

SETTLEMENT AGREEMENT

Wendy Webster (“Licensee”), and the Missouri State Committee for Social Workers (“Committee”), enter into this settlement agreement for the purpose of resolving the question of whether Licensee’s clinical social worker license will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo,¹ the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri (“AHC”) regarding cause to discipline the Licensee’s license, and, additionally, the right to a disciplinary hearing before the Committee under § 621.110, RSMo.

Licensee acknowledges that Licensee understands the various rights and privileges afforded Licensee by law, including the right to a hearing of the charges against Licensee; the right to appear and be represented by legal counsel; the right to have all charges against Licensee proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Licensee; the right to present evidence on Licensee’s own behalf at the hearing; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against Licensee and, subsequently, the right

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

to a disciplinary hearing before the Committee at which time Licensee may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against Licensee's license. Being aware of these rights provided Licensee by operation of law, Licensee 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 Licensee.

Licensee acknowledges that Licensee has received a copy of the investigative report and other documents relied upon by the Committee in determining there was cause to discipline Licensee's license, along with citations to law or regulations the Committee believes were violated.

For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this settlement agreement are true and stipulates with the Committee that Licensee's clinical social worker license, numbered 005392, is subject to disciplinary action by the Committee in accordance with the provisions of Chapters 621 and 337, RSMo.

Joint Stipulation of Facts and Conclusions of Law

1. The Committee is an agency of the state of Missouri, created and existing pursuant to § 337.622, RSMo, for the purpose of carrying out the provisions of §§ 337.600 through 337.689, RSMo.

2. Licensee, Wendy Webster, is a natural person residing at 14A Holloway Drive, Collinsville, Illinois 62234.

3. Licensee is a licensed clinical social worker, license number 005392. The Committee originally issued Licensee's license on or about September 12, 1996.

4. On September 30, 2010, Licensee's license expired due to non-renewal.

5. From September 30, 2010 to July 6, 2012, Licensee had continued to electronically sign her documentation as a licensed clinical social worker ("LCSW") while her license was expired.

6. On August 9, 2012, the Committee reactivated Licensee's license.

7. On September 30, 2012, Licensee's license again expired due to non-renewal.

8. On November 16, 2012, the Committee reactivated Licensee's license.

9. As of November 25, 2014, Licensee voluntarily placed her license on inactive status due to her current health issues, but intends to activate her license again in the future.

10. In the Committee's complaint investigation, the Committee determined:

- a. Licensee represented herself, through electronic signature on progress note reports, as a licensed clinical social worker or LCSW on one or more occasions, including July 5, 2012, at which time Licensee did not hold an active LCSW license.
- b. Licensee asserted that she was not aware that the reports she submitted electronically included a representation that she held an active LCSW license.

11. Section 337.603, RSMo, provides, in pertinent part:

No person shall use the title of "licensed clinical social worker" or "clinical social worker", or engage in the practice of clinical social work in this state, unless the person is licensed as required by the provisions of sections 337.600 to 337.689. Only individuals who are licensed clinical social workers shall practice clinical social work.

12. State regulation 20 CSR 2263-3.010(1) provides:

The ethical standards/disciplinary rules for members of the profession, as set forth hereafter by the committee, are mandatory. The failure of a member of the profession to abide by any ethical standard/disciplinary rule in this chapter shall constitute unethical conduct and be grounds for disciplinary proceedings.

13. State regulation 20 CSR 2263-3.080 provides, in pertinent part:

(4) A member of the profession shall have his/her license prominently displayed at all times as proof of licensure to the client.

(5) Social workers whose licenses have lapsed or been revoked shall not hold themselves out to be currently licensed (i.e., “licensed clinical social worker”).

14. Section 337.630, RSMo, provides, in pertinent part:

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:

...

(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.

...

4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the committee

may censure or place the person named in the complaint on probation on such terms and conditions as the committee deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license.

15. Licensee's actions as set forth in paragraphs 4 through 10 constitute violation of § 337.603, RSMo, and the lawful rules and regulations adopted pursuant to §§ 337.600 to 337.689, RSMo, as set forth in paragraphs 11 through 14, for which the Committee has cause to take disciplinary action against Licensee's clinical social worker license.

16. Licensee's actions as set forth in paragraphs 4 through 10 constitute violation of any professional trust or confidence, for which the Committee has cause to take disciplinary action against Licensee's clinical social worker license.

17. Licensee's actions as set forth in paragraphs 4 through 10 constitute 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, for which the Committee has cause to take disciplinary action against Licensee's clinical social worker license.

18. Accordingly, cause exists for the Committee to take disciplinary action against Licensee's clinical social worker license under § 337.630.2(6),

(13) and (15), RSMo, and regulations 20 CSR 2263-3.010 and 20 CSR 2263-3.080.

Joint Agreed Disciplinary Order

Based upon the foregoing, the parties mutually agree that the following shall constitute the Disciplinary Order entered by the Committee in this matter under the authority of § 337.630.2, RSMo, and § 621.045.4, RSMo (Cum. Supp. 2011):

19. Licensee's clinical social worker license, license number 005392, is hereby placed on **PROBATION** for a period of five years, except that if Licensee changes the status of her license from inactive to active at any time prior to the expiration of five years, Licensee shall be subject to the supervised practice requirements set forth in paragraph 21 for a period of one year or the remainder of the five year period, whichever occurs first, at which time the period of probation shall be deemed completed. The probation period shall be the "disciplinary period". During Licensee's disciplinary period, Licensee shall comply with all terms of this Settlement Agreement.

20. Licensee will be on probation for a period of five years while her license is inactive. If Licensee does not reactivate her license, the period of probation will end five years after this agreement goes into effect. Licensee agrees to the following terms:

- a. Licensee agrees not to practice social work while her license is on inactive status. Licensee agrees to maintain her license in accordance with the Committee's rules governing inactive licenses, and abide by all rules pertaining thereto.
- b. Licensee is not required to obtain a supervisor if her license remains inactive for the five year period.
- c. Licensee is not required to submit quarterly or annual reports to the Committee during the 5 year probation if Licensee remains on inactive status.
- d. Except as set forth in b and c above, Licensee shall abide by all the terms and conditions set forth in this agreement.

21. If Licensee activates her license prior to the end of the disciplinary period, Licensee can complete the disciplinary period upon completion of one year of supervised practice, or completion of the five year disciplinary period, whichever occurs first, under the following conditions:

- a. If Licensee activates her license during the disciplinary period, Licensee shall offer and provide services only under supervision by a supervisor pre-approved by the Committee.
- b. Within twenty (20) business days of Licensee activating her

license, Licensee shall submit a list of no less than five proposed social workers to supervise Licensee's practice as a professional social worker. The Committee may approve a social worker from this list or may require a second list of five social workers which the Licensee shall submit within twenty (20) business days of the Committee's request.

Supervision includes, but is not limited to, 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. If Licensee has failed to secure a supervisor within twenty business days from the start of the Disciplinary Period the Licensee shall cease practicing social work until a supervisor is secured. Licensee shall be responsible for any payment associated with the supervision. In the event the supervising social worker becomes unable or decides not to continue serving in his/her capacity as a supervising social worker or otherwise ceases to serve as a supervising social worker during the Disciplinary Period, then, Licensee shall:

- i. within three (3) business days of being notified of the

supervising social worker's inability or decision not to continue serving as the supervising social worker, or otherwise learning of the need to secure a supervising social worker, advise the Committee in writing that Licensee is needing to secure a supervising social worker and the reasons for such change; and

ii. within twenty (20) business days of being notified of the supervising social worker's inability or decision not to continue serving as the supervising social worker, or otherwise learning of the need to secure a supervising social worker, secure a supervising social worker pursuant to and in accordance with the terms and conditions set forth in this Disciplinary Order. After twenty (20) business days, Licensee shall not practice if she has not secured a supervisor.

c. During the disciplinary period, Licensee shall facilitate the submission of quarterly reports from Licensee's 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 the disciplinary period.

22. GENERAL REQUIREMENTS

- a. 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.
- b. Licensee shall keep the Committee apprised of Licensee's current home and work addresses and telephone numbers. Licensee shall inform the Committee within ten (10) days of any change of home or work address and home or work telephone number.
- c. Licensee shall comply with all provisions of the Chapter 337, RSMo; all applicable federal and state drug laws, rules, and regulations; and all federal and state criminal laws. "State" here includes the state of Missouri and all other states and territories of the United States. Any cause to discipline Licensee under § 337.630.2, RSMo, that

accrues during the Disciplinary Period shall constitute a violation of this agreement.

- d. During the disciplinary period, Licensee shall timely renew Licensee's licenses and timely pay all fees required for licensing and comply with all other Committee requirements necessary to maintain Licensee's licenses.
- e. During the disciplinary period, Licensee shall accept and comply with unannounced visits from the Committee's representatives to monitor Licensee's compliance with the terms and conditions of this Settlement Agreement.
- f. If Licensee fails to comply with the terms of this Settlement Agreement, in any respect, the Committee may impose such additional or other discipline that it deems appropriate, (including the imposition of revocation).
- g. This Settlement Agreement does not bind the Committee or restrict the remedies available to it concerning any other violation of Chapter 337, RSMo, by Licensee not specifically mentioned in this document.

23. Upon the expiration of the Disciplinary Period, Licensee's license shall be fully restored if all requirements of law have been satisfied, provided,

however, that in the event the Committee determines that Licensee has violated any term or condition of this 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 Licensee.

24. No additional discipline shall be imposed by the Committee pursuant to the preceding paragraph of this agreement without notice and an opportunity for hearing before the Committee as a contested case in accordance with the provisions of Chapter 536, RSMo.

25. The parties to this settlement agreement understand that the Missouri State Committee for Social Workers will maintain this Settlement Agreement as an open record of the Committee as provided in Chapters 337, 610 and 324, RSMo.

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

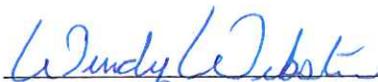
27. Licensee, together with Licensee's heirs and assigns, and Licensee's attorneys, do hereby waive, release, acquit and forever discharge the Committee, its respective members and any of its employees, agents, or attorneys, including any former Committee members, employees, agents, and attorneys, of, 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 this Settlement Agreement. The parties acknowledge 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 to be void or unenforceable.

28. If no contested case has been filed against Licensee, Licensee has the right, either at the time the settlement agreement is signed by all parties or within fifteen days thereafter, to submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the Settlement Agreement constitute grounds for denying or disciplining the license of the Licensee. If Licensee desires the

Administrative Hearing Commission to review this Agreement, Licensee may submit this request to: **Administrative Hearing Commission, Truman State Office Building, Room 640, 301 W. High Street, P.O. Box 1557, Jefferson City, Missouri 65101.**

29. If Licensee has requested review, Licensee and Committee jointly request that the Administrative Hearing Commission determine whether the facts set forth herein are grounds for disciplining Licensee's license and issue findings of fact and conclusions of law stating that the facts agreed to by the parties are grounds for disciplining Licensee's license. Effective the date the Administrative Hearing Commission determines that the Settlement Agreement sets forth cause for disciplining Licensee's license, the agreed upon discipline set forth herein shall go into effect. If Licensee does not request review by the Administrative Hearing Commission, this Settlement Agreement goes into effect 15 days after the document is signed by the Executive Director of the Committee.

LICENSEE



Wendy Webster, Licensee
License number 005392

Date March 25, 2015

COMMITTEE



Tom Reichard, Executive Director
State Committee for Social
Workers

Date April 2, 2015