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Tom Reichard
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BEFORE THE MISSOURI
STATE COMMITTEE FOR SOCIAL WORKERS

STATE COMMITTEE FOR)	
SOCIAL WORKERS,)	
)	
Petitioner,)	
)	
v.)	CASE # 2006038492
)	
THERESA SCHILLING,)	
)	
Respondent.)	

ORDER OF THE MISSOURI
STATE COMMITTEE FOR SOCIAL WORKERS
DISCIPLINING THE CLINICAL SOCIAL WORKER LICENSE OF
THERESA SCHILLING

On or about October 7, 2010, the State Committee for Social Workers (“Committee”) and Theresa Schilling (“Schilling” or “Licensee”) entered into a Settlement Agreement Between State Committee for Social Workers and Theresa Schilling (“Settlement Agreement”) placing Licensee’s clinical social worker license, license number 2006038492, on supervised probation for one (1) year because Licensee used her professional credentials and letterhead for a private

matter regarding a former daughter-in-law in violation of § 337.630.2(5), (6) and (15), RSMo.¹ During the disciplinary period, Licensee was to comply with the terms set forth in the Settlement Agreement.

On December 14, 2012, at approximately 2:30 p.m., the Committee held a hearing pursuant to notice and §§ 621.110 and 324.042, RSMo, at the Associated Industries of Missouri, 3234 West Truman Boulevard, Jefferson City, Missouri 65109, for the purpose of determining whether Licensee had violated any of the disciplinary terms set forth in the Settlement Agreement. The Committee was represented by Assistant Attorney General, Stephen Doerhoff. Licensee appeared in person with legal counsel, William Petrus. After being present and considering all of the evidence presented during the hearing, the Committee issues the following Findings of Facts, Conclusions of Law and Order.

Based upon the foregoing the Committee states:

I.

FINDINGS OF FACT

1. The Committee is an agency of the state of Missouri created and established pursuant to § 337.622, RSMo, for the purpose of licensing persons engaged in the practice of 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 to 337.689, RSMo.

2. Licensee is licensed by the Committee as a licensed clinical social worker, license number 2006038492.

3. On or about October 7, 2010, the Committee and Licensee entered into a Settlement Agreement placing Licensee's clinical social worker license, license number

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

2006038492, on supervised probation for one (1) year because Licensee used her professional credentials and letterhead for a private matter regarding a former daughter-in-law in violation of § 337.630.2(5), (6) and (15), RSMo. During the disciplinary period, Licensee was to comply with the terms set forth in the Settlement Agreement.

4. On or about June 14, 2011, Licensee notified the Committee that she had been unemployed, but recently began working as a clinical therapist for Ozarks Center on June 13, 2011, and requested that her 1 year probation period officially begin on June 13, 2011.

5. On April 20, 2012, the Committee received correspondence from Licensee's supervisor indicating that she was terminating the supervision of Licensee as of April 16, 2012.

6. During the disciplinary period set forth in the Settlement Agreement, Licensee was required to comply with the terms of the Settlement Agreement, including those on pages 6 to 9, paragraph 21, which provide, in pertinent part:

b. Respondent's practice shall be under supervision during the one (1) year probationary period, with quarterly reports by the supervisor submitted to the Committee.

c. . . . Respondent must begin supervision within one week of the Committee's approval. Respondent must immediately notify the Committee, in writing, of the start date of supervision...

d. In the event the supervising clinical social worker becomes unable or decides not wish (sic) to continue serving in his/her capacity as a supervising clinical social worker during the probationary period, Respondent shall:

i. Notify the Committee in writing within 3 business days of the supervising clinical social worker's inability or decision to no longer serve as a supervisor; and

ii. Within 20 business days of being notify (sic) that the supervising clinical social worker is unable or no longer wishes to serve as a supervisor, Respondent shall secure a new supervising

clinical social worker approved by the Committee. Should Respondent be unable to secure a new supervising (sic) within 20 business days, Respondent shall cease to practice as a clinical social worker.

7. The Settlement Agreement further provides, on page 9, paragraph 22, that:

Upon the expiration of the disciplinary period, the license of Smith shall be fully restored if all requirements of law have been satisfied; provided, however, that in the event the Committee determines that Smith 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 Smith's license.

8. The Settlement Agreement further provides, on page 10, paragraph 26, that:

If any alleged violation of this Settlement Agreement occurred during the disciplinary period, the parties agree that the Committee may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. Smith agrees and stipulates that the Committee has continuing jurisdiction to hold a hearing to determine if a violation of this Settlement Agreement has occurred.

9. Licensee failed to notify the Committee in writing within three (3) days of no longer being under supervision or at any time.

10. Licensee failed to obtain a new supervising clinical social worker approved by the Committee within 20 days as required in paragraph 22(d)(ii) of the Settlement Agreement.

11. Licensee testified that she has not worked as a licensed social worker since her supervision terminated. Licensee admitted that she had an obligation to advise the Committee regarding the end of her supervision but that she forgot to do that and never did. Licensee asserted, through counsel, that the Committee had actual notice of the end of supervision, but that such notice was not in writing from Licensee as required. Licensee, through counsel, asked that Licensee be permitted to finish the last two (2) months of probation.

II.

CONCLUSIONS OF LAW

12. Pursuant to § 324.042, RSMo:

Any board, commission, or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant, or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission, or committee may impose as additional discipline any discipline it would be authorized to impose in an initial disciplinary hearing.

13. Licensee, by failing to notify the Committee within three (3) days of the end of her clinical supervision, violated paragraph 22(d)(i) of the Settlement Agreement. Accordingly, Licensee's license is subject to further discipline by the Committee for this violation.

14. Licensee failed to obtain a new supervising clinical social worker approved by the Committee within 20 days as required in paragraph 22(d)(ii) of the Settlement Agreement, but Licensee ceased work as a clinical social worker after her prior supervision ended in compliance with paragraph 22(d)(ii). Accordingly, Licensee's license is not subject to further discipline by the Committee on this basis.

15. As a result of the foregoing, Licensee's clinical social worker license is subject to further disciplinary action by the Committee pursuant to § 324.042, RSMo, and the terms of the Settlement Agreement.

16. The Committee has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

17. Having fully considered all the evidence before the Committee, it is the ORDER of the Committee that the clinical social worker license of Theresa Schilling (license no. 2006038492) is hereby placed on **PROBATION** for a period of one (1) year, beginning with the effective date of this Order and ending one calendar year from the effective date of this Order, subject to the terms and conditions set forth below.

IV.

TERMS AND CONDITIONS

18. During the aforementioned probation, Licensee shall be entitled to present herself and serve as a licensed clinical social worker subject to the following terms and conditions:

- A. Licensee may offer and provide services only under supervision by a supervisor pre-approved by the Committee.
- B. For all quarters during which Licensee offers or provides any clinical social worker services, Licensee shall facilitate the submission of quarterly reports from her supervisor directly to the Committee. Such reports shall be submitted by the supervisor to the State Committee for Social Workers, P.O. 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 on April 1, 2013.
- C. In the event the supervising clinical social worker becomes unable or decides not to continue serving in his/her capacity as a supervising clinical social worker during the probationary period, Licensee shall notify the Committee in writing within three (3) business days of the supervising clinical social worker's inability or decision to no longer serve as a supervisor.
- D. During the probationary period, Licensee 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.
- E. Licensee 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 April 1, 2013.

- F. Licensee 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.
- G. Licensee shall immediately submit documents showing compliance with the requirements of this Order to the Committee when requested by the Committee or its designee.
- H. If Licensee 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.
- I. Licensee shall notify the Committee in writing of any changes of the telephone number and address within ten (10) working days of any such change.
- J. Licensee shall keep the Committee apprised of Licensee's current home or work addresses and telephone numbers. Licensee shall inform the Committee within ten (10) days of any change of home or work addresses or telephone numbers.
- K. 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.
- L. During the probationary period, Licensee shall timely renew Licensee's license, timely pay all fees required for licensure and comply with all other Committee requirements necessary to maintain Licensee's license current and active.
- M. Upon the expiration of the probationary period, Licensee's clinical social worker license shall be fully restored if all other requirements of law have been satisfied. However, in the event the Committee determines that Licensee has violated any term or condition of this Order, the Committee may, in its discretion and after an evidentiary hearing in accordance with Chapter 536, vacate and set aside the probation imposed herein and may impose any other lawful discipline against Licensee, including, revocation of Licensee's clinical social worker license.
- N. If the Committee determines that Licensee 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 Licensee 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.

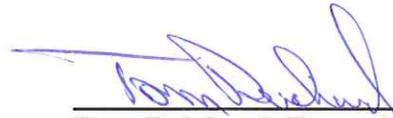
19. The Committee will maintain this Order as an open record of the Committee as provided in Chapters 324, 337 and 610, RSMo.

20. This Order does not bind the Committee or restrict the remedies available to it concerning any violation by Licensee of the terms and conditions of this Order, chapters 324 and 337, RSMo, or the regulations promulgated thereunder.

21. The Board will maintain this Order as an open, public record of the Committee as provided in chapters 337, 610, and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 11th DAY OF JANUARY, 2013.

STATE COMMITTEE FOR SOCIAL WORKERS



Tom Reichard, Executive Director