

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

000009 FEB
000010 FEB 18 2018

MISSOURI STATE COMMITTEE)
FOR SOCIAL WORKERS,)
)
Petitioner,)
)
v.) No. 08-1501 SW
)
DEBRA SLOAN,)
)
Respondent.)

**JOINT MOTION FOR CONSENT ORDER, JOINT STIPULATION OF FACTS,
WAIVER OF HEARINGS BEFORE THE ADMINISTRATIVE HEARING
COMMISSION AND STATE COMMITTEE FOR SOCIAL WORKERS, AND
DISCIPLINARY ORDER WITH JOINT PROPOSED FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission (“AHC”), 1 CSR 15-3.440(3), and pursuant to the terms of § 536.060, RSMo,¹ as it is made applicable to the Commission by § 621.135, RSMo, Debra Sloan (“Sloan”) and the State Committee for Social Workers (“Committee”) hereby waive the right to a hearing of the above-styled case before the AHC and, additionally, the right to a disciplinary hearing before the Committee pursuant to § 621.110, RSMo, and jointly stipulate to the facts and consent to the imposition of disciplinary action against Sloan’s clinical social worker license for violations of statutes and lawful rules and regulations set forth below.

¹ Statutory references are to Missouri Revised Statutes 2000, unless otherwise indicated.

Sloan acknowledges that she has received and reviewed a copy of the Complaint filed by the Committee in this case, and the parties submit to the jurisdiction of the AHC.

Sloan acknowledges that she is aware of the various rights and privileges afforded her by law, including the right to appear and be represented by counsel; the right to have a copy of the Complaint served upon her by the AHC prior to the entering of its order; the right to have all charges against Sloan proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Sloan; the right to present evidence on Sloan's own behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial Commissioner concerning the complaint pending against Sloan; and the right to a ruling on questions of law by a Commissioner. Being aware of these rights provided Sloan by operation of law, Sloan knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Motion for Consent Order, Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee for Social Workers, and Disciplinary Order with Joint Proposed Findings of Fact and Conclusions of Law ("Joint Stipulation") and agrees to abide by the terms of this document as they pertain to Sloan.

Based upon the foregoing, the Committee and Sloan jointly stipulate to the following and request that the AHC adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law as the AHC's Findings of Fact and Conclusions of Law:

JOINT PROPOSED 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 executing and enforcing the provisions of §§ 337.600 - 689, RSMo (Cum. Supp. 2008).
2. Sloan was licensed by the Committee as a clinical social worker, License Number 004099 (“License”).
3. The Committee originally issued Sloan’s License on or about August 21, 1992. Sloan’s License expired on or about September 30, 2006. At all times relevant herein, until September 30, 2006, Sloan’s License was current and in good standing.
4. Sloan does not possess a license to practice social work in Missouri and has not had such a license since September 30, 2006. Sloan has not practiced or attempted to practice social work since approximately September, 2000.
5. At all times relevant herein, Sloan suffered from degenerative disc disease and joint disease, which have rendered her disabled.
6. On or about September 3, 2004, Sloan reported to the Committee on her 2004 license renewal application that she was unable to complete the thirty (30) hours of continuing education units required for license renewal. In support, Sloan informed the Committee that she underwent multiple lengthy hospitalizations, surgeries, and treatments, including a lumbar microdiscectomy; bone removal; spinal surgery; treatment for a methicillin-resistant staphylococcus infection; and an anterior lumbar interbody fusion.

7. On or about September 24, 2004, the Committee sent Sloan a letter informing her that the Committee granted her a one (1) year extension, until September 30, 2005, to complete the required continuing education units.

8. The September 24, 2004 letter further explained that Sloan would be required to complete thirty (30) additional hours of continuing education units before the September 30, 2006 renewal deadline.

9. On or about September 16, 2005, the Committee sent Sloan a letter requesting that she provide documentation, by October 5, 2005, verifying her completion of the required continuing education units.

10. The September 16, 2005 letter contained a reminder to Sloan that she would be required to complete an additional thirty (30) hours of continuing education units by September 30, 2006.

11. Due to the health problems described above, which include multiple major surgeries between 2003 and 2005 Sloan did not respond to the Committee's September 16, 2005 request for documentation and did not file a 2006 application to renew her License.

12. Sloan has not provided the Committee with verification of completion of the thirty (30) hours of continuing education units required for the 2004 renewal of her License, or of the thirty (30) additional hours of continuing education units required before the September 30, 2006 deadline for renewal of her License.

JOINT PROPOSED CONCLUSIONS OF LAW

13. Sloan's conduct, in failing to respond to the Committee's September 16, 2005 letter and by failing to provide the documentation requested by the Committee in that letter, constitutes cause to discipline her License for violating sections of the Revised Statutes of Missouri and Missouri Code of State Regulations pertaining to social workers.

14. Rule 20 CSR 2263-3.010, Scope of Coverage and Organization, Ethical Standards/Disciplinary Rules pertaining to Missouri social workers, states in pertinent part:
“(1) The ethical standards/disciplinary rules for licensed social workers . . . are mandatory. The failure of a licensed social worker . . . to abide by any ethical standard/disciplinary rule in this chapter shall constitute . . . grounds for disciplinary proceedings.”

15. Rule 20 CSR 2263.020, Moral Standards, Ethical Standards/Disciplinary Rules pertaining to Missouri social workers, states in pertinent part:

(2) A licensed social worker, provisional licensed social worker, temporary permit holder and registrant shall not:

(A) Violate any ethical standard/
disciplinary rule[.]

...

(5) A licensed social worker, provisional licensed social worker, temporary permit holder, registrant and applicant shall respond to all requests for information and/or all other correspondence from the committee.

16. Due to Sloan's failure to respond to the Committee's September 16, 2005 letter and provide the documentation requested therein, cause exists for the Committee to discipline

Sloan's license as a clinical social worker pursuant to Section 337.630, RSMo, which provides, in pertinent part:

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 337.639 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:

...

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.600 to 337.639, or of any lawful rule or regulation adopted pursuant to sections 337.600 to 337.639;

....

JOINT AGREED DISCIPLINARY ORDER

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Committee in this matter under the authority of § 621.110, RSMo:

1. Sloan's license as a clinical social worker, license number 004099, is hereby CENSURED.
2. Sloan is not presently practicing clinical social work in Missouri or any other state.
3. Should Sloan decide to attempt to practice clinical social work in Missouri, she must reapply through the application process under the Missouri laws applicable at that time.

4. Should Sloan reapply for a Missouri license to practice clinical social work, and is so admitted to practice, the Committee will not seek disciplinary action against her for the allegations referenced in this Joint Stipulation or the Complaint referenced herein.

5. The parties to this Joint Stipulation understand that the Committee will maintain this agreement as an open record of the Committee as provided in Chapters 337, 610, and 620, RSMo, as amended.

6. Each party agrees to pay all their own fees and expenses incurred as a result of this case, its litigation, and its settlement.

7. The terms of this Joint Stipulation are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Joint Stipulation 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.

8. Sloan hereby waives and releases the Committee, its 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 attorneys 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 litigation, or from the negotiation or execution of this Joint Stipulation. The parties acknowledge that this Paragraph is severable from the remaining portions of this Joint

Stipulation in that it survives in perpetuity even in the event that any court of law deems this Joint Stipulation or any portion thereof void or unenforceable.

9. This Disciplinary Order will be effective immediately upon the issuance of the Consent Order of the Commission without further action by either party.

In consideration of the foregoing, the parties consent to the entry of record and approval of this Joint Motion for Consent Order, Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee for Social Workers, and Disciplinary Order and to the termination of any further proceedings before the Administrative Hearing Commission based upon the Complaint filed by Petitioner in the above-styled action.

LICENSEE

COMMITTEE



Debra Sloan
License Number 004099



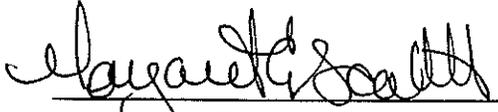
Tom Reichard
Executive Director
State Committee for Social Workers

Date: 2/9/06

Date: 2/18/2009

Complaint No. 2005-0005181

CHRIS KOSTER
Attorney General



Margaret C. Scavotto
Missouri Bar Number 57758

Lashly & Baer, P.C.
714 Locust Street
St. Louis, MO 63101
Telephone: (314) 621-2939
Facsimile: (314) 621-6844

ATTORNEYS FOR RESPONDENT



Michael R. Cherba
Assistant Attorney General
Missouri Bar Number 59642

Missouri Attorney General's Office
Post Office Box 861
St. Louis, MO 63188
Telephone: (314) 340-7544
Facsimile: (314) 340-7541
E-Mail: michael.cherba@ago.mo.gov

ATTORNEYS FOR PETITIONER
MISSOURI STATE COMMITTEE
FOR SOCIAL WORKERS