Committee cause to seek authority to discipline from the Administrative Hearing Commission as set forth in Section 337.630, RSMo;
- f. Upon the request of the Committee or its representative, Licensee shall immediately submit any and all records requested to show compliance with these terms and conditions;
- g. Licensee shall renew timely all licenses, shall pay timely all fees required for licensure and shall meet all other requirements necessary to maintain all

licenses issued by the Committee current and active including timely completion of all required continuing professional education; and

- h. Licensee shall accept and comply with unannounced visits from the Committee or its representatives to monitor Licensee's compliance with these terms and conditions;
- i. Licensee shall provide a copy of this Order to any employer for whom Licensee will be performing social work within 5 business days of the commencement of her employment or within 5 business days of Licensee's receipt of this Order

*Supervision Requirements*

- J. During the Disciplinary Period, Licensee's practice as a social worker shall be supervised as set forth in this Order;
- k. During the Disciplinary Period, Licensee shall practice social work only under the order, control, oversight, guidance and full professional responsibility of the approved registered supervisor at the setting(s) as approved by the Committee;
- l. Within 30 days after the effective date of this Order, or if, Licensee is not currently engaged in the practice of social work, prior to beginning the practice of social work, Licensee shall submit no fewer than 5 names of proposed clinical social workers who will agree to serve as Licensee's supervisor. The Committee may approve one of the proposed clinical

social workers, or may require additional names to be submitted, which Licensee shall submit within 30 days of the Committee's request;

- m. The Committee will provide written notice to both Licensee and the supervisor of its approval of a supervisor. Licensee must begin supervision within 7 days of the Committee's approval of the supervisor. Licensee shall immediately provide the Committee written notice of the start date of the supervision and shall, within 7 days of the start date of the supervision, provide the Committee with a copy of the supervision agreement between Licensee and the supervisor;
- n. If Licensee fails to secure a supervisor within 30 days of the effective date of this Settlement Agreement, then Licensee shall cease to practice as a social worker until a supervisor is approved, per the terms of this Settlement Agreement;
- o. Licensee shall be responsible for any payment associated with the supervision;
- p. Supervision shall consist of at least monthly, consisting of at least 4 hours per month, on site face to face review of cases and review, approval, and co-signing of written reports such as case notes, intake assessments, test reports, treatment plans, and progress reports.

- q. Licensee's supervisor shall submit written reports to the Committee due by the 5<sup>th</sup> day of each month of the Disciplinary Period. In these reports, the supervisor shall report to the Committee whether Licensee is in compliance with the terms of this Order, to the best knowledge of the supervisor, and Licensee's understanding and adherence to approved standards of professional and ethical conduct, areas of continued growth and development and accountability of supervision hours.
- r. If Licensee's approved supervisor becomes unable or decides not to continue to serve in the capacity of a supervisor or for any other reason ceases to serve as a supervisor for Licensee, then Licensee shall:
  - i. Within 3 business days of being notified that the supervisor will be ceasing to serve as Licensee's supervisor, Licensee shall advise the Committee in writing of the date the supervisor will be ceasing to provide services; and
  - s. Within 30 days of being notified of the need to find a new supervisor, Licensee shall secure a new supervisor in accord with the terms of this Settlement Agreement. If Licensee does not secure a new Committee approved supervisor, per the terms of this Settlement Agreement, Licensee shall cease practice as a social worker until such time as a Committee approved supervisor is in place;

t. Licensee shall follow all directives of her supervisor related to his practice as a social worker.

u. If Licensee is currently under supervision pursuant to the Arkansas Discipline and Licensee engages in the practice of social work only in Arkansas, then Licensee's supervisor in Arkansas may be approved by the Committee for supervision under this Order, upon written request for such approval by the Licensee. If Licensee engages in the practice of social work in Missouri, she must obtain a Missouri supervisor as set forth in this Order.

21. Upon the expiration of the Disciplinary Period and successful completion of the probation, Licensee's license shall be fully restored if all other requirements of the law have been satisfied; provided however, that in the event the Committee determines that Licensee has violated any term or condition of this Order, 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 Licensee's license.

22. The Committee shall enter no order imposing further discipline on Licensee's license without notice and an opportunity for hearing before the Committee in accordance with the provisions of Chapter 536, RSMo.

23. If the Committee determines that Licensee has violated a term or condition of this Order, and that violation would also be actionable in a proceeding before the Administrative Hearing Commission or in a circuit court, the Committee may elect to pursue any lawful remedies or procedures afforded to it and is not bound by this Order in its determination of appropriate legal actions concerning such violation(s).

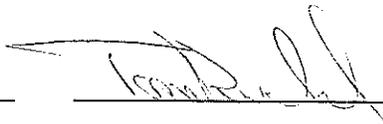
24. If any alleged violation of this Order occurs during the Disciplinary Period, the Committee may choose to conduct a hearing on the alleged violation either during the Disciplinary Period, or as soon thereafter as a hearing can be held, to determine whether a violation of the terms and conditions of probation occurred and, if so, may impose further discipline on Licensee's license. The Committee has continuing jurisdiction to hold a hearing determine if a violation of the terms and conditions of probation occurred.

25. This Order of the Committee shall be maintained as an open and public record of the Committee as provided in Chapters 337, 610 and 324, RSMo.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

2-26-11



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Tom Reichard  
Executive Director  
State Committee for Social Workers