SETTLEMENT AGREEMENT
BETWEEN
STATE COMMITTEE FOR SOCIAL WORKERS
AND
STACY DELESTE

Stacy Deleste, ("Respondent"), and the State Committee for Social Workers, ("Committee"), enter into this Settlement Agreement for the purpose of resolving the question of whether Respondent's license as a clinical social worker, no. 001381, will be subject to discipline. Pursuant to § 536.060, RSMo 2000,[1] the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri and, additionally, the right to a disciplinary hearing before the Committee under § 621.110, RSMo Cum. Supp. 2008. The Committee and Respondent jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to § 621.045, RSMo Cum. Supp. 2008.

Respondent acknowledges that she understands the various rights and privileges afforded her by law, including the right to a hearing of the charges against her; the right to appear and be represented by legal counsel; the right to have all charges proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing against her at the hearing; the right to present evidence on her behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial

[1] All statutory citations are to the 2000 Revised Statutes of Missouri unless otherwise noted.

administrative hearing commissioner concerning the charges pending against her; the right to a ruling on questions of law by the Administrative Hearing Commission; the right to a disciplinary hearing before the Committee at which time Respondent may present evidence in mitigation of discipline; the right to a claim for attorney fees and expenses; and the right to obtain judicial review of the decisions of the Administrative Hearing Commission and the Committee.

Being aware of these rights provided to her by law, Respondent 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 her.

Respondent acknowledges that she has received a copy of documents that were the basis upon which the Committee determined there was cause for discipline, along with citations to law and/or regulations the Committee believes were violated. Respondent stipulates that the factual allegations contained in this Settlement Agreement are true and stipulates with the Committee that Respondent's license as a clinical social worker, license no. 001381, is subject to disciplinary action by the Committee in accordance with the relevant provisions of Chapter 621, RSMo Cum. Supp. 2008, and Chapter 337, RSMo, as amended.

The parties stipulate and agree that the disciplinary order agreed to by the Committee and Respondent in Part II herein is based only on the agreement set out in Part I herein. Respondent understands that the Committee may take further disciplinary action against her

based on facts or conduct not specifically mentioned in this document that are either now known to the Committee or may be discovered.

I.
Joint Stipulation of Facts and Conclusions of Law

Based upon the foregoing, the Committee and Respondent herein jointly stipulate to the following:

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 through 337.689, RSMo.

2. Respondent is licensed by the Committee as a licensed clinical social worker, license number CSW 001381.

3. Respondent's license is current and active, and was so at all times relevant herein.

4. On or about August 25, 2007, Respondent submitted an "Application to Renew License" to the Committee.

5. Respondent is required to complete 30 clock hours during the two year renewal cycle prior to September 30, 2007.

6. Respondent answered in the affirmative to the following question, "Have you completed the required thirty (30) clock hours of Continuing Education in the area of clinical social work during this license term? Subject to random audit."

7. On or about October 15, 2007, the Committee randomly audited Respondent's

2005 – 2007 continuing education courses.

8. On or about February 7, 2008, the Committee received Respondent's response to the Committee's request for verification of completed continuing education courses and approved the following courses attended by Respondent for continuing education credit:

a. 2 hours on October 18, 2006, for Trauma Stabilization;
b. 2 hours on May 25, 2007, for Two Hour Licensure Update.

9. Respondent earned 4-credit hours of Committee approved continued education in social work during the 2005-2007 renewal cycle.

10. Respondent failed to earn 3-credit hours in ethics.

11. Respondent failed to earn 30 clock hours during the 2005-2007 renewal cycle.

12. Respondent's conduct violates 20 CSR 2263-2.082, which states in part:

> (1) As a condition for renewing a license to practice, all licensed social workers shall be required to have completed acceptable continuing professional education courses prior to the renewal of the license:
>
> . . . .
>
> (D) All other licensed social workers shall complete thirty (30) clock hours of acceptable continuing professional education courses prior to the renewal of their license;
>
> . . . .
>
> (2) As part of the thirty (30) continuing education hours required for each renewal cycle, each applicant for renewal or reinstatement of a license shall complete three (3) clock hours of ethics presented by a social worker who has graduated from an accredited school of social

work or by a professional who has knowledge of ethics as it relates to the practice of clinical or baccalaureate social work.

....

(7) Continuing education hours cannot be carried over into another or the next reporting period and shall not be awarded for regular work activities, administrative staff meetings, case staffing or reporting, membership in or holding office in, or participation on boards or committees, business meetings of professional organizations, or training specifically related to policies and procedures of an agency.

....

(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.

13. Respondent had a relationship of professional trust and confidence with the Committee, her colleagues and her clients, in that the Committee, Respondent's colleagues and her clients, relied on Respondent as a licensed clinical social worker to practice clinical social work in compliance with the statues, regulations, and standard of care governing that profession.

14. State Regulations 20 CSR 2263-3.010 through 20 CSR 2263-3.140 lists the ethical standards for clinical social workers.

15. State Regulation 20 CSR 2263-3.010 states in part:

(1) The ethical standard/disciplinary rules for licensed social workers, provisional licensed clinical social workers, temporary permit holders and registrants, as set forth hereafter by the committee, are mandatory. The failure of a licensed social worker, provisional licensed social worker, temporary permit holder, or registrant to abide by any ethical standard/disciplinary rule in this chapter shall constitute unethical conduct and be grounds for disciplinary proceedings.

16. Respondent's conduct violates 20 CSR 2263-3.020, which states in part:

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

A. Violate any ethical standard/disciplinary rule;

. . . .

C. Engage in conduct, which is dishonest, deceitful, or fraudulent;

. . . .

(4) A licensed social worker, provisional licensed social worker, temporary permit holder, and registrant shall be subject to discipline if s/he has made a materially false statement or if s/he has deliberately failed to disclose a material fact requested in connection with his/her application.

. . . .

17. Respondent's conduct violates 20 CSR 2263-3.140, which states in part:

(12) A licensed social worker shall take all necessary and reasonable steps to maintain continuing competence in the practice of clinical social work or baccalaureate social work by completing at least thirty (30) clock hours of continuing education on or before the expiration of the license for each renewal period.

. . . .

18. Therefore, cause exists to discipline Respondent's license pursuant to § 337.630.2, RSMo, Cum. Supp. 2008, which states in 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 §§ 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:
>
> . . . .
>
> (3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of sections 337.600 to 337.689 or in obtaining permission to take any examination given or required pursuant to the provisions of sections 337.600 to 337.689;
>
> . . . .
>
> (5) Incompetency, misconduct, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of a social worker license 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 any lawful rule or regulation adopted pursuant to sections 337.600 to 337.689;
>
> . . . .
>
> (11) Obtaining a license based upon a material mistake of fact;

. . . .

(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.

II.
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 § 536.060, RSMo, and §§ 621.045.3 and 621.110, RSMo Cum. Supp. 2008.

1. **Respondent's license is PUBLICLY CENSURED.**

2. The Committee will maintain this settlement agreement as an open and public record of the Committee as provided in Chapters 324, 337, and 610, RSMo Cum. Supp. 2008. The Committee will report this settlement agreement to data banks, other appropriate entities and in its newsletter. This is a disciplinary action against Respondent's license. The original of this document shall be kept in the Committee's file and its contents shall be disclosed to the public upon proper request.

3. Respondent, together with her heirs and assigns, and her attorney(s), 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 its settlement. Licensee acknowledges 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 void or unenforceable.

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

5. The terms of this Settlement Agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained 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.

6. Respondent understands that she may, either at the time the Settlement Agreement is signed by all parties, or within fifteen days thereafter, submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for disciplining Respondent's license. If Respondent desires the Administrative Hearing Commission to review this Settlement Agreement, Respondent may

submit her request to: Administrative Hearing Commission, Truman State Office Building, Room 640, 301 W. High Street, P.O. Box 1557, Jefferson City, Missouri 65102.

7. If Respondent requests review, this Settlement Agreement shall become effective on the date the Administrative Hearing Commission issues its order finding that the Settlement Agreement sets forth cause for disciplining Respondent's license. If Respondent does not request review by the Administrative Hearing Commission, the Settlement Agreement goes into effect 15 days after the document is signed by the Executive Director of the Committee.

LICENSEE

Stacy Deleste 10-14-09
Stacy Deleste Date

STATE COMMITTEE FOR SOCIAL WORKERS

Tom Reichard, Executive Director
Date: 10/19/2009

CHRIS KOSTER
Attorney General

Yamini A. Laks
Assistant Attorney General
Missouri Bar No. 61452

Supreme Court Building
207 West High Street
P.O. Box 899
Jefferson City, MO 65102
Telephone: 573-751-9623
Telefax: 573-751-5660
Attorneys for the Committee