

Jeremiah W. (Jay) Nixon
Governor
State of Missouri

Jane A. Rackers, Division Director
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance
Financial Institutions
and Professional Registration
John M. Huff, Acting Director

STATE COMMITTEE FOR SOCIAL WORKERS
3605 Missouri Boulevard
P.O. Box 1335
Jefferson City, MO 65102-1335
573-751-0885
573-526-3489 FAX
800-735-2966 TTY Relay Missouri
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lcsw@pr.mo.gov
<http://pr.mo.gov>

Tom Reichard
Executive Director

Meeting Notice

March 6, 2012

10:00 a.m.

**State Committee for Social Workers
Division of Professional Registration
3605 Missouri Boulevard
Jefferson City, Missouri**

Notification of special needs as addressed by the Americans with Disabilities Act should be forwarded to the State Committee for Social Workers, 3605 Missouri Blvd, Jefferson City, MO 65102 or by calling (573) 751-0885 to ensure available accommodations. The text telephone for the hearing impaired is (800) 735-2966.

Except to the extent disclosure is otherwise required by law, the State Committee for Social Workers is authorized to close meetings, records and votes, to the extent they relate to the following: Chapter 610.021 subsections (1), (3), (5), (7), (13), (14), and Chapter 324.001.8 and 324.001.9 RSMo.

The State Committee for Social Workers may go into closed session at any time during the meeting. If the meeting is closed, the appropriate section will be announced to the public with the motion and vote recorded in open session minutes.

TENTATIVE AGENDA
OPEN SESSION
March 6, 2012
10:00 a.m.

State Committee for Social Workers
Division of Professional Registration
3605 Missouri Boulevard
Jefferson City, Missouri

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Introduction of Guests
- V. Approval of Minutes
 - December 6, 2011
- VI. Executive Director Report
 - Board Totals
 - ASWB Spring Education Meeting
 - Other
- VII. Reporting of Disciplinary Actions
- VIII. Barbara Bailey Disciplinary Hearing- 1:00 p.m.
- IX. **CLOSED SESSION-** Closed session as per Section 610.021 Subsection (1) for the purpose of discussion of confidential or privileged communication between this agency and its attorney; Section 610.021 Subsection (14) and Section 324.001.8 for the purpose of discussing applicants for licensure. Closed under Sections 610.021 for the purpose of reviewing and approving the closed minutes of one or more previous meetings. Closed under Sections 610.021(14) and 324.001.8, RSMo, for the purpose of discussing investigative reports and/or complaints.
- X. Adjournment

**Open Minutes
December 6, 2011**

**State Committee for Social Workers
Associated Industries of Missouri
3234 West Truman Boulevard
Jefferson City, Missouri**

Members Present

Terri Marty- Chairperson
Kathie Miller- Secretary (via conference phone)
Jane Overton- Public Member
Hal Agler (via conference phone)
Laura Neal
M. Jenise Comer

Staff Present

Tom Reichard, Executive Director
Elizabeth Willard, Administrative Assistant
Vicky Steen, Licensing Technician
Earl Kraus, Division Legal Counsel

Guests Present

Tamitha Price, Executive Director, National Association of Social Workers- Missouri Chapter

Call to Order- Terri Marty, Chairperson

The State Committee for Social Workers Open Session meeting was called to order by Terri Marty, Chairperson, at 12:38 p.m. on December 6, 2011 at the Associated Industries of Missouri, Jefferson City, Missouri.

Approval of Agenda

A motion was made by M. Jenise Comer and seconded by Laura Neal to approve the open session agenda. Ms. Comer, Ms. Marty, Mr. Agler, Ms. Overton, and Ms. Miller voted in favor of the motion.

Approval of Minutes- September 6, 2011

A motion was made by Jane Overton and seconded by Laura Neal to approve the Open Session minutes from the September 6, 2011 meeting. Ms. Comer, Ms. Marty, Mr. Agler, Ms. Overton, and Ms. Miller voted in favor of the motion.

Approval of Minutes- October 21, 2011

A motion was made by M. Jenise Comer and seconded by Jane Overton to approve the Open Session minutes from the October 21, 2011 Mail Ballot. Ms. Comer, Ms. Marty, Mr. Agler, Ms. Overton, and Ms. Miller voted in favor of the motion.

Executive Director Report

Board Totals

Tom Reichard informed the Committee of the current board totals. There are currently 4952 active LCSW, 144 active CSW Under Supervision, 558 active LMSW, and 25 active LBSW with 7 LBSW-IP included.

FARB

Mr. Reichard informed the Committee about the upcoming FARB meeting. He stated the Division may or may not approve someone to attend but anyone could submit a request if interested.

New License System

Mr. Reichard provided the Committee with information about the Division's new license system. He was asked by the Division to request approval from the Committee to take money from their funds to pay for a portion of the cost for the new system. The cost to the State Committee for Social Workers would be \$12,160. A motion was made by Kathie Miller and seconded by Jane Overton to approve the request. Ms. Comer, Ms. Marty, Mr. Agler, Ms. Overton, and Ms. Miller voted in favor of the motion.

Other

Mr. Reichard stated the office has received many complaints about the amount of continuing education hours needed and that they are too expensive. He also informed the Committee of a loophole in the rules. He explained that a person applied for an inactive license on their renewal on September 30th and now has reactivated without proof of continuing education as they sent an affidavit promising to obtain them within 1 year as allowed for by the Committee's rules.

Supervisor Training Renewal Course- Janet Gillow

A motion was made by Jane Overton and seconded by M. Jenise Comer to send Ms. Gillow a letter stating that supervisors need a 3 hour ethics course and a 3 hour supervisor training renewal course and that the letter should quote the rules on continuing education pertaining to both. Ms. Comer, Ms. Marty, Mr. Agler, Ms. Overton, and Ms. Miller voted in favor of the motion.

Discussion of Rules

A motion was made by Laura Neal and seconded by Jane Overton to approve the changes to Committee rules as proposed. Ms. Comer, Ms. Marty, Mr. Agler, Ms. Overton, and Ms. Miller voted in favor of the motion.

NASW-MO Chapter Update

Tamitha Price, Executive Director of the NASW-MO Chapter, informed the Committee that the Board of the NASW-MO Chapter would be meeting December 10, 2011. Ms. Price expressed that licensees have expressed concern to her that the Contract for Supervision has redundancy on the last sentence on the last page. Ms. Neal informed Ms. Price that it appeared the error had been addressed and fixed online. Ms. Price informed the Committee that a letter of nominees for Committee membership would be submitted by December 15, 2011 and that David Winton would be working with the Governor's Office on filling the vacancies. Ms. Price stated that the NASW Board would like to work with the Committee on the LMSW scope of practice as some LMSWs believe they are more independent than they should be and that some do not want to inform their clients they are under supervision for clinical licensure. Ms. Marty believes that the rules should specify that, if an LMSW works in another licensee's private practice, an LCSW should be on site when the LMSW is practicing. M. Jenise Comer stated that the Association of Social Work Boards will include in the model law that LMSWs who are under supervision must notify their clients of their supervision status.

Other

M. Jenise Comer informed the Committee that ASWB is looking at whether there should be limits on the number of people an individual can supervise.

Closed Meeting

A motion was made by Laura Neal and seconded by Jane Overton to move into closed session per motion to close Sections 610.021 Subsection (1) for the purpose of discussion of confidential or privileged communication between this agency and its attorney; Sections 610.021 (1), (3), (5), (7), (13), and (14) RSMo, and Section 620.010.14 (7) RSMo. Ms. Comer, Ms. Marty, Mr. Agler, Ms. Overton, and Ms. Miller voted in favor of the motion.

Open Session

The Committee reconvened in open session at 4:09 p.m. on December 6, 2011 to continue open discussion.

Adjournment

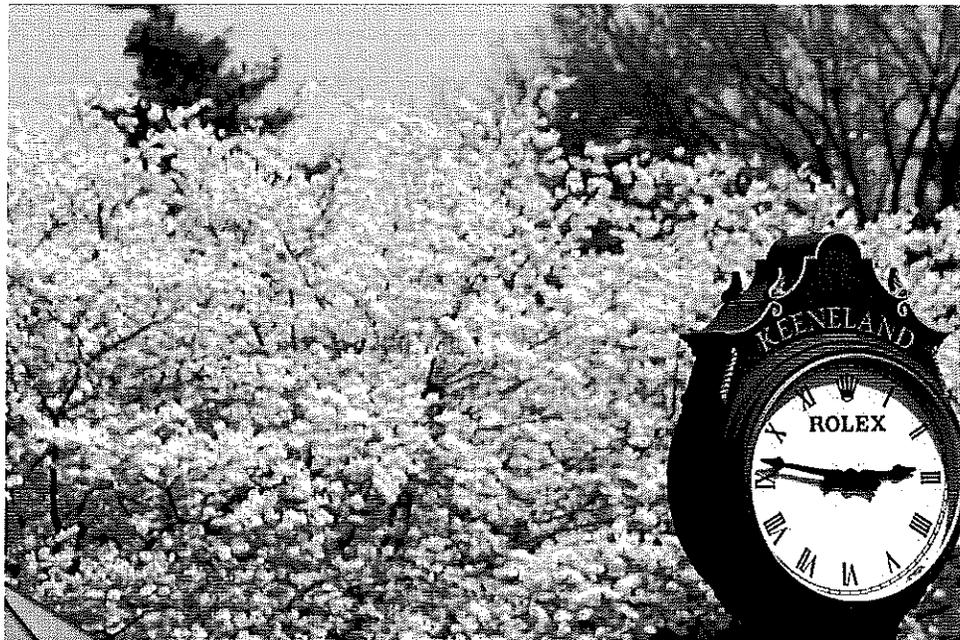
A motion was made by Jane Overton and seconded by M. Jenise Comer to adjourn the meeting. Ms. Comer, Ms. Marty, Mr. Agler, Ms. Overton, and Ms. Miller voted in favor of the motion.

The meeting was adjourned at 4:16 p.m. on December 6, 2011.



April 26-29, 2012 Spring Education Meeting

E-WORLD ETHICS: ISSUES AND IMPLICATIONS FOR REGULATORY BOARDS



Hilton Lexington/Downtown
369 West Vine Street
Lexington, Kentucky 40507
859-231-9000

2012 ASWB Spring Education Meeting

Draft Agenda

THURSDAY, APRIL 26, 2012

8:30 am - 3:00 pm

Board of Directors Meeting

9:00 am - 3:30 pm

Administrators Forum

2:00 pm - 4:00 pm

Registration and Hospitality

OPENING SESSION

4:00 pm - 4:30 pm

Welcome & Introductions

4:30 pm - 6:00 pm

Opening Session: Emerging Issues in Ethics - Overview, *Frederic G. Reamer, Ph.D., Professor, School of Social Work, Rhode Island College*

6:00 pm - 8:00 pm

Welcome Dinner sponsored by ASWB

FRIDAY, APRIL 27, 2012

7:00 am - 8:30 am

Breakfast

8:30 am - 12:00 pm

Continuation of Ethical Issues in the Electronic World, *Frederic G. Reamer, Ph.D., Professor, School of Social Work, Rhode Island College*

12:00 pm - Recess and "Get your Hats"

12:30 pm - Trip to Keeneland Races

SATURDAY, APRIL 28, 2012

7:00 am - 8:30 am

Breakfast

8:30 am - 9:00 am

News from the Association Office, *Donna DeAngelis, LICSW, ACSW, ASWB Executive Director*

9:00 am - 10:15 am

Where in the E-World are Boards? - Panel

SATURDAY, APRIL 28, 2012 (Continued)

10:15 am - 10:30 am

Break

10:30 am - 12:00 pm

Legal Response to Electronic Practice, *Dale J. Atkinson, J.D., ASWB Legal Counsel; Executive Director, Federation of Association of Regulatory Boards (FARB), and Richard Silver, SW, Lawyer, Legal Counsel, Ordre des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec; Chair, ASWB Board Member Training*

12:00 pm - 1:00 pm

Lunch

1:00 pm - 3:30 pm

Use of Websites and Social Media by Regulatory Boards - Panel

3:30 pm - 4:45 pm

Talking Stations/Wine and Cheese Reception

4:45 pm

Recess

SUNDAY, APRIL 29, 2012

7:00 am - 8:30 am

Breakfast

8:30 am - 9:30 am

Online Disciplinary Reporting - Panel

9:30 am - 9:45 am

Break

9:45 am - 10:30 am

Legal Response to Disciplinary Reporting, *Dale J. Atkinson, J.D., ASWB Legal Counsel; Executive Director, Federation of Association of Regulatory Boards (FARB)*

10:30 am - 11:00 am

Invitation to the Fall 2012 Annual Meeting and Evaluation Drawing

11:00 am

Adjournment



Dr. Frederic Reamer

E-WORLD ETHICS: ISSUES AND IMPLICATIONS FOR REGULATORY BOARDS

ASWB is pleased to welcome Dr. Frederic Reamer to the 2012 ASWB Spring Education Meeting. Dr. Reamer is currently a professor in the graduate program of the School of Social Work at Rhode Island College in Providence, Rhode Island. His research and teaching have spanned a variety of human service issues including mental health, healthcare, teens in crisis, criminal justice, public welfare, and professional ethics. He is featured as a commentator on National Public Radio's *All Things Considered*, and as a guest on various other radio broadcasts. He lectures nationally and internationally on a variety of topics including professional ethics and served as chair of the national task force that wrote the current Code of Ethics adopted by the National Association of Social Workers.

Thursday and Friday Dr. Reamer will speak on ethical issues regulatory boards face in our increasingly electronic world.

Saturday will continue with news from the ASWB office followed by a panel discussion on how boards are dealing with advances in technology including e-therapy, online continuing education courses, and communication challenges often caused by boards' lack of resources and funds. Results of a survey sent to individual boards to find out how these issues are currently being handled will be presented. Following will be a legal response to this issue by Dale Atkinson, ASWB legal counsel and FARB executive director, and Richard Silver, legal counsel for the Ordre des Travailleurs Sociaux et des thérapeutes Conjugaux et familiaux du Québec and current chair of ASWB Board Member Training. Topics will include the pros and cons of electronic practice, issues and challenges faced by boards, and specific case law. The afternoon will conclude with wine and cheese talking stations, an informal time to explore issues addressed during the conference. An individual topic will be discussed at each table while attendees enjoy a relaxing social time.

Sunday's session, titled *Online Disciplinary Reporting*, will be divided into two segments. One segment will involve research funded by the American Foundation for Research and Consumer Education in Social Work Regulation (a foundation established by ASWB to explore the ways in which professional social work regulation impacts the profession and the public it serves). The other segment will be a discussion of the importance of reporting to the Public Protection Database. Following will be a legal response to disciplinary reporting. The day will end with an invitation to attend the 2012 ASWB Fall Annual Meeting and evaluation prize drawings.

Registration Form

ASWB 2012 Spring Education Meeting

Register online at www.aswb.org

or fax this form to 540-829-0562

REGISTRATION DEADLINE: MARCH 26, 2012

A. ATTENDEE INFORMATION

Name _____ Preferred name for nametag _____

Address _____

City _____ State/Province _____ Zip/Postal Code _____

Work phone () _____ Home phone () _____

Fax () _____ Email _____

I represent _____
(member board or organization)

B. PLEASE CHECK ALL THAT APPLY

- | | | |
|---|--|---|
| <input type="checkbox"/> Delegate | <input type="checkbox"/> ASWB Board of Directors | <input type="checkbox"/> Former ASWB President |
| <input type="checkbox"/> Alternate | <input type="checkbox"/> ASWB Committee Chair | <input type="checkbox"/> First Time Attendee |
| <input type="checkbox"/> Social Work Board/College Member | <input type="checkbox"/> Committee _____ | <input type="checkbox"/> Other (please specify) _____ |
| <input type="checkbox"/> Social Work Board/College Staff | <input type="checkbox"/> ASWB Committee Member _____ | |

C. **RSVP WELCOME DINNER - Thursday, April 26, 2012 – 6:00 PM**

I WILL attend I WILL bring # _____ of guests I WILL NOT attend

(Dinner is complimentary for all registered attendees and their guests)

D. PAYMENT

Optional Guest Meal Plan: In addition to complimentary Welcome Dinner, meal plan includes breakfast and lunch Friday and Saturday : # _____ of guest meal tickets @ \$50 each = \$ _____

Trip to Keeneland Races, Friday, April 27th: # _____ of tickets @ \$50(USD) each = \$ _____

Total amount to be charged to credit card or paid by check: \$ _____

Personal check payable to ASWB in US funds only (Please accept our apologies, but due to excessive bank conversion fees we are unable to accept any checks in Canadian funds.)

Money Order Visa Discover MasterCard

Card number _____ Expiration date _____

Cardholder's name _____

Billing Zip or Postal Code _____ CID (3 digit code from signature panel) _____

E. TRAVEL/LODGING for Funded Attendees. (If you are **NOT funded** by ASWB to attend this meeting, please consult **SECTION G** on the following page for further instructions.) **ASWB pays travel, lodging, and meals for the ASWB Board of Directors, ASWB Committee Chairs, 2012 Nominating Committee Members and up to five (5) sponsored board members (see page 6 for more information.)**

1. Transportation

I will be driving to the meeting. Total round trip mileage from your home to Lexington, KY: _____

(Mileage will be reimbursed up to the cost of the lowest round-trip airline ticket. You will be contacted if your mileage will exceed the cost of an airline ticket.)

I will be traveling via air. Contact Covington Travel at 888-295-0004 or email travelhelp@covtrav.com to book your airline ticket. The deadline is **March 26, 2012**.

2. Hotel

Your hotel reservation will be made for you according to the dates you indicate below. Please do not call the hotel directly. If you choose to extend your stay beyond the nights of April 26-28th, you will be responsible for the additional room nights when you check out of the hotel. Note: The Hilton Downtown/Lexington is an entirely non-smoking property.

Check-in date: _____ Check out date: _____

Room Requests: _____

F. FUNDED TRAVEL/LODGING
ASWB Board of Directors, Committee
Chairs, and Nominating Committee
Members

G. INDIVIDUAL TRAVEL/LODGING
For Those Attendees NOT Funded by ASWB

REMEMBER.....

All attendees must send in a registration form.
 Contact Covington Travel to make your airline reservations at 888-295-0004 or email travelhelp@covtrav.com. Our primary agent is Brenda Martin, but there are several agents available to help you. Airline arrangements must be made by **March 26, 2012**.

Hotel reservations will be made for you according to the information provided at the bottom of the registration form. Please do not call the hotel directly.

If you are not funded by ASWB, please call the hotel at (800) 445-8667 or (859) 231-9000 before **March 26, 2012** to receive the special conference rate or make your reservation online at

http://www.hilton.com/en/hi/groups/personalized/L/LEXDTHF-ASWPUB-20120425/index.jhtml?WT.mc_id=POG

Hilton Lexington/Downtown
 369 West Vine Street
 Lexington, Kentucky 40507

Individual reservations may be cancelled prior to 24 hours from arrival date with no penalty. Within 24 hours of arrival, there will be a charge of one room night and tax

Special Conference Rates:

Standard Rooms: \$139 + tax single/double occupancy*

*complimentary hi-speed internet is included in the room rate

Check-in: 3:00 pm

Check-out: 12:00 pm

GROUND TRANSPORTATION

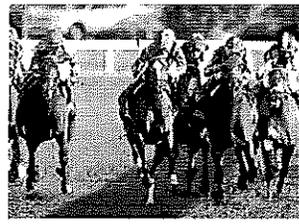
Blue Grass Airport (LEX) is approximately 6 miles from the Hilton Lexington Downtown and is serviced by most major airlines. Check out the website at www.bluegrassairport.com for more information.

Complimentary shuttle bus service is provided by the Hilton Lexington Downtown. To schedule a pick up please call the hotel directly at 859-231-9000. Pick up is outside the baggage claim area at the Courtesy Van pick up area.

Taxis are available at the rate of \$15 one-way. **Self-Parking** is complimentary. **Valet Parking** is available for \$10 daily.

Keeneland Races
Friday, April 27, 2012

Price: \$50 per person
 Includes reserved seating;
 buffet lunch; and transportation
 (including the bus driver's gratuity.)
www.keeneland.com



Phoenix Dining Room Attire Requirements

Gentleman: Collared shirt & dress slacks (coat & tie optional)
 Ladies: Dresses or pantsuits
NO denim, athletic attire or athletic shoes

- 12:00 pm – Hat Competition (grab your hats to be judged)
- 12:15 pm – Meet in Lobby
- 12:30 pm – Depart Hotel for Keeneland
- 6:00 pm (approximately) – Return to Hotel

Continuing Education Credit

Approximately 12.5 hours of CEUs may be obtained by attending the entire conference. Participants will be required to fill out exit evaluation forms for each session attended in order to receive credit. Credit verification will be sent to attendees within 60 days following the completion of the conference.

Funding Opportunities for Board Members

ASWB is pleased to announce that the Board of Directors has approved five (5) sponsorships for board members to attend the 2012 Spring Education Meeting in Lexington, KY. The spring meeting is a unique experience that provides valuable continuing education in social work regulation, and the ASWB board wants to ensure attendance at this important event in the face of funding cuts and other challenges being experienced by ASWB members.

Selections will be made based on the following criteria:

- A request from a member board/staff
- A member board that has not been active with ASWB
- A board member that has not attended an ASWB Spring Meeting
- A newly appointed regulatory member
- A board that is under financial or policy restrictions on travel (Please note: This does not include jurisdictions that prohibit travel even when it is paid for by another entity as ASWB cannot override these restrictions.)

The application form on the next page must be completed and submitted by the deadline to be considered for sponsorship to the Spring Education Meeting.

The deadline for submission is **March 15, 2012**.

Thank you, and we look forward to seeing you in April.



**FUNDED BOARD MEMBER APPLICATION
2012 SPRING EDUCATION MEETING
APRIL 26 – 29, 2012**

NAME: _____ TELEPHONE: OFFICE: _____
COMPANY: _____ CELL: _____
MAILING _____ HOME: _____
ADDRESS: _____ FAX: _____
_____ E-MAIL: _____

NAME AND ADDRESS OF REGULATORY BOARD:

Please answer the following:

Have you attended a Spring Education Meeting? Yes/No

Is travel outside the jurisdiction permitted for board members? Yes/No

When did your board term begin? _____ When does your board term expire? _____

**Send the completed form to
ASWB
400 South Ridge Parkway, Ste B
Culpeper, VA 22701
Fax: (540) 829-0562
Email: jhoffman@aswb.org**

DEADLINE MARCH 15, 2012

Applicants will be notified of the final decision no later than March 23, 2012.

Association of Social Work Boards
400 South Ridge Parkway, Suite B
Culpeper, VA 22701

**ASWB Spring Education Meeting
April 26 – 29, 2012**

Registration Deadline: March 26, 2012
Register online at www.aswb.org

The following professional licensees were suspended on January 20, 2005 pursuant to Section 324.010 RSMo. Some licensees may have taken the necessary steps to reinstate their licenses. Please use our Licensee Search link to verify whether or not the license has been reinstated and the date of reinstatement.

Last Name	First Name	Middle Name	City	State
Miller	Gloria	J	St. Louis	MO

The following professional licensees were suspended on January 26, 2005 pursuant to Section 324.010 RSMo. Some licensees may have taken the necessary steps to reinstate their licenses. Please use our Licensee Search link to verify whether or not the license has been reinstated and the date of reinstatement.

Last Name	First Name	Middle Name	City	State
Anderson	Laverne		Hazelwood	MO

The following professional licensees were suspended on May 14, 2008 pursuant to Section 324.010 RSMo. Some licensees may have taken the necessary steps to reinstate their licenses. Please use our Licensee Search link to verify whether or not the license has been reinstated and the date of reinstatement.

Last Name	First Name	Middle Name	City	State
Current	Robert		Holden Beach	NC
Daniels	David		St. Charles	MO
Paladino	Joseph		St. Joseph	MO
Haymon	Steven		St. Louis	MO
Porter	Gena	M	Bolivar	MO
Rice	Susan		Howard	KS

The following professional licensees were suspended on June 27, 2009 pursuant to Section 324.010 RSMo. Some licensees may have taken the necessary steps to reinstate their licenses. Please use our Licensee Search link to verify whether or not the license has been reinstated and the date of reinstatement.

Last Name	First Name	Middle Name	City	State
Poncavage	Judy		Platte City	MO
Buffington	Howard		Crystal City	MO
Cipolla	Kristina		Lees Summit	MO
Erickson	George		Columbia	MO
Marcus	Stuart		Kirkwood	MO
Hirner Maupin	Barbara		Maryland Heights	MO

The following professional licensees were suspended on March 30, 2010 pursuant to Section 324.010 RSMo. Some licensees may have taken the necessary steps to reinstate their licenses. Please use our [Licensee Search](#) link to verify whether or not the license has been reinstated and the date of reinstatement.

Last Name	First Name	Middle Name	City	State
Tracy	Della	Ann	Chillicothe	MO

The following professional licensees were suspended on May 29, 2010 pursuant to Section 324.010 RSMo. Some licensees may have taken the necessary steps to reinstate their licenses. Please use our [Licensee Search](#) link to verify whether or not the license has been reinstated and the date of reinstatement.

Last Name	First Name	Middle Name	City	State
Wright	Austin		O'Fallon	MO

The following professional licensees were suspended on March 5, 2011 pursuant to Section 324.010 RSMo. Some licensees may have taken the necessary steps to reinstate their licenses. Please use our [Licensee Search](#) link to verify whether or not the license has been reinstated and the date of reinstatement.

Last Name	First Name	Middle Name	City	State
Anderson	Alice	Lyles	St. Louis	MO
Cooks-Allen	Twana	Lee	Maryland Heights	MO
McHugh	Dana		St. Louis	MO
Olivarez	Robert		Sugar Creek	MO
Porter	Susan		St. Louis	MO

BEFORE THE MISSOURI STATE COMMITTEE FOR SOCIAL WORKERS

IN THE MATTER OF)
)
Barbara Ann Bailey)
2166 Highway 100)
Labadie, MO 63055-1955) Case No. 10-0619 SW
)
License No 002381)
)
Michael Cherba)
Assistant Attorney General)
Post Office Box 861)
St. Louis, MO 63188)
)

NOTICE OF HEARING

PLEASE TAKE NOTICE that the Missouri State Committee for Social Workers has received the Memorandum and Order from the Administrative Hearing Commission in the case of State Committee for Social Workers vs. Barbara Ann Bailey, Case No. 10-0619 SW, before the Administrative Hearing Commission, State of Missouri, and the Administrative Hearing Commission has found that cause exists under Section 337.630.2 (4), (5), (6), (13), and (15) RSMo, to take disciplinary action against the above-referenced license holder as a clinical social worker.

NOW THEREFORE, the Missouri State Committee for Social Workers shall, pursuant to Sections 337.630 and 621.110, RSMo, hold a hearing for the purpose of determining the appropriate disciplinary action on Tuesday, March 6, 2012, at 1:00 p.m., at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

Please be advised that your failure to appear at the above-noted time and place will result in the hearing being held in your absence.

All parties have the right to be represented by legal counsel, and to a full, fair and open hearing, as provided for in Chapter 536 and Section 621.110 RSMo 2000.

Missouri State Committee for Social Workers

By  _____

Tom Reichard
Executive Director

Committee Seal

Before the
Administrative Hearing Commission
State of Missouri



MISSOURI STATE COMMITTEE
FOR SOCIAL WORKERS,

Petitioner,

vs.

BARBARA ANN BAILEY,

Respondent.

No. 10-0619 SW

DECISION

Barbara Ann Bailey is subject to discipline because she double-billed employers for her services.

Procedure

The Missouri State Committee for Social Workers ("the Committee") filed a complaint on April 27, 2010, seeking this Commission's determination that there is cause to discipline Bailey's clinical social worker license. Bailey was served with a copy of the complaint and our notice of complaint/notice of hearing on May 18, 2010.

This Commission convened a hearing on the complaint on January 11, 2011. Assistant Attorney General Michael R. Cherba represented the Committee. Bailey did not appear and was not represented by counsel.

The matter became ready for our decision on April 26, 2011, the last date for filing a written argument.

Findings of Fact

1. Bailey was licensed as a clinical social worker at all times relevant to these findings.
2. At all relevant times, Bailey was employed by Unity Health Hospice ("Unity") in Washington, Missouri, on a part-time basis.
3. At all relevant times, Bailey was employed by Heartland Healthcare and Hospice ("Heartland") in St. Louis, Missouri, on a full-time basis.
4. Bailey purposely double-billed Unity and Heartland by claiming she worked at both locations at the same time on the following dates: February 23, 2007, February 28, 2007, and March 1, 2007.
5. On March 15, 2007, Bailey was terminated by both Unity and Heartland.

Conclusions of Law

We have jurisdiction to hear the Committee's complaint.¹ The Committee has the burden of proving that Bailey committed conduct for which the law allows discipline.²

The Committee asserts cause for discipline under the following provisions of § 337.630.2:

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:

* * *

¹Section 337.630.2. Statutory references are to RSMo Supp. 2008 unless otherwise noted.

²*Missouri Real Estate Comm'n v. Berger*, 764 S.W.2d 706, 711 (Mo. App., E.D. 1989).

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(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;

* * *

(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[.]

Subdivision (4)

Fraud is "an intentional perversion of truth to induce another, in reliance on it, to part with some valuable thing belonging to him."³ Deception is an act designed to cheat someone by inducing their reliance on misrepresentation.⁴ Misrepresentation is a falsehood or untruth made with the intent and purpose of deceit.⁵ Bailey committed all three when she purposely billed both Unity and Heartland for either the same work or no work.⁶ The record is not clear as to whether she received payment for this improper billing. But cause for discipline merely requires an attempt to obtain compensation through fraud, deception, or misrepresentation. Bailey is subject to discipline under § 337.630.2(4).

³*State ex rel. Williams v. Purl*, 128 S.W. 196, 201 (Mo. 1910).

⁴*State ex rel. Nixon v. Telco Directory Publishing*, 836 S.W.2d 596, 600 (Mo. banc 1993).

⁵*Missouri Dental Bd. v. Bailey*, 731 S.W.2d 272, 274-75 (Mo. App., W.D. 1987).

⁶It is not clear from the record if she actually did indeed perform some work for one of them and chose to bill the other or if she did not perform any work and chose to improperly bill both Unity and Heartland.

Subdivision (5)

Incompetence, when referring to occupation, is the “actual ability of a person to perform in that occupation.”⁷ The courts have also defined that term as a licensee's general lack of present ability, or lack of disposition to use his otherwise sufficient present ability, to perform a given duty.⁸ We have already defined fraud and misrepresentation. Misconduct is the willful commission of a wrongful act.⁹ Dishonesty is a lack of integrity, a disposition to defraud or deceive.¹⁰ Dishonesty also includes actions that reflect adversely on trustworthiness.¹¹ Bailey attempted to obtain compensation by representing that she performed social work services that she had not performed. Bailey knew this statement was false. This was intentional wrongdoing and also demonstrated a lack of disposition to use her abilities. Bailey is subject to discipline for incompetency, misconduct, fraud, misrepresentation and dishonesty in the performance of the functions or duties of the profession. Bailey is subject to discipline under § 337.630.2(5).

Subdivisions (6) and (15)

The Committee argues Bailey violated the Committee’s ethical rules. Regulation 20 CSR 2263-3.080(1)(B) provides:

(1) A member of the profession shall not—

* * *

(B) Engage in fraud or misrepresentation[.]

Regulation 20 CSR 2263-3.010(1) provides:

The ethical standards/disciplinary rules for [licensed social workers] . . . are mandatory. The failure of a [licensed social

⁷Section 1.020(8), RSMo 2000.

⁸*Johnson v. Missouri Bd. of Nursing Home Administrators*, 130 S.W.3d 619, 642 (Mo. App., W.D. 2004).

⁹*Grace v. Missouri Gaming Comm’n*, 51 S.W.3d 891, 900-01 (Mo. App., W.D. 2001).

¹⁰MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY 359 (11th ed. 2004).

¹¹*See In re Duncan*, 844 S.W.2d 443, 444 (Mo. banc 1992).

worker] . . . to abide by any ethical standard/disciplinary rule in this chapter shall constitute unethical conduct and be grounds for disciplinary proceedings.

Regulation 20 CSR 2263-3.020(2) provides:

No [licensed social worker] shall—

(A) Violate any ethical standard/disciplinary rule;

* * *

(C) Engage in conduct which is dishonest, deceitful or fraudulent[.]

We have already determined that Bailey engaged in fraud and misrepresentation and therefore is in violation of 2263-3.080(1)(B). By engaging in dishonest, deceitful and fraudulent conduct, Bailey also violated 20 CSR 2263-3.020(2). Bailey is subject to discipline under § 337.630.2(6). By violating the rule, Bailey also engaged in unethical conduct as defined in Regulation 20 CSR 2263-3.010(1), and she is subject to discipline under § 337.630.2(15).

Subdivision (13)

Professional trust or confidence is the reliance on the special knowledge and skills that professional licensure evidences.¹² Reliance on a professional's special knowledge and skills creates a professional trust, not only between the professional and his clients, but also between the professional and his employer and colleagues.¹³ By billing for services she did not perform and violating the Committee's ethical standards, Bailey violated a professional trust and confidence with her employers. She is subject to discipline under § 337.630.2(13).

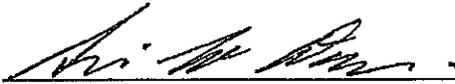
¹²*Trleseler v. Helmbacher*, 168 S.W.2d 1030, 1036 (Mo. 1943).

¹³*State Bd. of Nursing v. Morris*, No. BN-85-1498 at 11 (Mo. Admin. Hearing Comm'n Jan. 4, 1988).

Summary

Bailey is subject to discipline under § 337.630.2(4), (5), (6), (13) and (15).

SO ORDERED on September 7, 2011.



SREENIVASA RAO DANDAMUDI
Commissioner