Eric R. Greitens
Governor
State of Missouri

Kathleen (Katie) Steele Danner, Division Director
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance
Financial Institutions
and Professional Registration
Chlora Lindley-Myers, Director

STATE COMMITTEEE FOR SOCIAL WORKERS
3605 Missouri Boulevard
P.O. Box 1335
Jefferson City, MO 65102-1335
Telephone (573) 751-0885
Fax (573) 526-3489
800-735-2966 TTY Relay Missouri
800-735-2466 Voice Relay Missouri
lcsw@pr.mo.gov
http://www.pr.mo.gov

Tom Reichard
Executive Director

**Tentative Meeting Notice**

**June 8 & 9, 2017**

**8:00 a.m.**

**State Committee for Social Workers**

**Division of Professional Registration**
**3605 Missouri Blvd.**
**Jefferson City, MO 65109**

Notification of special needs as addressed by the American's with Disabilities Act should be forwarded to the State Committee for Social Workers, 3605 Missouri Blvd., Jefferson City, MO 65109 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 324.01.9 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
June 8 & 9, 2017
8:00 a.m.

**Division of Professional Registration**
State Committee for Social Workers
3605 Missouri Blvd.
Jefferson City, MO 65109

**I. Call to Order**

**II. Roll Call**

**III. Approval of Open Session Agenda**

**IV. Introduction of Guests**

**V. Approval of Minutes**

- March 16, 2017
- April 10, 2017

**VI. Appearances 6/8/2017**

- David Lipson @ 9:00 a.m. – Probation Violation Hearing
- Debra Hill @ 9:30 a.m. – AHC Decision
- David Heling @ 10:00 a.m. – Probation Violation Hearing
- Eleanor Wilson @ 10:30 a.m. Probation Violation Hearing

**VII. Executive Director Report**

- Board Reports
- Consent Agenda
- ASWB: Proposed Rule for Testing
- Miscellaneous

**VIII. Review of Previously Submitted Rules – Not in Affect**

- 20 CSR 2263-2.045 Provisional Licenses
- 20 CSR 2263-2.050 Application for Licensure as a Social Worker
- 20 CSR 2263-2.060 Licensure by Reciprocity
- 20 CSR 2263-2.082 Continuing Education
- 20 CSR 2263-2.085 Restoration of License
- 20 CSR 2263-3.040 Client Relationship

**IX. Miscellaneous**

**X. 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.

**XI. Adjournment**

**Open Minutes**
**March 16, 2017**

**Missouri Division of Professional Registration**
**3605 Missouri Blvd.**
**Jefferson City, MO 65109**

**Members Present:**
Ellen Burkemper – Chairperson
Justin Bennett
Frances Klahr
Rachell LaRose
Terri Marty
Sharon Sorrell
Tjitske Tubbergen-Maglio

**Staff Present:**
Tom Reichard – Executive Director
Sharon Euler – Legal Counsel
Tiffany Giesing – Processing Technician II

**Guests Present:**
Steve Franklin
Tamitha Ague

**Call to Order:**
The State Committee for Social Workers open session meeting was called to order by Ellen Burkemper, Chairperson, at 8:00 a.m. on March 16, 2017 at the Division of Professional Registration, 3605 Missouri Blvd., Jefferson City, MO 65109.

**Approval of Agenda:**
Motion was made by K. Miller and seconded by T. Tubbergen-Maglio to approve open session agenda. E. Burkemper, J. Bennett, F. Klahr, R. LaRose and S. Sorrell voted in favor of the motion.

**Approval of Minutes:**
December 15, 2016:
Motion was made by J. Bennett and seconded by T. Marty to approve the open session minutes for the December 15, 2016 meeting. E. Burkemper, F. Klahr,

R. LaRose, K. Miller, S. Sorrell and T. Tubbergen-Maglio voted in favor of the motion.

**Executive Director:**

Board Totals:

69 LBSW – 1,622 LMSW with 827 under supervision – 5,484 LCSW

Additionally inactive status: 371 Clinical – 29 Master – 1 Baccalaureate

ASWB Beyond CE: Regulating Competency in a Dynamic Profession:

ASWB spring meeting is scheduled for April 27 – 29, 2017; E. Burkemper will be attending the meeting and possibly S. Sorrell.

2016 Passing Rates:

First time attempts: 85.7% Baccalaureate – 89.4% Master – 86.1% Clinical

Nationally: 76.8% Baccalaureate – 81.2% Master – 78.2% Clinical

Legislature Bill:

Senate Bill 490 – Mental Health Boards – Suicide Intervention

**Guests:**

Steve Franklin:

Links to all rules and statutes.

Tamitha Ague:

HB873 – LPC – Diagnosing and treatments.

Budget – Medicaid home service funding.

Mental Health Service Dogs.

NASW, MO – Going cyber.

Hawaii – Negotiating CEU's, Hawaii does webinars, in person are hard to find there.

Symposium March 30 – 31, 2017 – April 1, 2017.

Lobby Day.

CEU Branching – Virtual CE books, post and pre exam, video club.

Rule Questions: - Rules have been kicked back – revisiting in June. –

CE change – Carrying over to next renewal? – Not counting them CEU's twice, Auditing.

Ethics requirements – Take for ethics or presentation hours for CEU's.

Licensure Certificates – Date of origin is on the website.

Reciprocity, active practice of 3 or 5 years – Must be actively practicing within the five years.

Reexamination – Geared towards LMSW's, they have two years to work towards passing the exam, then we will end process and they would have to start over.

LCSW – covered with portion regarding supervision in the rules and statutes.

Restoration of Licensure – after five years, they must reapply.
Supervision 1,000 direct contact hours – Supervisor makes a declaration on the attestation stating that was met. Add clinical to the wording in the rules.
Maintain both LAMSW & LBSW – 60 CEU's would be required.

Added links to other statutes are to be sent to Tom Reichard.

**Motion to Close:**
Motion was made by T. Marty and seconded by K. Miller to move to close session agenda. J. Bennett, E. Burkemper, F. Klahr, R. LaRose and S. Sorrell and T. Tubbergen-Maglio voted in favor of the motion.

**Executive Director:**
Meetings scheduled for the remainder of the 2017 year: September 21, 2017 and December 14, 2017 both commencing at 8:00 a.m.

**Adjournment:**
Motion was made by T. Tubbergen-Maglio and seconded by F. Klahr to adjourn the meeting. E. Burkemper, J. Bennett, R. LaRose, T. Marty, K. Miller and S. Sorrell voted in favor of the motion.

The meeting was adjourned at 4:15 p.m. on March 16, 2017.

**Open Minutes**
**Telephone Conference**
**April 10, 2017**

**Division of Professional Registration**
**3605 Missouri Blvd.**
**Jefferson City, MO 65109**

**Members Present:**
Ellen Burkemper – Chairperson
Justin Bennett
Frances Klahr
Rachell LaRose
Terri Marty
Kathie Miller
Sharon Sorrell
Tjitske Tubbergen-Maglio

**Staff Present:**
Tom Reichard – Executive Director
Sharon Euler – Legal Counsel
Tiffany Giesing – Processing Technician II

**Call to Order:**
The State Committee for Social Workers open session meeting was called to order by Ellen Burkemper, Chairperson, at 1:30 p.m. on April 10, 2017 at the Division of Professional Registration, 3605 Missouri Blvd., Jefferson City, MO 65109.

**Approval of Agenda:**
Motion was made by J. Bennett and seconded by K. Miller to approve the open session agenda. E. Burkemper, F. Klahr, R. LaRose, T. Marty, S. Sorrell and T. Tubbergen-Maglio voted in favor of the motion.

**Executive Director:**
Nothing to report at this time.

**Motion to Close:**
Motion was made by K. Miller and seconded by J. Bennett to move to the closed session agenda. E. Burkemper, F. Klahr, R. LaRose, T. Marty, S. Sorrell and T. Tubbergen-Maglio voted in favor of the motion.

**Miscellaneous:**
Rules discussion for June and the procedure that will follow once the changes/updates have been made.

**Adjournment:**
Motion was made by K. Miller and seconded by J. Bennett to adjourn the meeting. E. Burkemper, F. Klahr, R. LaRose, T. Marty, S. Sorrell and T. Tubbergen-Maglio voted in favor of the motion.

The meeting was adjourned at 2:30 p.m. on April 10, 2017.

# EXECUTIVE DIRECTOR REPORT

ASWB
Association of Social Work Boards

BOARD OF DIRECTORS

*President*
**M. Jenise Comer**, LCSW, MSW, ACSW
Missouri

*Past President*
**Dorinda N. Noble**, Ph.D., LCSW
Texas

*Secretary*
**Fran K. Franklin**, Ph.D., LCSW
Delaware

*Treasurer*
**Mel Harrington**, CSW-PIP
South Dakota

*Directors at Large*
**Meenakshi Budhraja**, M.D.
Arkansas

**Steven W. Pharris**, MSW, J.D., LCSW
Tennessee

**Richard Silver**, BSW, LL.M., SW
Québec

**Anna Lyn Whitt**, DHA, MPH, LMSW
Mississippi

*Chief Executive Officer*
**Mary Jo Monahan**, MSW, LCSW

400 Southridge Parkway
Suite B
Culpeper, VA 22701

t / 800.225.6880
f / 540.829.0562
info@aswb.org

aswb.org

May 25, 2016

To: ASWB Member Board Chairs and Administrators

From: ASWB CEO Mary Jo Monahan, MSW, LCSW

JUN -2

RE: Exam Use

We are writing to notify members of a new process approved by the Board of Directors at its April 28, 2016, meeting related to use of the social work licensing exams in ways that fall outside our exam policy, 2.1 Procedures. The new process will be implemented July 1, 2016, and affects jurisdictional members that wish to use the exam(s) outside of policy and jurisdictional members that are currently using the exam(s) outside of policy.

Procedures are summarized below and are outlined in detail in the accompanying document, Exceptions to Exam Use Policy.

- Members wishing to use the exam(s) outside the exam use policy must submit a written request for an exception. Staff will review the request with our psychometric consultant and/or our test administration vendor and make a recommendation to the Board of Directors. The Board will consider the request and make a final decision. The decision will be communicated to the member.
- Members currently using the exam(s) outside the exam use policy will be notified. Members will be given three options: change the necessary jurisdictional laws/regulations/policies; request an exception (as described above); cease using the exam(s) for the noncompliant purpose. Members must complete one of these options no later than five years from the July 1, 2016, implementation date.
- If an exception is not granted by the Board of Directors, ASWB will no longer be able to support the validity of the exam(s) used for the noncompliant purpose.

The reason for implementing these procedures is to ensure that the social work licensing exams remain valid and reliable. Validity is established by using the exams according to their intended purpose as defined in item 14 of Policy 2.1. ASWB consulted with HumRRO, our psychometric consultant, about the impact of this issue, and HumRRO advised us to use all ASWB exams for the intended (validated) purpose.

Validation is strongly tied to legal defensibility of the exams. Enforcing appropriate use of the exams helps maintain the highest psychometric and legally defensible standards on behalf of our members that use the exam(s) as part of their licensing process. It is not ASWB's intent to place extra burdens on our membership, and we will provide assistance to members making efforts to change laws and regulations that conflict with the exam use policy. If you have questions or need assistance, please contact ASWB Executive Vice President Dwight Hymans by email, dhymans@aswb.org, or phone, 800.225.6880, ext. 3110.

ASWB
Association of Social Work Boards

## Exceptions to Exam Use Policy

In order to serve its member boards that use one or more examinations as part of the social work licensure process, ASWB must ensure that the social work licensure examinations remain valid and reliable.

At its April 28, 2016, meeting, the ASWB Board of Directors approved the following procedures for situations in which a member requests use of an ASWB examination outside of the exam use policy. These procedures will be implemented beginning on July 1, 2016. In all cases, if an exception is not granted by the Board of Directors, ASWB will no longer be able to support the validity of the exam(s) used for the noncompliant purpose.

### Procedure for members requesting exceptions to the Exam Use Policy:

1. Any member wishing to use an ASWB exam outside the current exam use policy must submit a written request for an exception to the policy. The request must include the following information:
    - The exam(s) included in the request
    - How the exam(s) will be used outside of the ASWB exam use policy, including
        - The target population who will sit for the test (including education, experience, etc.)
        - The expected number of exams to be administered per year
        - A rationale for why the exception is being requested
2. Requests for exceptions must be submitted at least 60 days prior to the next Board of Directors meeting. Submissions that arrive less than 60 days before the next Board meeting will be held until the following Board meeting.
3. The written request will be reviewed by ASWB staff in consultation with psychometric consultants and/or the test administration vendor.
4. Based on staff review, a recommendation about the exception request will be made to the ASWB Board of Directors at its next scheduled meeting.
5. The final decision of the ASWB Board of Directors will be communicated to the member within one week after the Board meeting.

(continues)

**Procedures for members currently using exams outside of the Exam Use Policy**

Any member currently using an ASWB exam outside of the exam use policy will be notified and given three options:

1. Change the necessary laws/regulations/policies to comply with the ASWB exam use policy
2. Request an exception to the ASWB exam use policy using the formal process referenced above
3. Cease using the ASWB examination for the purpose that is outside the policy

Any member currently using exams outside of the exam use policy must complete one of the three steps no later than July 1, 2021, five years from the date these procedures were implemented.

ASWB examinations must remain valid and reliable to ensure defensibility on behalf of the ASWB members who use one or more exams as part of their licensing process. It is not ASWB's intent to place extra burdens on our membership, and we will assist member efforts to change laws and regulations that conflict with the exam use policy. Please call on us if we can be of assistance.

## 2.1 PROCEDURES

### INTRODUCTION:

The fiduciary responsibility of the Association to its Member Boards demands that it maintain the validity, reliability, and security of the social work licensing examinations. Because an examination is valid only for its intended purpose, it is also the responsibility of the Association to define the purpose of each examination and support the appropriate use of the examinations by its Member Boards.

### POLICY:

1. Only the Association and/or its Member Boards may authorize the use of Association examinations.

2. The Association will set standards for its examinations and shall establish test administration policies and procedures that shall be followed by all entities involved with the examination process.

3. Member Boards using the ASWB examinations must enter into a contract for such use. The Chief Executive Officer and Executive Vice President are authorized to execute contracts with jurisdictions for the Association's examinations.

4. For purposes of evaluating candidates for licensure, Member Boards shall rely only on the official examination score reports available through the Association as direct score reports or by way of score transfers provided by ASWB. Score reports sent directly by candidates are not acceptable for licensure purposes.

5. The testing service selected for the test administration shall enter into a contract with the Association.

6. Any ASWB Member Board may request that a representative of the Association present an overview of the examination development and administrative processes in order to familiarize the board with the defensibility and validity issues of the examination program. If it is deemed not to pose a threat to examination security or validity, or to provide the basis for any other legal risks, the ASWB Board of Directors may, upon request, allow an ASWB Member Board to review an examination under secure conditions.

7. The categories of examinations offered shall be determined from the results of a practice analysis survey conducted every five to seven years.

8. The fee for the examinations shall be recommended by the Board of Directors and approved by the Delegate Assembly.

9. No candidate may take the examination more frequently than every 90 days, regardless of examination category. Exceptions may be made on a case-by-case basis when there has been serious, documented malfunction with administration of the examination. Exceptions may also be made when a candidate's employment is in jeopardy and the candidate's raw score on the most recent examination was within five (5) test items of the passing score. The employment circumstance must be

documented in writing by the employer, and the exception must be approved by the Member Board. A maximum of two (2) waivers per candidate may be permitted per examination category.

10. Contracts must include provisions addressing special examination accommodations made under applicable laws related to individuals with disabilities in the United States and human rights legislation in Canada. All special examination accommodations require notification of the Association. The Association will make every effort to accommodate test candidates who have disabilities.

11. Only designated major credit cards, bank certified checks, and/or money orders are accepted for examination fees and ASWB products. All fees will be collected directly by the Association.

12. Candidates will receive their unofficial scores at the time they take the examination electronically. Candidates who take paper and pencil examinations will receive their unofficial scores by mail.

13. Observers of the examinations shall be ASWB staff or designated representatives of Member Boards only. Observer forms and guidelines shall be provided to all observers.

14. The Association has defined the intended purpose of each examination as follows:

    *Associate*. This examination has been developed for use as a licensure requirement by Member Boards that issue licenses to non-social work–degreed applicants.

    *Bachelors*. This examination has been developed for use as a licensure requirement by Member Boards that issue to BSWs, upon entry to practice, licenses for basic generalist practice of Baccalaureate Social Work.

    *Masters*. This examination has been developed for use as a licensure requirement by Member Boards that issue to MSWs, upon entry to practice, licenses for Master's Social Work practice. The practice of Master's Social Work includes the application of specialized knowledge and advanced practice skills.

    *Advanced Generalist*. This examination has been developed for use as a licensure requirement by Member Boards that issue, to MSWs with two or more years of experience in non-clinical settings, licenses for Advanced Generalist social work practice. Advanced Generalist social work occurs in non-clinical settings that may include macro-level practice.

    *Clinical*. This examination has been developed for use as a licensure requirement by Member Boards that issue, to MSWs with two or more years of experience in clinical settings, licenses for the practice of Clinical Social Work. The practice of Clinical Social Work requires the application of specialized clinical knowledge and advanced clinical skills.

To ensure the legal defensibility of examination results, the Association reserves the right to allow access to and use of any ASWB examination only for the purpose(s) for which it is intended and as set forth in contractual agreements between the Association and its Member Boards. The Association's support of the legal defensibility of its examinations is limited to use consistent with these policies and with the current practice analysis.

15. The Association shall only register to take one of the Association examinations candidates who have applied to a Member Board for social work licensure, submitted themselves to the legal jurisdiction of the Member Board, and have been approved to take a specific category of examination by such Member Board.

16. Under no circumstances shall any candidate be approved to take an ASWB examination for any purpose other than qualifying for licensure as a social worker. No candidate who has successfully passed an ASWB examination shall be allowed to retake that category of the examination unless verification of the requirement for the retake is provided by a Member Board. Licensure eligibility determinations shall be made by the respective regulatory board/agency.

**Adopted 1980. Revised 1983, 1984, 1989, 1990, 1992, 1993, 1994; confirmed by the Executive Committee April 1995. Revised by the Board of Directors 1997, 1998, April 2001, November 2002, October 2004, August 2005, October 2005, November 2007, August 2008, October 2009, August 2010, May 2011, August 2011, August 2012, January 2016.**

BEFORE THE
STATE COMMITTEE FOR SOCIAL WORKERS
STATE OF MISSOURI

| | | |
|---|---|---|
| In The Matter Of: | ) | |
| | ) | |
| STATE COMMITTEE | ) | |
| FOR SOCIAL WORKERS | ) | |
| Post Office Box 1335 | ) | |
| Jefferson City, Missouri 65102-1335 | ) | |
| | ) | |
| Petitioner, | ) | Case No. PV-2013-000299 |
| | ) | |
| v. | ) | |
| | ) | |
| DAVID LIPSON | ) | |
| 4140 Washington Blvd. | ) | |
| #409 | ) | |
| St. Louis, MO 63108 | ) | |
| | ) | |
| Respondent. | ) | |

NOTICE OF PROBATION VIOLATION COMPLAINT/NOTICE OF HEARING

PLEASE TAKE NOTICE THAT:

On January 11, 2016, David Lipson entered into a Settlement Agreement Between the State Committee for Social Workers and David Lipson ("Settlement Agreement") with the Missouri State Committee for Social Workers ("Committee") whereby David Lipson's clinical social work license, license number 004065, was placed on probation for a period of two (2) years commencing on January 11, 2016 and ending on January 11, 2018.

On December 22, 2016, the Board filed a Probation Violation Complaint against David Lispon. The Probation Violation Complaint, a copy of which is attached, alleges that David Lispon has violated the terms of the probation placed on David Lispon's license as set forth in the attached Probation Violation Complaint.

No answer or responsive pleading to the complaint is required. No Board rules exist regarding discovery in this matter.

The Board shall, pursuant to Sections 337.630, 324.042 and Chapter 536, RSMo, hold **a hearing at 9:00 a.m. on June 8th, 2017** for the purpose of determining whether cause for additional discipline exists and if so, whether to impose additional or other discipline on the license(s) of David Lipson. The hearing will be held at the **Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri**. Please be advised that the failure of David Lipson to appear at the hearing at the above-noted time and place will result in the hearing being held in the absence of David Lipson. All parties should prepare a minimum of ten (10) copies of all exhibits to be presented during the hearing. All parties have the right to be represented by legal counsel at their own expense and to a full, fair and open hearing as provided for in Chapter 536, RSMo, and Section 324.042, RSMo.

Dated this 10th day of March, 2017.

Tom Reichard, Executive Director
Missouri State Committee for Social Workers

## CERTIFICATE OF SERVICE

I hereby certify that I have mailed a copy of the Notice of Probation Violation Complaint/Notice of Hearing by certified mail no. 7196 9008 9111 6139 3682 and regular U.S. mail this 10th day of March, 2017 to David Lipson, 4140 Washington Blvd., #409, St. Louis, MO 63108

Tom Reichard, Executive Director
Missouri State Committee for Social Workers

**BEFORE THE MISSOURI**
**STATE COMMITTEE FOR SOCIAL WORKERS**

| | | |
|---|---|---|
| MISSOURI STATE COMMITTEE<br>FOR SOCIAL WORKERS<br>3605 Missouri Boulevard<br>P.O. Box 1335<br>Jefferson City, MO 65102<br><br>Petitioner,<br><br>v.<br><br>DAVID LIPSON<br>4140 Washington Blvd., #409<br>St. Louis, Missouri 63108<br><br>Respondent. | )<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>) | No. |

## PROBATION VIOLATION COMPLAINT

Petitioner, Missouri State Committee for Social Workers ("Committee"), by and through the Attorney General of the State of Missouri, states its cause of action against David Lipson ("Lipson"):

1. The Committee was established pursuant to section 337.622, RSMo, for the purpose of executing and enforcing the provisions of sections 337.600 through 337.689, RSMo.

2. Lipson is licensed by the Committee as a licensed clinical social worker, license number 004065.

3. Effective January 11, 2016, Lipson entered into a mutually agreed upon Settlement Agreement with the Committee, waiving 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. A copy of that Settlement Agreement is attached as Exhibit 1 and incorporated by reference.

4. Pursuant to the Disciplinary Order as set forth in paragraph 12 on page 6 of the Settlement Agreement, Lipson's license was placed on probation for a period of two years.

5. The Disciplinary Order, in paragraph 13 on page 7 of the Settlement Agreement, states in part:

> c. Licensee shall submit reports to the Missouri State Committee for Social Workers . . . stating truthfully whether Licensee has complied with all 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. . . .

6. Lipson has failed to comply with the reporting requirement set forth in the Settlement Agreement in that he has not submitted a report to the Committee since March 24, 2016.

7. The Committee has jurisdiction over this matter pursuant to § 324.042, RSMo, which states:

> 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.

8. The Settlement Agreement provides in paragraph 14 on page 8, "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."

9. The Settlement Agreement further provides in paragraph 17 on page 9:

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

10. Lipson's conduct as set forth herein violates the terms and conditions of his Settlement Agreement and is grounds for the Committee to impose further discipline.

## CONCLUSION

Petitioner requests the Committee to hold a hearing to determine whether a violation of the Settlement Agreement has occurred and to impose such further

disciplinary action under 324.042, RSMo, as is appropriate , and for such other relief as is appropriate.

Respectfully submitted,

JOSHUA D. HAWLEY
Attorney General

Ronald Q. Smith
Assistant Attorney General
Missouri Bar No. 51195
149 Park Central Square
Suite 1017
Springfield, Missouri 65806
417-895-6567 (Phone)
417-895-6382 (Facsimile)
Ron.Smith@ago.mo.gov

Attorneys for the State Committee
for Social Workers

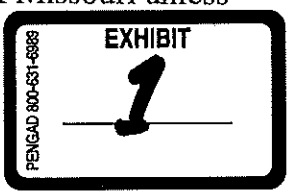
## SETTLEMENT AGREEMENT

Petitioner, the State Committee for Social Workers (the "Committee"), and Respondent, David Lipson ("Licensee"), hereby agree and enter into this agreement for the purpose of resolving the question of whether Licensee's license as a clinical social worker is subject to discipline by the Committee.

Pursuant to the terms of §536.060, RSMo 2000,[1] the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri regarding cause to discipline the Licensee's license, and, additionally, the right to a disciplinary hearing before the Committee under §621.110, RSMo. The parties jointly stipulate and agree that a final disposition of this matter may be effectuated as described below.

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 against Licensee at the hearing; the right to present evidence on Licensee's own behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial administrative hearing commissioner concerning the charges against Licensee; and, subsequently, the right to a disciplinary hearing before the Committee at which time the Licensee may present evidence in mitigation of discipline; the

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



right to a claim for attorney fees and expenses incurred in defending this action against Licensee's License.

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.

Being aware of these rights provided to Licensee by 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 stipulates that the factual allegations contained in this Settlement Agreement are true and stipulates with the Committee that Licensee's clinical social worker's license, numbered 004065, is subject to disciplinary action by the Committee in accordance with the provisions of Chapters 621 and 337, RSMO; and additionally that pursuant to §337.630.2 such allegations are cause for the Committee to discipline Licensee.

I.

Joint Stipulation of Facts and Conclusions of Law

Based upon the foregoing, the Committee and David Lipson ("Licensee") herein jointly stipulate to the following:

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, David Lipson, is a natural person with the following address: 4140 Washington Boulevard, #409, St. Louis, MO, 63108.

3. Licensee is a licensed clinical social worker, license number 004065, which was originally issued on December 15, 1992. Licensee's license is currently active.

4. On or about January 22, 2103, the Committee received a complaint alleging that Licensee's license had expired due to non-renewal and Licensee had failed to notify his employer of such expiration. Licensee's employment duties included clinical social work for which a license was required.

5. In the subsequent investigation initiated by the Committee, the Committee discovered:

a. In responses to the complaint, Licensee stated that he thought his license expired in 2013 and was grateful that the earlier expiration of his license was discovered in an audit through his employer. Licensee also referenced his medical conditions and provided documentation of his efforts toward complying with the continuing education requirement for renewal. Licensee further stated that his employer had restricted his clinical privileges and that he was no longer providing services requiring a license to clients. Licensee also enclosed a note from his physician regarding his medical conditions.

b. Licensee indicated that he never intentionally allowed his license to expire and asserted that his medical conditions make it difficult for him to meet deadlines.

c. Licensee's license is now current. Licensee's license had previously expired due to non-renewal following two prior renewal cycles. Such non-renewal resulted in the expiration of Licensee's license from October 1, 2010 to May 5, 2011; and from October 1, 2012, to February 1, 2013. This complaint regarded the most recent expiration of 2013 due to non-renewal.

d. Licensee stated that he received discipline from his employer regarding his license expiration.

e. Licensee stated that he is on medication and therapy for his medical problems.

f. During the period of October 1, 2012, through the internal audit by Licensee's employer in early December, 2012, Licensee provided clinical social worker services for which a license is required without an active license from the Committee.

g. During the period of October 1, 2012, through the internal audit by Licensee's employer in early December, 2012, Licensee represented himself as a licensed clinical social worker services when he held no such license from the Committee.

6. 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.

7. Further, §§337.630, RSMo, sets forth the grounds upon which the Committee may refuse to issue a license, and 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:
>
> . . .
>
> (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;

> 4. After 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.

8. Licensee's actions as set forth in paragraphs 4 and 5 constitute misconduct in the performance of the functions or duties of a social worker licensed pursuant to this chapter, for which the Committee has cause to take disciplinary action against Licensee's clinical social worker license.

9. Licensee's actions as set forth in paragraphs 4 and 5 constitute violation of any provision of §§337.600 to 337.689, RSMo, for which the Committee has cause to take disciplinary action against Licensee's clinical social worker license.

10. Licensee's actions as set forth in paragraphs 4 and 5 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.

11. Accordingly, cause exists for the Committee to take disciplinary action against Licensee's clinical social worker license under §337.630.2(5), (6), and (13), RSMo.

**Joint Agreed Disciplinary Order**

12. The terms of discipline shall include that the Licensee's clinical social worker license, license number 004065, shall be placed on **PROBATION** for a period of **two (2)**

**years.** During the probation period, Licensee shall be entitled to retain Licensee's clinical social worker license and may offer and engage in the practice of clinical social work as provided in Chapter 337, RSMo, provided Licensee adheres to all of the terms of this Settlement Agreement.

13. PROBATION REQUIREMENTS.

a. Licensee shall, at his expense, annually attend a three (3) hour, in-person, continuing education course focusing on the rules promulgated by the Committee. Licensee shall provide written documentation to the Committee of completion if such course. Such written documentation shall be provided by Licensee to the Committee on or before September 30, 2016 and again on or before September 30, 2017.

b. 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.

c. Licensee shall submit reports to the Missouri State Committee for Social Workers, Post Office Box 1335, Jefferson City, Missouri 65102, stating truthfully whether Licensee has complied with all 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 January 1, 2016. Such Reports shall be submitted regardless of whether Licensee is offering or providing clinical social work services.

d. 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.

e. Licensee shall comply with all provisions of 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.

f. During the probation period, Licensee shall timely renew Licensee's License(s) and timely pay all fees required for licensing and comply with all other Committee requirements necessary to maintain Licensee's License(s) in a current and active state.

g. During the probation 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.

14. 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.

15. This Settlement Agreement does not bind the Committee or restrict the remedies available to it concerning facts or conduct not specifically mentioned in this Settlement

Agreement that are either now known to the Committee or may be discovered; nor does it restrict the Committee or the remedies available to it concerning any other violation of Chapter 337, RSMo, by Licensee not specifically mentioned in this document.

16. 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.

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

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

19. 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.

20. Licensee, together with Licensee's partners, heirs, assigns, agents, employees, representatives and attorneys, does hereby waive, release, acquit and forever discharge the

Committee its respective members, employees, agents and attorneys including former members, employees, agents and attorneys, of, or from any liability, claim, actions, causes of action, fees, costs, expenses and compensation, including, but not limited to, any claim for attorney's fees and expenses, whether or not now known or contemplated, including, but not limited to, any claims pursuant to § 536.087, RSMo (as amended), or any claim arising under 42 U.S.C. § 1983, which now or in the future may be based upon, arise out of, or relate to any of the matters raised in this case or its litigation, settlement, or from the negotiation or execution of this Settlement Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of the Settlement Agreement in that it survives in perpetuity even in the event that any court or administrative tribunal deems this settlement agreement or any portion thereof void or unenforceable.

21. 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, 131 West High Street, 3rd Floor, P.O. Box 1557, Jefferson City, MO 65102.**

22. 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.

**STATE COMMITTEE FOR SOCIAL WORKERS**

Tom Reichard, Executive Director

Date: 1-11-16

**CHRIS KOSTER**
**Attorney General**

Mary A. Long
Assistant Attorney General
Missouri Bar No. 61493
P.O. Box 861
St. Louis, MO 63188
Telephone: 314-340-7544
Telefax: 314-340-7891
*Attorneys for State Committee for Social Workers*

**RESPONDENT**

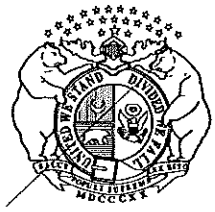
David Lipson, Licensee

Date: 12/17/15

**Jack Fishman**
**Attorney for Licensee**

Jack Fishman
The Fishman Law Firm, P.C.
Missouri Bar No. 38240
8147 Delmar, Suite 216
St. Louis, MO 63130
Telephone: 314-727-9293
Telefax: 314-727-7545
*Attorneys for Licensee/Respondent*

# Before the
# Administrative Hearing Commission
# State of Missouri



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|---|---|---|
| STATE COMMITTEE FOR SOCIAL WORKERS, | ) | |
| Petitioner, | ) | |
| vs. | ) | No. 16-2945 |
| DEBRA K. HILL, | ) | |
| Respondent. | ) | |

## DECISION

Debra K. Hill is subject to discipline because she pled guilty to a criminal offense that contains an essential element of dishonesty and involves moral turpitude.

### Procedure

On May 25, 2016, the State Committee for Social Workers (Committee) filed a complaint seeking to discipline Hill. On August 9, 2016, Hill was served with a copy of the complaint and our notice of complaint/notice of hearing by personal service. With our leave, Hill filed an answer on September 9, 2016. With our leave, the Committee filed an amended complaint on October 11, 2016. On October 17, 2016, Hill filed an answer to the amended complaint. With our leave, the Committee filed a second amended complaint on November 2, 2016. On November 21, 2016, Hill filed an answer to the second amended complaint.

On November 22, 2016, the Committee filed a motion for summary decision. On December 13, 2016, Hill filed suggestions in opposition to the motion for summary decision, with a supporting affidavit. On December 20, 2016, the Committee filed a reply to the suggestions in opposition. Regulation 1 CSR 15-3.446(6)[1] provides that we may decide this case without a hearing if the Committee establishes facts that Hill does not dispute and entitle the Committee to a favorable decision.

On December 20, 2016, the Committee filed an objection to any further use of Respondent's affidavit.

The following facts are undisputed.

**Findings of Fact**

1. Hill is licensed as a clinical social worker. Her license was issued on December 5, 2011, and it was current and active on the date the Committee filed the motion for summary decision.

2. On June 26, 2014, in the 338th District Court of Harris County, Texas (District Court), the State of Texas filed an indictment in the case of *State of Texas v. Debra Hill*, No. 1433112, in connection with the unauthorized use of Hill's Medicaid provider number.

3. On August 7, 2014, the State of Texas filed a motion to amend the indictment. The motion was granted on August 7, 2014. The amended indictment reads:

> The duly organized Grand Jury of Harris County, Texas, presents in the District Court Harris County, Texas, that in Harris County, Texas, DEBRA HILL hereinafter styled the Defendant, heretofore on or about August 30, 2010 CONTINUING THROUGH JANUARY 22, 2011, did then and there unlawfully, intentionally and knowingly pursuant to one scheme and continuing course of conduct, while a government contractor, appropriate by acquiring and otherwise exercising control over property, to-wit MONEY, OWNED BY The State of Texas Health

[1] All references to the CSR are to the Missouri Code of State Regulations as current with amendments included in the Missouri Register through the most recent update.

> and Human Services Commission, hereafter styled the COMPLAINANT, of the value of over one hundred thousand dollars and less than two hundred thousand dollars with the intent to deprive the Complainant of the property and said property came into the Defendant's custody, possession, and control by virtue of the contractual relationship.

Petitioner's Ex. B.

4. On February 11, 2015, in the District Court case, Hill pled guilty to the crime of aggregate theft by a government contractor in the amount of $100,000-$200,000 as defined in the amended indictment, a first degree felony.[2]

5. On February 11, 2015, an order of deferred adjudication was entered in the case in which Hill was placed on community supervision so long as she abided by and did not violate the terms and conditions of community supervision of which one condition was that Hill not obtain employment where she would have direct contact with government monetary transactions, reimbursements, or billing during the term of supervision unless approved by the court.

**Conclusions of Law**

We have jurisdiction to hear this complaint. Section 621.045.[3] The Committee bears the burden of proving that Hill's license is subject to discipline by a preponderance of the evidence. *See Kerwin v. Mo. Dental Bd.*, 375 S.W.3d 219, 229-30 (Mo. App., W.D. 2012) (dental licensing board demonstrates "cause" to discipline by showing preponderance of evidence). A preponderance of the evidence is evidence showing, as a whole, that "the fact to be proved [is] more probable than not." *Id.* at 230.

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[2]See, Tex. Penal Code § 31.03(f)(2).

[3] Statutory references, unless otherwise noted, are to the 2013 Supplement to the Revised Statutes of Missouri.

## I. Objection to Affidavit

The Committee asks us to prohibit Hill from using the affidavit she attached to her suggestions in opposition to its motion at a hearing or for any other purpose beyond supporting the suggestions. Because we are granting summary decision, we need not rule on the Committee's objection as the issue is moot.

## II. Cause for Discipline

The Committee argues there is cause for discipline under § 337.630:

> 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:
>
> ***
>
> (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a social worker licensed under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed[.]

The Committee argues that there is cause for discipline because Hill pled guilty to a criminal offense an essential element of which is fraud or dishonesty and involves moral turpitude.[4]

### A. Criminal Offense

Hill argues that the Committee failed to set forth the legal citation to the particular criminal offense to which she pled guilty. We acknowledge that the record does not provide the

[4] In its second amended complaint, the Committee also asserts that the criminal offense is reasonably related to Hill's profession, but it does not ask for summary decision on this allegation. We consider it abandoned.

legal citation. However, the record through the amended indictment is sufficient to establish the necessary elements of the crime.

The documents relating to both Hill's amended indictment and her guilty plea as signed by her and approved by the judge identified the criminal offense as "aggregate theft by government contractor 100,000-200,000," which in the plea admonishments is identified as a first degree felony.

Hill argues that she did not receive sufficient notice of the criminal offense upon which the Committee seeks cause to discipline. Hill stated in her answer to the second amended complaint that she "admits . . . that she entered a plea of guilty to a certain criminal charge; however, the description of the allegation . . . is untrue and, therefore, denied."

We disagree. In the second amended complaint, the Committee named the crime as "theft by government contractor" as opposed to "aggregate theft by government contractor". We find that this is sufficient notice under *Duncan v. Missouri Bd. for Arch'ts, Prof'l Eng'rs & Land Surv'rs*, 744 S.W.2d 524, 538-539 (Mo. App., E.D. 1988)("The purpose of the complaint is to inform the accused of the nature of the charges so that he can adequately prepare his defense. . . [c]harges in the complaint need not meet the specificity of a criminal indictment," citing *Giessow v. Litz*, 558 S.W.2d 742 (Mo.App.1977).[5] The elements of the criminal offense are set forth in the amended indictment.

Hill also argues that the underlying conduct that resulted in her guilty plea occurred before she was licensed in Missouri, and her license is therefore not subject to discipline. The guilty plea, however, occurred after she became licensed. We agree with the Committee that

[5] See *Agbeze v. State of Texas*, 2014 WL 3738048 (July 25, 2014), which is an unpublished decision, for an explanation of aggregating amounts per Texas law per Tex. Penal Code Ann. § 31.09.

under the statute, it is the guilty plea itself and not the underlying conduct or the timing of the underlying conduct that determines whether there is cause for discipline.

1. Essential Element

An essential element is one that must be proved for a conviction in every case. *State ex rel. Atkins v. Missouri Bd. of Accountancy*, 351 S.W.2d 483, 485 (Mo. App., K.C.D. 1961). Fraud is "an intentional perversion of truth to induce another, or to act in reliance upon it." *Kerwin,* 375 S.W.3d at 229, quoting *Hernandez v. State Bd. of Registration for the Healing Arts*, 936 S.W.2d 894, 899 n.2 (Mo. App. W.D. 1997). It necessarily includes dishonesty, which is a lack of integrity or a disposition to defraud or deceive. WEBSTER'S THIRD INTERNATIONAL DICTIONARY 650 (unabr. 1986).

Fraud is not an essential element of theft because one can steal without defrauding anyone.[6] Hill did not plead to a crime that contained the elements of fraud. However, dishonesty is an essential element of the criminal offense, and there is cause for discipline under § 337.630.2(2).

2. Offense Involving Moral Turpitude

Moral turpitude is:

> an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellowman or to society in general, contrary to the accepted and customary rule of right and duty between man and man; everything "done contrary to justice, honesty, modesty, and good morals."[[7]]

In *Brehe v. Missouri Dep't of Elementary and Secondary Education*, 213 S.W.3d 720 (Mo. App., W.D. 2007), a case which involved discipline of a teacher's certificate under

[6] The definition of "theft" in Tex. Penal Code Ann. § 31.03(a) is "the unlawful appropriation of property with intent to deprive the owner of [the] property."

[7] *In re Frick*, 694 S.W.2d 473, 479 (Mo. banc 1985) (quoting *In re Wallace*, 19 S.W.2d 625 (Mo. banc 1929)).

§ 168.071 for committing a crime involving moral turpitude, the court referred to three classifications of crimes:[8]

(1) crimes that necessarily involve moral turpitude, such as frauds (Category 1 crimes);

(2) crimes "so obviously petty that conviction carries no suggestion of moral turpitude," such as illegal parking (Category 2 crimes); and

(3) crimes that "may be saturated with moral turpitude," yet do not involve it necessarily, such as willful failure to pay income tax or refusal to answer questions before a congressional committee (Category 3 crimes).

The court stated that Category 3 crimes require consideration of "the related factual circumstances" of the offense to determine whether moral turpitude is involved.[9]

Our review of other cases convinces us that stealing is a Category 1 crime.[10] There is cause for discipline under § 337.630.2(2).

**Summary**

There is cause to discipline Hill under § 337.630.2(2). We grant the motion for summary decision and cancel the hearing.

SO ORDERED on January 23, 2017.

RENEE T. SLUSHER
Commissioner

[8] *Brehe,* 213 S.W.3d at 725 (quoting *Twentieth Century-Fox Film Corp. v. Lardner*, 216 F.2d 844, 852 (9th Cir. 1954)).

[9] *Id.*

[10] *See In re Carpenter*, 891 A.2d 223 (D.C. 2006) (moral turpitude is inherent in crimes which have an intent to defraud or steal). *See also U.S. v. Morrow*, 2005 WL 3163801 (D.D.C. June 2, 2005 and *Johnson v. Commonwealth*, 581 S.E.2d 880 (41 Va. App., 2003) (misdemeanor crimes of moral turpitude are limited to those crimes involving lying, cheating, and stealing).

# Before the
# Administrative Hearing Commission
# State of Missouri

| | | |
|---|---|---|
| COMMITTEE FOR SOCIAL WORKERS,<br>Petitioner | ) | |
| vs. | ) | No. 16-2945 |
| DEBRA K. HILL,<br>Respondent | ) | |

**CERTIFICATION**

COMES NOW Suzanne Hager, Paralegal, Administrative Hearing Commission, and certifies to this Agency that the following list of items comprises the record of proceedings before the Administrative Hearing Commission in the above-named cause:

1. Second Amended Complaint, filed November 2, 2016.

2. Answer to Second Amended Complaint, filed November 21, 2016.

3. Motion for Summary Decision, filed November 22, 2016.

4. Suggestions in Opposition to Motion for Summary Decision, filed December 13, 2016.

5. Affidavit of Debra K. Hill, filed December 13, 2016.

6. Petitioner's Reply to Suggestions in Opposition to Motion for Summary Decision, filed December 20, 2016.

7. Petitioner's Objection to Further use of Respondent's Affidavit, filed December 20, 2016.

8. Decision, issued January 23, 2017.

Respectfully submitted,

Suzanne Hager
Paralegal

State of Missouri

Jeremiah W. (Jay) Nixon, Governor

**Administrative Hearing Commission**
U.S. Post Office Building, 3rd Floor
131 West High Street P.O. Box 1557
Jefferson City, Missouri 65102
Telephone 573/751-2422
Facsimile 573/751-5018
www.oa.mo.gov/ahc

February 28, 2017

Thomas Reichard
Executive Director
State Committee for Social Workers
3605 Missouri Blvd.
P.O. Box 1335
Jefferson City, MO 65102

Re: Committee for Social Workers v. Debra K. Hill
No. 16-2945

Dear Mr. Reichard:

Pursuant to § 621.110, RSMo 2000, please find enclosed the record of proceedings in the above-named cause before the Administrative Hearing Commission.

For purposes of review, the action of this Commission and your order, if any, will be treated as one decision. (See § 621.145, RSMo.) Therefore, in the event of an appeal, these enclosures plus your order will need to be certified by you, pursuant to § 536.130, RSMo 2000, to the reviewing court.

Sincerely,

Suzanne Hager

Suzanne Hager
Paralegal

Enclosure

c: Daniel Levy
David Barrett

Original

BEFORE THE DIVISION OF PROFESSIONAL REGISTRATION
MISSOURI STATE COMMITTEE FOR SOCIAL WORKERS
STATE OF MISSOURI

| | | |
|---|---|---|
| Missouri State Committee for Social Workers, | ) | |
| | ) | |
| Petitioner | ) | |
| | ) | Case No. 16-2945 SW |
| v. | ) | |
| | ) | |
| Debra Hill , | ) | |
| | ) | |
| Respondent | ) | |

NOTICE OF DISCIPLINARY HEARING

**PLEASE TAKE NOTICE** that the Missouri State Committee for Social Workers is in receipt of the decision of the Administrative Hearing Commission, State of Missouri, in the case of *Missouri State Committee for Social Workers v Debra Hill,* Case number 16-2945 SW, wherein the Administrative Hearing Commission found that your license is subject to discipline by the State of Committee for Social Workers.

Pursuant to Section 621.220, RSMo (2000), as supplemented, the Missouri State Committee for Social Workers shall hold a hearing for the purposes of determining the appropriate discipline to impose on your license.

The hearing will be held on **June 08, 2017 at 9:30 am**, or as soon thereafter as the matter may be heard, **at Missouri Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, MO 65109**. Please be advised that your failure to appear at this hearing will result in the hearing being held in your absence.

All parties have the right to be represented by legal counsel and a right to a full, fair and open hearing as provided in Chapters 536 and 324 RSMo (2000), as supplemented.

MISSOURI STATE COMMITTEE FOR SOCIAL WORKERS

MISSOURI STATE COMMITTEE FOR SOCIAL WORKERS

Tom Reichard 3-10-17

Tom Reichard, Executive Director Date

## CERTIFICATE OF SERVICE

On this 10th day of March, 2017, I hereby certify that a true and complete copy of the foregoing Notice of Disciplinary Hearing was forwarded via Certified Mail No. 7196 9008 9111 6139 3675, Return Receipt Requested, and U.S. Mail to Debra Hill, 7420 Manchester, Kansas City, MO 64133.

Also, on this 10th day of March, 2017, I hereby certify that a true and complete copy of the foregoing Notice of Disciplinary Hearing was forwarded via Certified Mail No. 7196 9008 9111 6139 3675 Return Receipt Requested, and U.S. Mail to its Registered Agent, Missouri State Committee of Social Workers at 3605 Missouri Blvd., Jefferson City, Missouri, 65109.

Tom Reichard, Executive Director
Missouri State Committee for Social Workers

FILED
NOV 03 2016
ADMINISTRATIVE HEARING COMMISSION

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

| | | |
|---|---|---|
| STATE COMMITTEE FOR SOCIAL WORKERS<br>3605 Missouri Boulevard<br>P.O. Box 1335<br>Jefferson City, MO 65102<br><br>Petitioner, | ) | |
| v. | ) | No. 16-2945 |
| Debra K. Hill<br>7420 Manchester<br>Kansas City, MO 64133<br><br>Respondent. | ) | |

PETITIONER'S SECOND AMENDED COMPLAINT

Comes now, Petitioner, the State Committee for Social Workers, by and through its attorney, the Attorney General of the state of Missouri, and for its Second Amended Complaint against Respondent states as follows:

1. Petitioner, the State Committee for Social Workers ("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,[1] relating to Social Workers.

2. Respondent, Debra Karlyne Hill ("Hill"), is licensed by the Committee as a Clinical Social Worker, license No. 2011039623.

[1] All statutory references are to Missouri Revised Statutes Cum. Supp. 2015, unless otherwise

3. Hill's license to practice as a clinical social worker in Missouri was originally issued on or around December 5, 2011. Hill submitted her renewal application for the most recent renewal period in September of 2015. The Committee issued Hill's renewed license on or around October 5, 2016.

4. On or about February 11, 2015, Hill entered a plea of guilty in the District Court of Harris County, Texas, Case No. 143311201010, to the crime of theft by a government contractor in the amount of $100,000 - $200,000, a first-degree felony. Hill's license was current and active at all times during her criminal conduct and prosecution in District Court of Harris County, Texas, Case No. 143311201010.

5. Theft by a government contractor is an offense reasonably related to the qualifications, functions and duties of the practice of clinical social work.

6. Theft by a government contractor is an offense of which fraud and dishonesty are essential elements.

7. Theft by a government contractor is an offense involving moral turpitude.

8. On or about February 11, 2015, Hill agreed to an Order of Deferred Adjudication in Case No. 143311201010, based on the charge of theft by a public servant in the amount of $20,000-$100,000, a second degree felony.

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noted.

9. Cause exists to discipline Hill's license to practice social work based on her guilty plea pursuant to § 337.630, RSMo, 2015, 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 337.689, RSMo 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:
>
> . . . .
>
> (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a clinical social worker; for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;
>
> . . . .

Wherefore, based on the foregoing, Petitioner prays the Administrative Hearing Commission conduct a hearing, if necessary, pursuant to Chapter 621, RSMo, and thereafter issue its findings of fact and conclusions of law that Petitioner may take disciplinary action against Respondent's clinical social work license for violations of Chapter 337, RSMo.

Respectfully submitted,

CHRIS KOSTER
Attorney General

Daniel S. Levy

Daniel S. Levy
Assistant Attorney General
Missouri Bar Number 66039
E-Mail: Daniel.Levy@ago.mo.gov

Post Office Box 861
St. Louis, Missouri 63188-0861
Telephone: (314) 340-7953
Facsimile: (314) 340-7891
Attorneys for the State Committee
for Social Workers

## CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing was mailed, postage prepaid this 2nd day of November, 2016 to:

David F. Barrett
P.O. Box 104151
Jefferson City, MO 65110

Daniel S. Levy
Assistant Attorney General

FILED

ADMINISTRATIVE HEARING COMMISSION NOV 21 2016
STATE OF MISSOURI

ADMINISTRATIVE HEARING COMMISSION

| | | |
|---|---|---|
| **STATE COMMITTEE FOR SOCIAL WORKERS,** | ) | |
| | ) | |
| Petitioner, | ) | |
| vs. | ) | Case No: **16-2945** |
| | ) | |
| **DEBRA K. HILL,** | ) | |
| | ) | |
| Respondent. | ) | |

## ANSWER TO SECOND AMENDED COMPLAINT

COMES NOW Debra K. Hill, Respondent herein, by and through her undersigned counsel, and for her Answer to the Second Amended Complaint, states:

1. Respondent admits the allegations of ¶¶ 1, 2, and 3 of the Second Amended Complaint.

2. Respondent admits the allegations of ¶ 4 of the Second Amended Complaint that she entered a plea of guilty to a certain criminal charge; however, the description of the allegation in the balance of ¶ 4 is untrue and, therefore, denied.

3. Respondent denies the allegations of ¶¶ 5, 6, 7, 8 and 9 of the Second Amended Complaint.

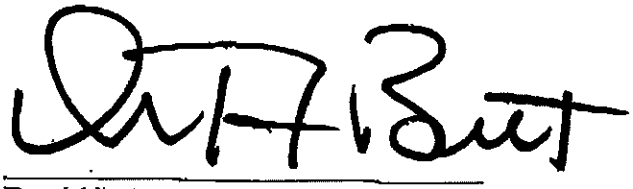
4. Respondent denies each and every allegation of the Second Amended Complaint not specifically admitted herein.

5. The Second Amended Complaint fails to state a cause of action for which relief can be granted.

WHEREFORE, having fully answered the Second Amended Complaint, Respondent prays the Commission enter findings of fact and conclusions of law and issue

its decision that there is no cause to discipline the clinical social worker license of Respondent, Debra K. Hill, and grant such other and further relief as may be just and necessary in the premises.

Respectfully submitted,

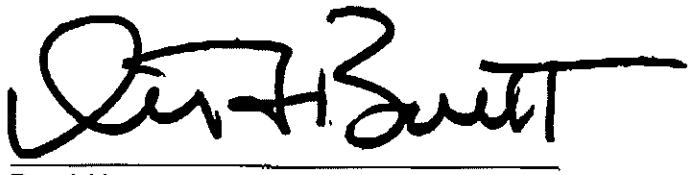


David F. Barrett
Missouri Bar No. 43781
P.O. Box 104151
Jefferson City, MO 65110
(573) 340-9119
Fax: (573) 636-1003
dfbarrett@outlook.com

**ATTORNEY FOR RESPONDENT**

Certificate of Service

A copy of this proposed pleading was served upon Petitioner's counsel, AAG Daniel Levy, at (314) 340-7891, on 11/21/16 at about 3 p.m.



David F. Barrett

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED
NOV 22 2016
ADMINISTRATIVE HEARING COMMISSION

| | | |
|---|---|---|
| STATE COMMITTEE FOR SOCIAL WORKERS<br><br>3605 Missouri Boulevard<br>P.O. Box 1335<br>Jefferson City, MO 65102<br><br>Petitioner,<br><br>v.<br><br>Debra K. Hill<br>7420 Manchester<br>Kansas City, MO 64133<br><br>Respondent. | ) | No. 16-2945 |

MOTION FOR SUMMARY DETERMINATION
AND SUGGESTIONS IN SUPPORT

Comes now, Petitioner, the State Committee for Social Workers, through counsel, and for its motion for summary determination, pursuant to § 536.073.2, RSMo, and 1 CSR 15-3.446(6), states:

Undisputed Material Facts

1. Petitioner, the State Committee for Social Workers ("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,[1] relating to Social Workers.

2. Respondent, Debra Karlyne Hill ("Hill"), is licensed by the Committee as a Clinical Social Worker, license No. 2011039623. Hill's license to practice as a Clinical Social Worker is current and active as of the date of this motion. **Exhibit A, Affidavit of Tom Reichard.**[2]

3. On or about February 11, 2015, Hill entered a plea of guilty in the District Court of Harris County, Texas, Case No. 143311201010, to the crime of theft by a government contractor in the amount of $100,000-$200,000, a first degree felony. On or about February 11, 2015, Hill agreed to an Order of Deferred Adjudication in Case No. 143311201010, based on the charge of theft by a public servant in the amount of $20,000-$100,000, a second degree felony. The conduct occurred during the period that Hill's license was current and active. **Exhibit B, Judgment and Sentence.**[3]

Conclusions of Law

4. Theft by a government contractor is an offense of which fraud and dishonesty are essential elements, as is theft by a public servant.

---

[1] All statutory references are to Missouri Revised Statutes 2000, as amended, unless otherwise noted.
[2] An affidavit of Tom Reichard, Executive Director of the Committee, is attached as Exhibit A and incorporated by reference.
[3] A certified copy of the Judgment and Sentence entered by the District Court of Harris County is attached as Exhibit B and incorporated by reference.

5. Theft by a government contractor is an offense involving moral turpitude, as is theft by a public servant.

6. Cause exists to discipline Hill's license to practice social work based on her guilty plea pursuant to § 337.630, RSMo, 2000, 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 337.689, RSMo 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:
>
> . . . .
>
> (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a clinical social worker; for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;
>
> . . . .

<u>Motion for Summary Determination</u>

Based upon the undisputed facts and applicable law, Petitioner, State Committee for Social Workers, is entitled to summary determination finding

cause to discipline Respondent's license and on all other issues because there is no genuine issue as to any material fact and the undisputed facts and conclusions of law set forth herein show that the Committee is entitled to determination as a matter of law.

Suggestions in Support of
Petitioner's Motion for Summary Determination

Summary judgment is proper when the movant shows there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law. *ITT Commercial Finance Corp. v. Mid-America Marine Supply Corp.*, 854 S.W.2d 371, 378 (Mo. banc 1993).

There is no dispute as to any material fact as set forth in the Committee's Undisputed Material Facts. The application of the undisputed material facts to the relevant statutes and regulations, as set forth in the Committee's Conclusion's of Law, shows that the Committee is entitled to determination as a matter of law.

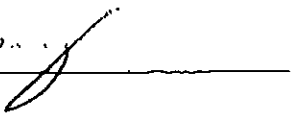
Respondent admitted to the conduct set forth in paragraph 3 of the Undisputed Material Facts by virtue of her guilty plea entered in the District Court of Harris County, Texas, Case No. 143311201010. **Exhibit B, Judgment and Sentence.** Theft has fraud and/or dishonesty as essential elements by its very nature. Theft by a government contractor or public servant is a crime of moral turpitude because the perpetrator is stealing

public funds and intentionally violating the public's trust, making it an especially base crime involving fraud and deception. Therefore, Hill's guilty plea is grounds for discipline pursuant to § 337.630.2(2), RSMo, and the Committee is entitled to summary determination in its favor on all issues.

Petitioner, State Committee for Social Workers, prays that this Commission grant Petitioner's Motion for Summary Determination and enter determination in favor of the Committee and against Respondent, finding cause to discipline Respondent's license and for all other relief to which Petitioner may be entitled.

Respectfully submitted,

CHRIS KOSTER
Attorney General



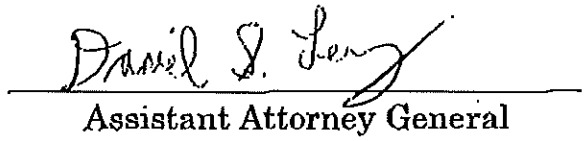
Daniel S. Levy
Assistant Attorney General
Missouri Bar Number 66039
E-Mail: Daniel.Levy@ago.mo.gov

Post Office Box 861
St. Louis, Missouri 63188-0861
Telephone: (314) 340-7953
Facsimile: (314) 340-7891
*Attorneys for the State Committee for Social Workers*

## CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing motion was mailed, postage prepaid this 22nd day of November, 2016 to:

David F. Barrett
P.O. Box 104151
Jefferson City, MO 65110



Assistant Attorney General

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

| | | |
|---|---|---|
| STATE COMMITTEE FOR SOCIAL WORKERS<br>3605 Missouri Boulevard<br>P.O. Box 1335<br>Jefferson City, MO 65102<br><br>Petitioner, | ) | |
| v. | ) | No. 16-2945 |
| Debra K. Hill<br>7420 Manchester<br>Kansas City, MO 64133<br><br>Respondent, | ) | |

**AFFIDAVIT OF TOM REICHARD REGARDING THE LICENSE OF DEBRA HILL**

State of Missouri )
) ss
County of Cole )

Before me, the undersigned authority, personally appeared Tom Reichard, and after being duly sworn, stated as follows:

1. My name is Tom Reichard. I am of sound mind, capable of making this affidavit and over eighteen years of age.

2. I am employed as the Executive Director of the State Committee for Social Workers ("Committee"). I am the custodian of records for the Committee.

3. My business address is: State Committee for Social Workers, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102.

4. I have personal knowledge of the matters contained in this affidavit.

5. Respondent, Debra Hill ("Hill"), is licensed by the Committee as a clinical social worker, license number 2011039623.

6. Hill's license remains current and active at this time.

Further affiant sayeth not.

Tom Reichard

Subscribed and sworn to before me this 8th day of June, 2016.

JAMI L. KALLENBACH
Notary Public
Commission # 14528663
Miller County
Notary Seal
STATE OF MISSOURI
My Commission Expires 06-23-2018

Jami L. Kallenbach
Notary Public

My commission expires June 23, 2018.

p. 5

CASE NO. 1433112010 10
INCIDENT NO./TRN: 916998090XA001

| | | |
|---|---|---|
| THE STATE OF TEXAS | § | IN THE 338TH DISTRICT |
| | § | |
| V. | § | COURT |
| | § | |
| HILL, DEBRA | § | HARRIS COUNTY, TEXAS |
| | § | |
| STATE ID NO.: TX50562067 | § | |

# ORDER OF DEFERRED ADJUDICATION

Judge Presiding: HON. BROCK THOMAS — Date Order Entered: 02/11/2015

Attorney for State: M. GLENN — Attorney for Defendant: BIRES, DAVID RICHARD

Offense:
THEFT $20K-100K PUB SERV

Charging Instrument: INDICTMENT — Statute for Offense: N/A

Date of Offense:
08/30/2010 THROUGH 01/22/2011

Degree of Offense: 2ND DEGREE FELONY — Plea to Offense: GUILTY — Findings on Deadly Weapon: N/A

Terms of Plea Bargain:
WITHOUT AN AGREED RECOMMENDATION

Plea to 1st Enhancement Paragraph: N/A — Plea to 2nd Enhancement/Habitual Paragraph: N/A

Findings on 1st Enhancement Paragraph: N/A — Findings on 2nd Enhancement/Habitual Paragraph: N/A

**ADJUDICATION OF GUILT DEFERRED;**
**DEFENDANT PLACED ON COMMUNITY SUPERVISION.**

**PERIOD OF COMMUNITY SUPERVISION: 7 YEARS**

Fine: $ 1,000 — Court Costs: $ 212 — Restitution: $ N/A — Restitution Payable to: ☐ VICTIM (see below) ☐ AGENCY/AGENT (see below)

**Sex Offender Registration Requirements do not apply to the Defendant.** TEX. CODE CRIM. PROC. chapter 62

The age of the victim at the time of the offense was N/A .

Time Credited: N/A DAYS NOTES: N/A

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Harris County, Texas. The State appeared by her District Attorney as named above.

**Counsel / Waiver of Counsel (select one)**

☒ Defendant appeared in person with Counsel.

☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered a plea as indicated above. The Court admonished the Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence

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submitted, the Court FINDS such evidence substantiates Defendant's guilt. The Court FINDS that, in this cause, it is in the best interest of society and Defendant to defer proceedings without entering an adjudication of guilt and to place Defendant on community supervision.

The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC., art. 42.12 § 9.

The Court ORDERS that Defendant is given credit noted above for the time spent incarcerated. The Court ORDERS Defendant to pay all fines, court costs, and restitution as indicated above.

The Court ORDERS that no judgment shall be entered at this time. The Court further ORDERS that Defendant be placed on community supervision for the adjudged period so long as Defendant abides by and does not violate the terms and conditions of community supervision. See TEX. CODE CRIM. PROC., art. 42.12 § 5(a).

**Furthermore, the following special findings or orders apply:**

Signed and entered on 02/11/2015

2N BOND

X

**BROCK THOMAS**
JUDGE PRESIDING

Notice Appeal Filed:

Mandate Received:

Def. Received on at ☐AM ☐PM

By:. Deputy Sheriff of Harris County

Clerk: A MELENDEZ
Case: **143311201010**
Name: **HILL, DEBRA**

FIN (CAS 20.10): EN/KR13: 998 LCBT: ✓ LCBU: ✓

Right Thumbprint

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## CONDITIONS OF COMMUNITY SUPERVISION

THE STATE OF TEXAS
VS.
DEBRA HILL

IN THE 338th DISTRICT COURT OF
HARRIS COUNTY, TEXAS
CAUSE NUMBER 143311201010

On this the 11th day of February, 2015, you are granted 7 Years community supervision for the felony offense of THEFT BY PUBLIC SERVANT in accordance with section 5 of Article 42.12, Texas Code of Criminal Procedure, in the 338th District Court of Harris County, Texas, by the Honorable BROCK THOMAS Judge Presiding. It is the order of this Court that you abide by the following Conditions of Community Supervision:

(1) **Commit no offense** against the laws of this or any other State or of the United States.

(2) **Avoid injurious or vicious habits.** You are forbidden to use, possess, or consume any controlled substance, dangerous drug, marijuana, alcohol or prescription drug not specifically prescribed to you by lawful prescription. **You are forbidden to use, consume, or possess alcoholic beverages.**

(3) **Avoid persons or places of disreputable or harmful character.**

(4) Report immediately in person, to the Community Supervision Officer for the 338 District Court on the 11th day of February, 2015 and continue to report to the Community Supervision Officer on the 11th of each month thereafter or as directed by the Community Supervision Officer for the remainder of the supervision term unless so ordered differently by the Court.

(5) Permit a Community Supervision Officer **to visit you at your home, place of employment** or elsewhere.

(6) **Abide by the rules and regulations** of the Harris County Community Supervision and Corrections Department (hereinafter referred to as HCCS&CD). Refrain from disorderly conduct, abusive language or disturbing the peace while present at any HCCS&CD office or facility.

(7) **Work faithfully** at suitable employment and present written verification of employment (including all attempts to secure employment) to your Community Supervision Officer on each reporting date. You must notify HCCS&CD within 48 hours of any change in your employment status.

(8) **Remain within a specified place,** to wit: **Harris County and Contiguous Counties**, Texas. You may not travel outside of **Harris County and Contiguous Counties**, Texas unless you receive prior written permission from the Court through your Community Supervision Officer. You must notify HCCS&CD within 48 hours of any change of residence.

(9) **Support your dependents** as required by law. Provide your Community Supervision Officer with a certified copy of all Court orders requiring payment of child support.

(10) Submit to **RANDOM drug/alcohol analysis** by authorized personnel of HCCS&CD, including any department having courtesy supervision jurisdiction. Provide proof of any medication legally prescribed to you prior to submitting a specimen.

(11) Participate in the HCCS&CD **Community Service Restitution Program (CSRP).** You shall perform a total of 200 hours, at the rate of 8 hours per **MONTH** beginning 04/11/2015.

(12) Pay the following fees through HCCS&CD as specified herein. All payments MUST be in the form of a MONEY ORDER or Cashier 's Check. Write SPN and Cause # on Money Order or Cashier 's Check. Personal checks will not be accepted. **A $ 2.00 transaction fee will be charged each time you make a payment.**

12.1 Pay a **Supervision Fee** at the rate of **$ 40.00** per month for the duration of your community supervision beginning **04/11/2015** to HCCS&CD.

12.2 Pay a **Fine** of **$ 1,000.00** and **Court Costs** at the rate of **$ 40.00** per month beginning **04/11/2015** to Harris County through HCCS&CD. You are given credit for **0 DAYS.**

12.3 Pay **Laboratory Fees** of **$ 5.00** per **MONTH** for the duration of your community supervision beginning **04/11/2015** to HCCS&CD.

12.4 Pay a **$ 12.50** fee for an **Offender Identification Card** by **04/11/2015** to HCCS&CD.

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## CONDITIONS OF COMMUNITY SUPERVISION

For: DEBRA HILL Cause: 143311201010

(13) Report in person to HCCS&CD by **04/11/2015** for the purpose of creating and obtaining your **Offender Identification Card**. You are to carry this identification card on your person at all times.

(14) Submit to an alcohol/drug evaluation by **04/11/2015** and at anytime thereafter as directed by your Community Supervision Officer. Attend treatment and aftercare as recommended or as designated by the Court, including but not limited to the **STAR Drug Court Program**. Comply with all program rules, regulations and guidelines until successfully discharged or released by further order of the Court. On each reporting date, submit written verification of your enrollment, attendance and/or successful completion of the program to your Community Supervision Officer, to be retained in HCCS&CD's file. **Should you test positive for any controlled substance, dangerous drug, marijuana, alcohol, or prescription drug not specifically prescribed to you by lawful prescription, you will participate in no less than out- patient treatment, as directed by your Community Supervision Officer.**

(15) Participate in the HCCS&CD **Maximum Supervision Program** any time that you are assessed by HCCS&CD to require maximum supervision. Comply with all program rules, regulations and guidelines until successfully discharged or released by further order of the Court.

(16) Provide proof of your **High School Diploma/G.E.D.** or participate in a General Educational Development (G.E.D.) program beginning **04/11/2015**. Comply with all program rules, regulations and guidelines until successfully discharged or released by further order of the Court. On each reporting date, submit written verification of your enrollment, attendance and/or successful completion of the program to your Community Supervision Officer, to be retained in HCCS&CD's file.

(17) Participate in the HCCSCD **Change Though Intervention (CTI) Program**, anytime you are assessed and deemed appropriate. Comply with all program rules, regulations, and guidelines until successfully completed or released by further order of the Court. You will be subject to a system of graduated sanctions and incentives. You may be placed on a special caseload, which includes periodic appearances in Court.

(18) During term of supervision, client is **strictly prohibited from shipping, transporting, possessing, receiving, or purchasing a firearm**, altered firearm, or ammunition, or attempting to ship, transport, possess, receive, or purchase a firearm, altered firearm, or ammunition.

(19) You are **not to lie or make false statements to any employee of** HCCS&CD beginning **02/11/2015**.

(20) You will not use, ingest, or consume any substance that will alter or adulterate any urinalysis results.

(21) **You must include HCCSCD as a creditor if at any time during the term of your supervision you file for bankruptcy.** You must provide verbal notification to HCCSCD of any bankruptcy filing during the term of your supervision, within 72 hours of filing for bankruptcy by contacting your Community Supervision Officer by telephone and providing written notification and documentation, including the "Notice of Bankruptcy Filing", to: Harris County Community Supervision Attention: General Counsel 49 San Jacinto, Suite 600 Houston, Texas 77002.

(22) You are not to obtain employment where you will have direct contact with Government monetary transactions, reimbursements, or billing during the term of supervision unless approved by the Court.

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## CONDITIONS OF COMMUNITY SUPERVISION

For: DEBRA HILL Cause: 143311201010

I understand that under the laws of this State, the Court shall determine the terms and conditions of Community Supervision, and may alter or modify said conditions during the period of Community Supervision. I further understand that failure to abide by these Conditions of Community Supervision may result in the revocation of Community Supervision or an adjudication of guilt.

Community Supervision expires the 10th day of February A.D. 2022

DEBRA HILL, DEFENDANT — February 11, 2015 DATE

Signed this 11th day of February A.D. 2015

BROCK THOMAS, PRESIDING JUDGE

JACQUELYN WERTZ, PO/CSO OFFICER — February 11, 2015 DATE

SPN: 02742391

PLEA: GUILTY

Defendant's Right Thumbprint

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I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this May 10, 2016

Certified Document Number: 64264893 Total Pages: 5

Chris Daniel

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com**

14/995

CAUSE NO. 1433112

| | | |
|---|---|---|
| THE STATE OF TEXAS | § | IN THE 338th DISTRICT COURT/ |
| | § | |
| Vs. DEBRA HILL | § | COUNTY CRIMINAL COURT AT |
| | § | LAW NO. _____ |
| (Name of Defendant) | § | |
| AKA _____ | § | HARRIS COUNTY, TEXAS |

**MOTION FOR COMMUNITY SUPERVISION**

NOW COMES the defendant charged with the offense of AGGREGATE THEFT GOV/CONTRACTOR and prior to entering a plea of not guilty / guilty / nolo contendere states the following:

"I am the defendant in this case and I swear that the following is true and correct. I have:

☑ never been convicted of a felony in this or any other state;
☑ never been placed on community supervision for a felony offense in this or any other state;
☐ been convicted of a felony, namely, _____ in the state of _____ in 20_____;
☐ been convicted of a federal crime, namely, _____ a misdemeanor / felony in 20_____;

I request:

☐ the judge presiding place me on community supervision;
☐ the jury recommend to the judge presiding that I be placed on community supervision".

57
Age of Defendant

4833 Kingfisher
Address

Houston
City

Texas
State

77055
Zip Code

Defendant

FEB 11 2015
Sworn to before me on this date:

CHRIS DANIEL
District Clerk, Harris County, Texas
By _____
Deputy

FILED
Chris Daniel
District Clerk
FEB 11 2015
Time: _____
Harris County, Texas
By _____
Deputy

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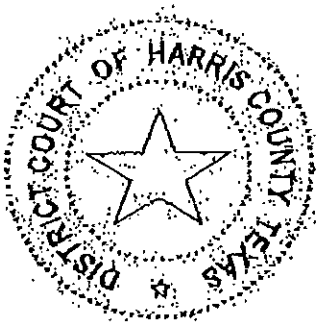


I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this May 10, 2016

Certified Document Number: 64222564 Total Pages: 1

Chris Daniel

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com**

P3

Cause Number 1433112

| | | |
|---|---|---|
| THE STATE OF TEXAS | § | IN THE 338th DISTRICT COURT |
| | § | |
| vs. | § | OF |
| | § | |
| DEBRA HILL | § | HARRIS COUNTY, TEXAS |

FILED
Chris Daniel
District Clerk
AUG 07 2014
Time:
Harris County, Texas
By
Deputy

**MOTION TO AMEND INDICTMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes the State, by and through the undersigned Assistant District Attorney, and makes moves the Court, Pursuant to Texas Code of Criminal Procedure Article 28.10 to amend the indictment in the case styled The State of Texas vs. Debra Hill.

The State requests that the indictment be amended in the following manner:

That in the first paragraph the words the following words be inserted after the word "Complainant," and before the words "with the intent to deprive the Complainant".

and the total value of the property appropriated was more than $100,000 and less than $200,000.

So that, being amended, the indictment shall read as follows:

The duly organized Grand Jury of Harris County, Texas, presents in the District Court of Harris County, Texas, that in Harris County, Texas, DEBRA HILL hereafter styled the Defendant, heretofore on or about AUGUST 30, 2010 CONTINUING THROUGH JANUARY 22, 2011, did then and there unlawfully, intentionally and knowingly pursuant to one scheme and continuing course of conduct, while a government contractor, appropriate by acquiring and otherwise exercising control over property, to-wit: MONEY, owned by The State of Texas Health and Human Services Commission, hearafter styled the COMPLAINANT, of the value of over one hundred thousand dollars and less than two hundred thousand dollars with the intent to deprive the Complainant of the property and said property came into the Defendant's custody, possession, and control by virtue of the contractual relationship.

**WHEREFORE, PREMISES CONSIDERED,** the State of Texas respectfully moves the Court to amend the indictment in the above numbered and entitled cause so that justice may be done.

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Respectfully submitted,

Stan Clark
Assistant District Attorney
Harris County, Texas

**CERTIFICATE OF SERVICE**

I, the undersigned Assistant District Attorney, hereby certify that a true and correct copy of the foregoing Notice or Motion was delivered by hand to David Bires, attorney of record for the defendant, on August 7, 2014.

Stan Clark
Assistant District Attorney
Harris County, Texas

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Cause Number 1433112

| | | |
|---|---|---|
| THE STATE OF TEXAS | § | IN THE 338th DISTRICT COURT |
| | § | |
| vs. | § | OF |
| | § | |
| DEBRA HILL | § | HARRIS COUNTY, TEXAS |

ORDER TO AMEND INDICTMENT

The forgoing Motion to Amend the Indictment is hereby GRANTED or DENIED on this, the _____ of AUG 07 2014 2014.

AUG 07 2014

Honorable Brock Thomas
338th Judicial District Court of Harris County, Texas

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I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this May 10, 2016

Certified Document Number: 61894381 Total Pages: 3

Chris Daniel

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com**

2004947

# BAIL BOND

CASE NO. 1433112

COURT SETTING:

DATE PB hq Set

TIME 8:00 a.m.

CHARGE Theft $20K-100K

Pub Serv

SPN 02742391

Known All Men By These Presents:

That we, Hill, Debra, as principal, and the undersigned Allegheny Casualty Company (Agent, Edd C. Blackwood, Jr.) as sureties, are held and firmly bound unto the STATE OF TEXAS, in the penal sum of Twenty Thousand Dollars ($ 20,000.00) Dollars and, in addition thereto, we are bound for the payment of all fees and expenses that may be incurred by any peace officer in re-arresting the said principal in the event any of the hereinafter stated conditions of this bond are violated for the payment of which sum or sums well and truly to be made, we do bind ourselves, and each of us, our heirs, executors and administrators, jointly and severally.

THE CONDITION OF THIS BOND IS THAT THE DEFENDANT HAS BEEN CHARGED WITH A Felony (Felony-Misdemeanor) offense and to secure his release from custody is entering into this obligation binding him to appear before 338 District Court County of Harris County, Texas.

NOW THEREFORE, IF THE SAID PRINCIPAL SHALL WELL AND TRULY MAKE HIS PERSONAL APPEARANCE BEFORE SAID COURT INSTANTER AS well as before any other court to which the same may be transferred and for any an all subsequent proceedings that may be had relative to said charge in the course of criminal actions based on said charge, and there remain from day to day and term to term of said court, until discharged by due course of law, then and there to answer said accusation against him, this obligation shall become void, otherwise to remain in full force and effect.

Taken and approved this 27th. day of June, 20 14
Adrian Garcia, Sheriff Harris County, Texas

by _____, Deputy

Allegheny Casualty Company

_____ Surety

Agent, Edd C. Blackwood, Jr.
1002 N. San Jacinto Street (Mailing Address)
Houston, Texas 77002 713 222-2245 (City and State) (Phone)

Lic# 74432 Empl. _____

THE DEFENDANT SHALL NOT HAVE ANY CONTACT WITH THE PROSECUTION /S/, WITNESS /S/, THE COMPLAINANT /S/, OR THE ALLEGED VICTIM /S/.

SIGNED AND DATED June 27th, 20 14

X Debra Hill (Principal Signature)

X 4833 Kingfisher (Mailing Address)

X Houston Tx (City and State)

RACE ___ SEX ___ DOB ___ HT. ___ WT. ___

HAIR ___ EYES ___ DL# ___ STATE ___

X 713-729-0239

THUMB PRINT

Jail Location _____

Citizen Status: U Stay on 1700K DB

Holds: No Holds on 1700K DB

ICB: A# _____

FILED
Chris Daniel
District Clerk
JUN 28 2014
Time: _____ Harris County, Texas
By _____ Deputy

PB COST REPORT # 639753

OATH OF SURETY
THE STATE OF TEXAS
COUNTY OF HARRIS

I, Allegheny Casualty Company do swear that I am worth in my own right, at least double the amount of the sum for which I am bound, exclusive of all property exempted by law from execution, and of debts or other encumbrances, that I am a resident of the State of Texas and I have property in the State of Texas liable to execution worth the sum for which I am bound.

Surety (Signature) Agent, Edd C. Blackwood, Jr.

Defendant (Signature)

DEBRA BROUSSARD NOTARY PUBLIC STATE OF TEXAS EXPIRES OCT. 7, 2017

Proposer Rt. Thumb Print

ID #: 00444897

RECORDER'S MEMORANDUM
This instrument is of poor quality at the time of imaging.

SUBSCRIBED AND SWORN to before me this 27th. day of June A.D. 20 14

NOTARY PUBLIC HARRIS COUNTY

My Commission Expires: Oct. 7 2017

For Official Governmental Use Only - Not Discoverable Pursuant to the Protective Order in 1395736 - Page 1 of 2

VERIFY FIRST - THIS DOCUMENT IS PRINTED IN RED & BLACK INKS.

Only the original Power of Attorney will bind this Surety.

# POWER OF ATTORNEY

ALLEGHENY CASUALTY COMPANY
P.O. BOX 9810, CARABASAS, CA 91372-9810 1(800) 965-2245

POWER NUMBER 8930K 79449

THIS POWER VOID IF NOT USED BY: [illegible]

POWER AMOUNT $ 20,000

KNOW ALL MEN BY THESE PRESENTS, that ALLEGHENY CASUALTY COMPANY, a corporation duly organized and existing under the laws of the State of Pennsylvania, has constituted and appointed, and does hereby constitute and appoint, its true and lawful Attorney-in-Fact, with full power and authority to sign the company's name and affix its corporate seal to and deliver on its behalf as surety any and all obligations authorized provided, and the execution of such obligations in pursuance of these presents shall be as binding upon the company as fully and to all intents and purposes as if signed by the regularly elected officers of said company at its home office in their own proper person; and the said company hereby ratifies and confirms all and whatsoever the said Attorney-in-Fact may lawfully do and perform in the premises by virtue of these presents.

THIS POWER OF ATTORNEY IS VOID IF ALTERED OR ERASED, THE OBLIGATION OF THE COMPANY SHALL NOT EXCEED THE SUM OF

TWENTY THOUSAND**********

AND MAY BE EXECUTED FOR RECOGNIZANCE ON CRIMINAL BAIL BONDS ONLY.

Authority of such Attorney-in-Fact is limited to the execution of appearance bonds and cannot be construed to guarantee defendant's future lawful conduct, adherence to travel limitation, fines, restitution, payments or penalties, or any other condition imposed by a court not specifically related to court appearances. A separate Power of Attorney must be attached to each bond executed. Powers of Attorney must not be returned to Attorney-in-Fact, but should remain a permanent part of the court records.

Bond Amt $ 20,000.00 Date Executed 6/27/2014

Defendant Hill, Debra DOB

Case # 1433112 Appearance Date

Offense Theft $20K 100K Pub Serv

Court County Harris

Court City Houston Court Dist. Div. Dep.

If rewrite, give orig. power # ☐ Increase ☐ Decrease

Executing Agent

Signature of Agent, and your COURT assigned Agent #

Form# ACC.0100 (Rev. 12/10)

NOTICE: Stacking of Powers is strictly prohibited. No more than one power from this Surety may be used to post any one bail bond.

IN WITNESS WHEREOF, said ALLEGHENY CASUALTY COMPANY, by virtue of authority conferred by its Board of Directors, has caused these presents to be sealed with its corporate seal, signed by its President and attested by its Secretary, this 29th day of December, 2009.

President

Secretary

ALLEGHENY CASUALTY COMPANY 1936

NOT VALID FOR INTEGRATION

01455234

For Official Governmental Use Only - Do Not Disseminate to the [illegible]

I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this May 10, 2016

Certified Document Number: 61395736 Total Pages: 2

Chris Daniel

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com**

02742351
338

THE STATE OF TEXAS
VS.
DEBRA HILL
4833 KINGFISHER DRIVE
HOUSTON, TX 77035

SPN: 02742351
DOB: BF 01-26-1958
DATE PREPARED: 6/26/2014

D.A. LOG NUMBER: 2076662
CJIS TRACKING NO.:
BY: RZ DA NO: 001887431 AGENCY: HCDA
O/R NO: 1416549 MF
ARREST DATE:

NCIC CODE: 2399 06

RELATED CASES: WALTER LEE

FELONY CHARGE: Aggregate Theft by Government Contractor
CAUSE NO: 1433112
HARRIS COUNTY DISTRICT COURT NO: 338
FIRST SETTING DATE:

BAIL: $20,000
PRIOR CAUSE NO:

**IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:**

The duly organized Grand Jury of Harris County, Texas, presents in the District Court of Harris County, Texas, that in Harris County, Texas, **DEBRA HILLL**, hereafter styled the Defendant, heretofore on or about **AUGUST 30, 2010 CONTINUING THROUGH JANUARY 22, 2011**, did then and there unlawfully, intentionally and knowingly pursuant to one scheme and continuing course of conduct, while a government contractor, appropriate by acquiring and otherwise exercising control over property, to-wit: MONEY, owned by The State of Texas Health and Human Services Commission, hearafter styled the COMPLAINANT, with the intent to deprive the Complainant of the property and said property came into the Defendant's custody, possession, and control by virtue of the contractual relationship.

Of the value of over one hundred thousand dollars and less than two hundred thousand dollars,

BT 8/7/14

FILED
Chris Daniel
District Clerk
JUN 26 2014
Time: 14:57
Harris County, Texas
By: R
Deputy

INDICTED

Foreman 176th

**AGAINST THE PEACE AND DIGNITY OF THE STATE.**

FOREMAN OF THE GRAND JURY

**INDICTMENT**

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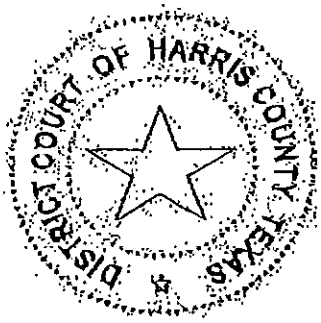


I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this May 10, 2016

Certified Document Number: 61888796 Total Pages: 1

Chris Daniel

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com**

8x1

THE STATE OF TEXAS
VS.
**DEBRA HILL**
**4833 KINGFISHER DRIVE**
**HOUSTON, TX 77035**

SPN:
DOB: BF 01-26-1958
DATE PREPARED: 6/26/2014

D.A. LOG NUMBER:2076662
CJIS TRACKING NO.:
BY: RZ DA NO: 001887431 AGENCY:HCDA
O/R NO: 1416549 MF
ARREST DATE:

NCIC CODE: 2399 06

RELATED CASES: WALTER LEE

FELONY CHARGE: Aggregate Theft by Government Contractor
CAUSE NO:
HARRIS COUNTY DISTRICT COURT NO: 1433112
FIRST SETTING DATE:

BAIL: $20,000
PRIOR CAUSE NO:

p8

**WAIVER OF CONSTITUTIONAL RIGHTS, AGREEMENT TO STIPULATE, AND JUDICIAL CONFESSION**

In open court and prior to entering my plea, I waive the right of trial by jury. I also waive the appearance, confrontation, and cross-examination of witnesses, and my right against self-incrimination. The charges against me allege that in Harris County, Texas, **DEBRA HILLL**, hereafter styled the Defendant, heretofore on or about **AUGUST 30, 2010 CONTINUING THROUGH JANUARY 22, 2011**, did then and there unlawfully, intentionally and knowingly pursuant to one scheme and continuing course of conduct, while a government contractor, appropriate by acquiring and otherwise exercising control over property, to-wit: MONEY, owned by The State of Texas Health and Human Services Commission, hearafter styled the COMPLAINANT, with the intent to deprive the Complainant of the property and said property came into the Defendant's custody, possession, and control by virtue of the contractual relationship.

**AGAINST THE PEACE AND DIGNITY OF THE STATE.**

and the total value of the property appropriated was more than $100,000 and less than $200,000.

**FILED**
Chris Daniel
District Clerk
FEB 11 2015
Time:
Harris County, Texas
By
Deputy

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I understand the above allegations and I confess that they are true and that the acts alleged above were committed on August 30, 2010 through January 22, 2011

In open court I consent to the oral and written stipulation of evidence in this case and to the introduction of affidavits, written statements, of witnesses, and other documentary evidence. I am satisfied that the attorney representing me today in court has properly represented me and I have fully discussed this case with him.

I intend to enter a plea of guilty and the prosecutor will recommend that my punishment should be set at open

and I agree to that recommendation. I waive any further time to prepare for trial to which I or my attorney may be entitled. Further, I waive any right of appeal which I may have should the court accept the foregoing plea bargain agreement between myself and the prosecutor.

DEFENDANT

Sworn to and Subscribed before me on FEB 11 2015

HARRIS COUNTY DEPUTY DISTRICT CLERK

I represent the defendant in this case and I believe that this document was executed by him knowingly and voluntarily and after I fully discussed it and its consequences with him. I believe that he is competent to stand trial. I agree to the prosecutor's recommendation as to punishment. I waive any further time to prepare for trial to which I or the defendant may be entitled.

DAVID R. BIRES
DEFENDANT'S ATTORNEY (PRINT)

SIGNATURE OF DEFENDANT'S ATTORNEY

I consent to and approve the above waiver of trial by jury and stipulation of evidence

ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS

This document was executed by the defendant, his attorney, and the attorney representing the State, and then filed with the papers of the case. The defendant then came before me and I approved the above and the defendant entered a plea of guilty. After I admonished the defendant of the consequences of his plea, I ascertained that he entered it knowingly and voluntarily after discussing the case with his attorney. It appears that the defendant is mentally competent and the plea is free and voluntary. I find that the defendant's attorney is competent and has effectively represented the defendant in this case. I informed the defendant that I would not exceed the agreed recommendation as to punishment.

FILED
Chris Daniel
District Clerk
FEB 11 2015
Time: _____
Harris County, Texas
By _____
Deputy

JUDGE PRESIDING

PLEA OF GUILTY

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CAUSE NUMBER 1433112

THE STATE OF TEXAS

V.

Debra Hill

IN THE 338TH DISTRICT COURT

OF

HARRIS COUNTY, TEXAS

PLEA ADMONISHMENTS

Pursuant to Article 26.13 of the Texas Code of Criminal Procedure, the Court hereby admonishes in writing the Defendant in the above-captioned cause of action as follows and instructs the Defendant to place his initials by each of the following admonitions to indicate that he fully understands each admonition.

Okay 1. You are charged with the felony criminal offense of theft by government contractor 100,000- 200-100.

____ 2. The State moves to reduce such charge to the felony / misdemeanor offense of _____.

If convicted of this offense, you face the following range of punishment:

Okay FIRST DEGREE FELONY: a term of life or any term not more than 99 years or less that 5 years in the Institutional Division of the Texas Department of Criminal Justice and, in addition, a possible fine not to exceed $10,000.

____ FIRST DEGREE FELONY (enhanced with one prior felony conviction): a term of life or any term of not more than 99 years or less than 15 years in the Institutional Division of the Texas Department of Criminal Justice and, in addition, a possible fine not to exceed $10,000.

____ SECOND DEGREE FELONY: a term of not more than 20 years or less than 2 years in the Institutional Division of the Texas Department of Criminal Justice and, in addition, a possible fine not to exceed $10,000.

____ SECOND DEGREE FELONY (enhanced with one prior felony conviction): a term of life or any term of not more than 99 years or less than 5 years in the Intuitional Division of the Texas Department of Criminal Justice and, in addition, a possible fine not to exceed $10,000.

____ THIRD DEGREE FELONY: a term of not more than 10 years or less than 2 years in the Institutional Division of the Texas Department of Criminal Justice and, in addition, a possible fine not to exceed $10,000.

____ HABITUAL FELONY OFFENDER: a term of life or any term of not more than 99 years or less than 25 years in the Institutional Division of the Texas Department of Criminal Justice.

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____ THIRD DEGREE FELONY (enhanced with one prior felony conviction): a term of not more than 20 years or less than 2 years in the Institutional Division of the Texas Department of Criminal Justice and, in addition, a possible fine not to exceed $10,000.

____ STATE JAIL FELONY: a term of not more than 2 years or less than 6 months in a State Jail and, in addition, a possible fine not to exceed $10,000.

____ HABITUAL STATE JAIL FELONY: any term of not more than 20 / 10 years or less than 2 years in the Institutional Division of the Texas Department of Criminal Justice and, in addition, a possible fine not to exceed $10,000.

____ STATE JAIL FELONY WITH A DEADLY WEAPON OR A PRIOR CONVICTION FOR A 3G OFFENSE UNDER ART. 42.12, CODE OF CRIMINAL PROCEDURE: a term of not more than 10 years or less than 2 years in the Institutional Division of the Texas Department of Criminal Justice and, in addition, a possible fine not to exceed $10,000.

____ STATE JAIL FELONY SENTENCED UNDER PENAL CODE SECTION 12.44 (a): a felony conviction punished as a misdemeanor by a term of not more than one year in a county jail and a possible fine not to exceed $4,000.

____ STATE JAIL FELONY SENTENCED UNDER PENAL CODE SECTION 12.44 (b): a misdemeanor conviction punished by a term of not more than one year in a county jail and a possible fine not to exceed $4,000.

____ CLASS A MISDEMEANOR: a misdemeanor conviction punished by a term of not more than one year in a county jail and a possible fine not to exceed $4,000:

____ CLASS B MISDEMEANOR: a misdemeanor conviction punished by a term of note more than 180 days year in a county jail and a possible fine not to exceed $2,000.

____ OTHER: the range of punishment is by confinement in the Institutional Division of the Texas Department of Criminal Justice / county jail (circle one) for any term of not more than _____ years and not less than _____ years; in addition there is a possible / mandatory (circle one) not to exceed $_____.

OKN 2. PLEA BARGAINS: If no plea bargain agreement exists, the recommendation of the prosecuting attorney is not binding on the Court. If a plea bargain agreement does exist, the Court will inform you whether or not it will follow that plea bargain agreement before making any finding on your plea. Should the Court reject the plea bargain agreement, you will be permitted to withdraw your plea, if you so desire.

OKN 3. PERMISSION TO APPEAL: If the punishment assessed by the Court does not exceed the punishment recommended by the prosecuting attorney and agreed to by you and your attorney, the Court must give its permission to you before you can appeal any matter in the case, except for matters that were raised by written motion filed prior to trial.

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4. CITIZENSHIP: If you are not a citizen of the United States of America, a plea of either Guilty or Nolo Contendre (no contest) for this offense may result in your deportation, or your exclusion from admission to the country, or the denial of your naturalization under applicable federal law.

5. DEFERRED ADJUDICATION: If the Court defers adjudicating your guilt and places you on community supervision, upon any violation of any imposed condition of your community supervision, you may be arrested and detained as provided by law. You will then be entitled to a hearing limited to the determination by the Court of whether or not to proceed with the adjudication of your guilt on the original charge. No appeal may be taken from this determination. After an adjudication of guilt, all proceedings, including the assessment of your punishment and your right to appeal, continue as if adjudication of guilt had not been deferred.

6. WAIVER OF PRE-SENTENCE REPORT: As the Defendant accused of a felony criminal offense in the above-captioned cause of action I have consulted with my attorney, whose name is signed below, regarding the application of Article 42.12(9)(a) of the Texas Code of Criminal Procedure to my case which provides that, prior to imposition of sentence by the Court, the Court shall direct a community supervision officer to report to the Court in writing on the circumstances of the offense with which I am charged, including my criminal history, if any, and my social history. I understand that the Court is not required to order such a report if the only available punishment is imprisonment, unless I request that such a report be made. I hereby do knowingly and voluntarily waive my right to the preparation of a report by a community supervision officer and expressly request that such a report not be prepared, except as may otherwise be required by law.

7. DRIVER'S LICENSE: Your driver's license may be suspended as a result of the disposition of this case. In certain circumstances, you may be eligible to receive a restricted driver's license during the period of suspension at the discretion of the Court.

8. Comes now the defendant, joined by my attorney, and hereby states that the foregoing Admonishments, Statements, and Waivers, as well as the attached written Waiver of Constitutional Rights, Agreements to Stipulate and Judicial Confession, were read by me or read to me and were explained to me in the language that I read, write, or understand by my attorney, and / or an interpreter, namely DAVID A. BIRES atty before I signed them. I further state that I fully understand the foregoing Admonishments, Statements, and Waivers, as well as the attached written Waiver of Constitutional Rights, Agreements to Stipulate and Judicial Confession, and that I am aware of and fully understand the consequences of my plea. I waive the right to have a court reporter record my Plea of Guilty or Nolo Contendre (no contest) or True. I further state that I am mentally competent, that I fully understand the nature of the charges against me, and that my plea is freely, knowingly, and voluntarily entered. If my attorney was appointed by the Court, I hereby give up and waive any right I may have to wait and to prepare for trial. I state that I am totally satisfied with the representation given to me by my attorney, and that in my opinion he or she provided fully effective and competent representation. I waive and give up under Article 1.14 of the Texas Code of Criminal Procedure any and all rights given to me by the law whether of form, substance, or procedure. Joined by my attorney, I waive and give up my right to a jury trial in this case as well as my right to require the appearance, confrontation and cross-examination of witnesses. I waive and give up any right of confidentiality that I may have as to the pre-sentence report

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filed in this case and agree that the report may be publicly filed. I consent to the oral and written stipulations of evidence in this case.

9. JUDICIAL CONFESSION: I hereby state that I have read or have been read the indictment or information filed in this case, and I confess and admit that I committed each and every allegation contained therein. I state that I am guilty of the offenses alleged, as well as any and all lesser included offense. I hereby swear to all the foregoing, and I further swear that all testimony that I give in this case will be the truth, the whole truth, and nothing but the truth, so help me God.

Defendant

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS DATE: FEB 11 2015

Deputy District Clerk
Harris County, Texas

We join and approve the waiver of jury trial pursuant to Article 1.13 of the Texas Code of Criminal Procedure and the stipulations of evidence pursuant to Article 1.15 of the Texas Code of Criminal Procedure. In addition, the Court hereby finds as a fact that the Defendant herein is fully mentally competent, and that his or her plea is freely, knowingly and voluntarily entered.

Attorney for Defendant
(signature)

DAVID R. BIRES
Attorney for Defendant
(printed name)

Stan Clark
Assistant District Attorney

Judge Presiding
338th District Court
Harris County, Texas

FILED
Chris Daniel
District Clerk
FEB 11 2015
Time: Harris County, Texas
BY Deputy

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Cause No. 1433112

| | | |
|---|---|---|
| STATE OF TEXAS | § | IN THE 338 DISTRICT COURT |
| | § | |
| v. | § | |
| Debra Hall | § | |
| Defendant | § | OF HARRIS COUNTY, TEXAS |

## ADVICE OF DEFENDANT'S RIGHT TO APPEAL

**The Court, pursuant to Tex. R. App. P. 25.2, advises the Defendant as follows:**

1. Texas law gives a defendant convicted of a crime the right to appeal his conviction.
2. If you **pleaded guilty** or **no contest** and accepted the punishment recommended by the prosecutor, however, you **cannot** appeal your conviction unless the Court gives you permission. If you **waived** or gave up your right to appeal, you **cannot** appeal your conviction.
3. If you did not plead guilty, you may have the right to appeal. If you want to appeal, you must give notice of appeal in **writing** to this Court's clerk within **30 days**.
4. If an attorney represents you in the court of appeals, your attorney must mail a copy of the court of appeals' judgment and opinion to your last known address. You must tell your attorney in writing of any **change in your address**.
5. If you are not satisfied with your appeal's result, you can ask the Court of Criminal Appeals to review your case by filing a petition for discretionary review in the Court of Criminal Appeals within **30 days** of the issuance of the opinion by the court of appeals. If you fail to inform your attorney of any change in your address, you may lose the opportunity to seek discretionary review.

**The Defendant declares the following to the Court** (choose one):

1. ☑ I read and write English. I have read and I understand this document. DH (Defendant initial here if true); or
2. ☐ I speak English. _____ (name reader) read this document to me. I understand its contents. _____ (Defendant initial here if true); or
3. ☐ I do not speak English. _____ (name translator) translated this document for me. I understand its contents. _____ (Defendant initial here if true).

Defendant's signature

Sworn to and subscribed before me on FEB 11 2015.

Harris County Deputy District Clerk

PRESIDING JUDGE
____ District Court
Harris County, Texas

FILED
Chris Daniel
District Clerk
FEB 11 2015
Time: _____
Harris County, Texas
By _____
Deputy

Revised 5/2/12

CLERK

For Official Governmental Use Only - Do Not Disseminate to the Public: 6422214000 - Page 7 of 8

Cause No. 1437112

THE STATE OF TEXAS

v.

Debra Hill, Defendant

IN THE 338 DISTRICT COURT

COUNTY CRIMINAL COURT AT LAW NO. _____

HARRIS COUNTY, TEXAS

## TRIAL COURT'S CERTIFICATION OF DEFENDANT'S RIGHT OF APPEAL*

I, judge of the trial court, certify this criminal case:

- [x] is not a plea-bargain case, and the defendant has the right of appeal. [*or*]
- [ ] is a plea-bargain case, but matters were raised by written motion filed and ruled on before trial, and not withdrawn or waived, and the defendant has the right of appeal. [*or*]
- [ ] is a plea-bargain case, but the trial court has given permission to appeal, and the defendant has the right of appeal. [*or*]
- [ ] is a plea-bargain case, and the defendant has NO right of appeal. [*or*]
- [ ] the defendant has waived the right of appeal.

Judge

FEB 11 2015
Date Signed

I have received a copy of this certification. I have also been informed of my rights concerning any appeal of this criminal case, including any right to file a *pro se* petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure. I have been admonished that my attorney must mail a copy of the court of appeals's judgment and opinion to my last known address and that I have only 30 days in which to file a *pro se* petition for discretionary review in the Court of Criminal Appeals. TEX. R. APP. P. 68.2 I acknowledge that, if I wish to appeal this case and if I am entitled to do so, it is my duty to inform my appellate attorney, by written communication, of any change in the address at which I am currently living or any change in my current prison unit. I understand that, because of appellate deadlines, if I fail to timely inform my appellate attorney of any change in my address, I may lose the opportunity to file a *pro se* petition for discretionary review.

Debra K. Hill
Defendant

DAVID R. BIRES
Defendant's Counsel

Mailing Address:

FILED
Chris Daniel
District Clerk
FEB 11 2015
Time: _____
Harris County, Texas
By _____
Deputy

State Bar of Texas ID number: 02335000

Mailing Address: 712 MAIN ST., STE 2400 HOUSTON, TX 77002

Telephone number: 713-228-8500

Fax number (if any): 713-228-0034

Telephone number:

Fax number (if any):

* "A defendant in a criminal case has the right of appeal under these rules. The trial court shall enter a certification of the defendant's right to appeal in every case in which it enters a judgment of guilt or other appealable order. In a plea bargain case-that is, a case in which a defendant's plea was guilty or *nolo contendere* and the punishment did not exceed the punishment recommended by the prosecutor and agreed to by the defendant - a defendant may appeal only: (A) those matters that were raised by a written motion filed and ruled on before trial, or (B) after getting the trial court's permission to appeal." TEXAS RULES OF APPELLATE PROCEDURE 25.2(a)(2).

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I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this May 10, 2016

Certified Document Number: 64221400 Total Pages: 8

Chris Daniel

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com**

FILED
NOV 22 2016
ADMINISTRATIVE HEARING COMMISSION

# STATE OF MISSOURI
# OFFICE OF ATTORNEY GENERAL

| Please Deliver to | | Sent By | Date: 11/22/2016, 01:14 PM |
|---|---|---|---|
| **Receiver:** Administrative Hearing Commission | | **Sender:** **Daniel Levy** | |
| Office: | | Office: Missouri Attorney General | |
| Fax number: (573) 751-5018 | | Fax number: (314) 340-7891 | |
| Voice number: (573) 751-2422 | | Voice number: (314) 340-7544 | |

This transmittal is intended for the exclusive use of the RECEIVER identified above. This transmittal is CONFIDENTIAL and may contain privileged information that is protected by law. If you are not the receiver identified above, you are strictly prohibited from using, copying, disseminating or distributing this transmittal. If you have received this transmittal in error, please notify the SENDER identified above.

**Message:** Re: Debra Hill, 16-2945

Enclosed please find the Petitioner's Motion for Summary Determination and Suggestions in Support in the above-referenced matter. If you have any questions please do not hesitate to contact me.

Thank you,
Daniel Levy

/cab

| Number Of Pages (including this page) | 3 |
|---|---|

FILED
DEC 13 2016
ADMINISTRATIVE HEARING COMMISSION

**ADMINISTRATIVE HEARING COMMISSION**
STATE OF MISSOURI

| | | |
|---|---|---|
| **STATE COMMITTEE FOR SOCIAL WORKERS,** | ) | |
| | ) | |
| Petitioner, | ) | |
| vs. | ) | Case No: **16-2945** |
| | ) | |
| **DEBRA K. HILL,** | ) | |
| | ) | |
| Respondent. | ) | |

**SUGGESTIONS IN OPPOSITION TO**
**MOTION FOR SUMMARY DECISION**

Respondent has no dispute that many cases, including cases like this one, can be resolved by summary decision. Petitioner's motion fails, however, to establish the evidentiary foundation that must underlie the Commission's decision in this particular case.

First, Petitioner has failed to establish the law that Respondent violated. Although this Commission can take official notice just as a court would take judicial notice,[1] and the statutes of this state are proper matters for judicial notice,[2] foreign law (such as the laws of Texas) is approached differently.[3] Petitioner has not even provided a citation the applicable Texas law.[4]

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[1] § 536.070(6) RSMo.

[2] Schweich v. Nixon, 408 S.W.3d 769, 778 n. 11 (Mo. banc 2013).

[3] The Uniform Judicial Notice of Foreign Law Act, §§ 490.070 to 490.120 RSMo. Section 490.110 provides that any party may also present admissible evidence of such laws, but, to enable a party to offer evidence of the law in another jurisdiction or to ask

Second, Petitioner's claim that theft is a crime of moral turpitude is stated axiomatically. Assuming Texas law is similar to Missouri's, a person aiding or agreeing to aid or attempting to aid another person in planning, committing or attempting to commit an offense, is culpable for the entire offense.[5] Respondent's uncontested facts demonstrate that her conduct – providing her billing number in the ordinary course of business then failing to immediately report the misuse of that number – require closer analysis under Missouri law.[6]

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that judicial notice be taken thereof, reasonable notice shall be given to the adverse parties either in the pleadings or otherwise. In this case notice of the particular law has not been given.

[4] Petitioner has twice amended its Complaint attempting to name the offense. Why Petitioner has not simply providing a statutory reference (and perchance, a copy of the law in conformance with The Uniform Judicial Notice of Foreign Law Act) is a mystery on the record. Respondent has admitted her guilty plea (Answer to Second Amended Complaint, ¶ 2), but Petitioner has yet to cite the law and Respondent continues to describe the offense inartful.

[5] § 562.041.1(2) RSMo.

[6] Respondent respectfully suggests that the analysis of Brehe v. Missouri Dept. of Elementary & Secondary Education, 213 S.W.3d 720 (Mo. App. W.D. 2007) is appropriate under the circumstances.

Finally, Petitioner does not address at all, in the Complaint or the instant motion, how the Respondent can be held responsible for conduct that occurred prior to the issuance of her Missouri license. The Amended Indictment (Petitioner's Ex. B, document page 18) indicates that the offense occurred between August 30, 2010, and January 22, 2011. Petitioner's Second Amended Complaint avers in ¶3 that Ms. Hill's (Missouri) license was issued on December 5, 2011. The "conduct" occurred well before she sought Missouri licensure.

Summary decision may be appropriate in this case. But not on the current record. The facts are unusual. Petitioner's legal conclusions are not well founded. The fact that Petitioner's sister board in Texas has taken no action against Respondent's license (Uncontested Fact 22) counsels caution in these proceedings.

## RESPONSE TO STATEMENT OF UNCONTESTED FACTS

1. Petitioner, the State Committee for Social Workers ("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, relating to Social Workers. **Although no authority was cited for this paragraph in the Motion for Summary Determination, the identical fact was pled in ¶ 1 of the Second Amended Complaint and admitted in ¶ 1 of Respondent's Answer.**

2. Respondent, Debra Karlyne Hill ("Hill"), is licensed by the Committee as a Clinical Social Worker, license No. 2011039623. Hill's license to practice as a Clinical Social Worker is current and active as of the date of this motion. **Respondent admits**

**the authority cited by Petitioner, noting that she admitted the same facts in ¶ 1 of Respondent's Answer to the Second Amended Complaint.**

3. On or about February 11, 2015, Hill entered a plea of guilty in the District Court of Harris County, Texas, Case No. 143311201010, to the crime of theft by a government contractor in the amount of $100,000¬$200,000, a first degree felony. On or about February 11, 2015, Hill agreed to an Order of Deferred Adjudication in Case No. 143311201010, based on the charge of theft by a public servant in the amount of $20,000-$100,000, a second degree felony. The conduct occurred during the period that Hill's license was current and active. **In addition to the authorities summarily cited by Petitioner, Respondent admits that she entered a pela of guilty to a criminal offense after she was licensed. Facts 3 and 4. But the, "conduct," underlying the plea occurred, according to the Amended Indictment (Petitioner's Ex. B, document page 18), between August 30, 2010, and January 22, 2011. Further, the charging and disposition documents do not cite the law and there is no copy of the statute in the record.**

## ADDITIONAL UNCONTESTED FACTS[7]

4. Respondent's Missouri license as a Clinical Social Worker was issued on December 5, 2011. **Second Amended Complaint, ¶3.**

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[7] For the convenience of the reader, Respondent's uncontested facts continue Petitioner's numbering.

5. Respondent's name is Debra K. Hill. **Respondent's Affidavit ¶ 1.**

6. Respondent is a Licensed Clinical Social Worker in Missouri and Texas. **Respondent's Affidavit ¶ 2.**

7. Respondent obtained her bachelor's degree in social work in 1980 and her master's degree in social work 1982 from the University of Kansas. **Respondent's Affidavit ¶ 3.**

8. Respondent has practiced clinical social work in a number of settings in the 34 years since receiving her licenses. **Respondent's Affidavit ¶ 4.**

9. In November, 2010, Respondent became associated with Lee Counseling in Houston, Texas, operated by Walter Lee, a former co-worker. **Respondent's Affidavit ¶ 5.**

10. The essential terms of the agreement with Lee Counseling were that Respondent would provide counseling to Medicaid clients and Lee Counseling would provide office space and administrative (including billing) services. **Respondent's Affidavit ¶ 6.**

11. In the ordinary course Respondent provided Lee Counseling with her Medicaid provider identification number. **Respondent's Affidavit ¶ 7.**

12. When clients did not appear Respondent asked Mr. Lee where they were. Oddly, he told her that they were seeing other providers. He admitted to Respondent that he was using her provider number to bill. Respondent knew that wasn't right – every provider should have his or her own provider number. Respondent visited with the other

providers who ultimately admitted that they were not licensed. **Respondent's Affidavit ¶ 8.**

13. Respondent first questioned Mr. Lee in late November. The other providers finally admitted their lack of licensure to her in mid to late January of 2011. Respondent then terminated my relationship with Lee Counseling. Ultimately Respondent learned that Mr. Lee's professional license had been revoked in 2009. **Respondent's Affidavit ¶ 9.**

14. Lee Counseling billed over $100,000 for services using Respondent's Medicaid provider number. The billings both pre- and post-dated (August, 2010, to February, 2011) her employment (November, 2010 to January, 2011). Respondent was paid $13,700 of that amount. **Respondent's Affidavit ¶ 10.**

15. Respondent cooperated with the authorities in the investigation of the matter. **Respondent's Affidavit ¶ 11.**

16. Respondent was indicted more than three years later, in June, 2014. **Respondent's Affidavit ¶ 12.**

17. Respondent pled guilty on February 11, 2015. **Respondent's Affidavit ¶ 13.**

18. Respondent plead guilty because she had, in fact, provided Lee Counseling with her Medicaid number, and did not immediately inform the government when she discovered the misuse of it. **Respondent's Affidavit ¶ 14.**

19. The judge deferred adjudication in Respondent's criminal case. **Respondent's Affidavit ¶ 15.**

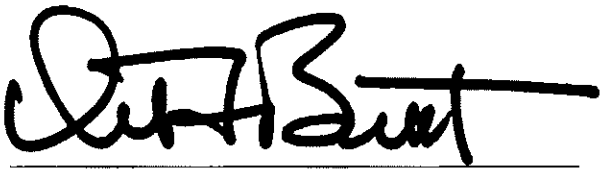
20. Respondent has complied in all respects with the terms of her criminal probation, including payment of the entire $13,700 she earned back to the state. **Respondent's Affidavit ¶ 16.**

21. Respondent anticipates early termination of her probation in February, 2017. **Respondent's Affidavit ¶ 17.**

22. Although aware of the circumstances, the Texas State Board of Social Worker Examiners has taken no action against Respondent's license. **Respondent's Affidavit ¶ 18.**

WHEREFORE, Respondent prays the Commission's order denying the Motion for Summary Decision in this case, and such other and further relief as is just and necessary in the premises.

Respectfully submitted,



David F. Barrett
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(573) 340-9119
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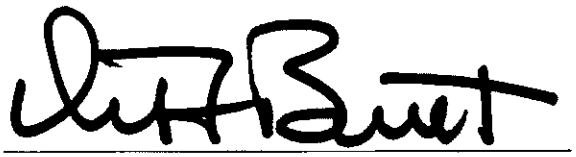
dfbarrett@outlook.com

**ATTORNEY FOR RESPONDENT**

Certificate of Service

A copy of this pleading was served on Respondent by facsimile transmission to AAG Daniel Levy at (314) 340-7891, on December 13, 2016, at about 10:30 a.m.



David F. Barrett

**ADMINISTRATIVE HEARING COMMISSION**
STATE OF MISSOURI

FILED
DEC 13 2016
ADMINISTRATIVE HEARING COMMISSION

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| **STATE COMMITTEE FOR SOCIAL WORKERS,** | ) | |
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| Petitioner, | ) | |
| vs. | ) | Case No: **16-2945** |
| | ) | |
| **DEBRA K. HILL,** | ) | |
| | ) | |
| Respondent. | ) | |

STATE OF TEXAS )
) ss.
COUNTY OF HARRIS )

**AFFIDAVIT OF DEBRA K. HILL**

COMES NOW Debra K. Hill, who being of lawful age and first duly sworn upon her oath, states:

1. My name is Debra K. Hill.

2. I am a Licensed Clinical Social Worker in Missouri and Texas.

3. I obtained my bachelor's degree in social work in 1980 and my master's degree in social work 1982 from the University of Kansas.

4. I have practiced clinical social work in a number of settings in the 34 years since receiving my licenses.

5. In November, 2010, I became associated with Lee Counseling in Houston, Texas, operated by Walter Lee, a former co-worker.

6. The essential terms of my agreement with Lee Counseling were that I would provide counseling to Medicaid clients and they would provide office space and administrative (including billing) services.

7. In the ordinary course I provided Lee Counseling with my Medicaid provider identification number.

8. When clients did not appear I asked Lee where they were. Oddly, he told me that they were seeing other providers. He admitted to me that he was using my provider number to bill. I knew that wasn't right – every provider should have his or her own provider number. I visited with the other providers who ultimately admitted that they were not licensed.

9. I first questioned Lee in late November. The other providers finally admitted their lack of licensure to me in mid to late January of 2011. I then terminated my relationship with Lee Counseling. Ultimately I learned that Lee's professional license had been revoked in 2009.

10. Lee Counseling billed over $100,000 for services using my Medicaid provider number. The billings both pre- and post-dated (August, 2010, to February, 2011) my employment (November, 2010 to January, 2011). I was paid $13,700 of that amount.

11. I cooperated with the authorities in the investigation of the matter.

12. I was indicted more than three years later, in June, 2014.

13. I pled guilty on February 11, 2015.

14. I plead guilty because I had, in fact, provided Lee Counseling with my Medicaid number, and did not immediately inform the government when I discovered the misuse of it.

15. The judge deferred adjudication in my case.

16. I have complied in all respects with the terms of my probation, including payment of the entire $13,700 I earned back to the state.

17. I anticipate early termination of my probation in February, 2017.

18. Although aware of the circumstances, Texas State Board of Social Worker Examiners has taken no action against my license.

19. The statements in this affidavit are verily true, but are intended only to respond to the motion for summary determination filed in this case and do not include every fact I know about this matter.

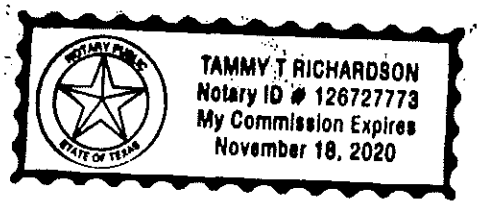
FURTHER AFFIANT SAYETH NAUGHT.

Debra K. Hill

SUBSCRIBED and sworn before me by Debra K. Hill, personally known to me or proved to be the affiant on satisfactory evidence, this 8th day of December, 2016.

Notary Public

(seal)



BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED
DEC 20 2016
ADMINISTRATIVE HEARING COMMISSION

| | | |
|---|---|---|
| STATE COMMITTEE FOR SOCIAL WORKERS<br><br>3605 Missouri Boulevard<br>P.O. Box 1335<br>Jefferson City, MO 65102<br><br>Petitioner, | ) | |
| v. | ) | No. 16-2945 |
| Debra K. Hill<br>7420 Manchester<br>Kansas City, MO 64133<br><br>Respondent. | ) | |

PETITIONER'S REPLY TO DEBRA HILL'S SUGGESTIONS IN OPPOSITION TO MOTION FOR SUMMARY DECISION

Comes now, Petitioner, the State Committee for Social Workers ("Petitioner" or "the Committee"), through counsel, and for its reply to Debra Hill's ("Hill" or "Respondent") Suggestions in Opposition to Motion for Summary Decision states as follows:

## RESPONSE TO HILL'S ADDITIONAL UNCONTESTED FACTS

4. Respondent's Missouri license as a Clinical Social Worker was issued on December 5, 2011. **Second Amended Complaint, ¶3.**

**Response:** Admit.

5. Respondent's name is Debra K. Hill. **Respondent's Affidavit ¶ 1.**

**Response:** Admit.

6. Respondent is a Licensed Clinical Social Worker in Missouri and Texas. **Respondent's Affidavit ¶ 2.**

**Response:** Admit.

7. Respondent obtained her bachelor's degree in social work in 1980 and her master's degree in social work (in) 1982 from the University of Kansas. **Respondent's Affidavit ¶ 3.**

**Response:** Petitioner lacks knowledge of the facts stated herein and therefore denies, and further denies this is a material fact.

8. Respondent has practiced clinical social work in a number of settings in the 34 years since receiving her licenses. **Respondent's Affidavit ¶ 4.**

**Response:** Petitioner lacks knowledge of the facts stated herein and therefore denies, and further denies this is a material fact.

9. In November, 2010, Respondent became associated with Lee Counseling in Houston, Texas, operated by Walter Lee, a former co-worker. **Respondent's Affidavit ¶ 5.**

**Response:** Petitioner lacks knowledge of the facts stated herein and therefore denies, and further denies this is a material fact.

10. The essential terms of the agreement with Lee Counseling were that Respondent would provide counseling to Medicaid clients and Lee Counseling would provide office space and administrative (including billing) services. **Respondent's Affidavit ¶ 6.**

**Response:** Petitioner lacks knowledge of the facts stated herein and therefore denies, and further denies this is a material fact.

11. In the ordinary course Respondent provided Lee Counseling with her Medicaid provider identification number. **Respondent's Affidavit ¶ 7.**

**Response:** Petitioner lacks knowledge of the facts stated herein and therefore denies, and further denies this is a material fact.

12. When clients did not appear Respondent asked Mr. Lee where they were. Oddly, he told her that they were seeing other providers. He admitted to Respondent that he was using her provider number to bill. Respondent knew that wasn't right- every provider should have his or her own provider number. Respondent visited with the other providers who ultimately admitted that they were not licensed. **Respondent's Affidavit ¶ 8.**

**Response:** Petitioner lacks knowledge of the facts stated herein and therefore denies, and further denies this is a material fact. Petitioner objects to Hill's failure to set forth her facts in separately numbered paragraphs

pursuant to Missouri Supreme Court Rule 74.04(c)(1). Petitioner further objects based on Respondent's use of hearsay statements in these facts.

13. Respondent first questioned Mr. Lee in late November. The other providers finally admitted their lack of licensure to her in mid to late January of 2011. Respondent then terminated my relationship with Lee Counseling. Ultimately, Respondent learned that Mr. Lee's professional license had been revoked in 2009. **Respondent's Affidavit ¶ 9.**

**Response:** Petitioner lacks knowledge of the facts stated herein and therefore denies, and further denies this is a material fact. Petitioner objects to Hill's failure to set forth her facts in separately numbered paragraphs pursuant to Missouri Supreme Court Rule 74.04(c)(1). Petitioner further objects based on Respondent's use of hearsay statements in these facts.

14. Lee Counseling billed over $100,000 for services using Respondent's Medicaid provider number. The billings both pre- and post-dated (August, 2010, to February, 2011) her employment (November, 2010 to January, 2011). Respondent was paid $13,700 of that amount. **Respondent's Affidavit ¶ 10.**

**Response:** Petitioner lacks knowledge of the facts stated herein and therefore denies, and further denies this is a material fact. Petitioner objects to Hill's failure to set forth her facts in separately numbered paragraphs pursuant to Missouri Supreme Court Rule 74.04(c)(1).

15. Respondent cooperated with the authorities in the investigation of the matter. **Respondent's Affidavit ¶ 11.**

**Response:** Petitioner lacks knowledge of the facts stated herein and therefore denies, and further denies this is a material fact.

16. Respondent was indicted more than three years later, in June, 2014. **Respondent's Affidavit ¶ 12.**

**Response:** Petitioner admits that Hill was indicted in June of 2014 in the District Court of Harris County, Texas, Case No. 143311201010.

17. Respondent pled guilty on February 11, 2015. **Respondent's Affidavit ¶ 13.**

**Response:** Petitioner admits that Hill pled guilty on February 11, 2015 in the District Court of Harris County, Texas, to the crime of theft by a government contractor in the amount of $100,000-200,000, Case No. 143311201010.

18. Respondent plead guilty because she had, in fact, provided Lee Counseling with her Medicaid number, and did not immediately inform the government when she discovered the misuse of it. **Respondent's Affidavit ¶ 14.**

**Response:** Petitioner lacks knowledge of the facts stated herein and therefore denies, and further denies this is a material fact.

19. The judge deferred adjudication in Respondent's criminal case.

**Respondent's Affidavit ¶ 15.**

**Response:** Petitioner admits that the judge in Hill's criminal case in Harris County, Texas entered an order of deferred adjudication on February 11, 2015, Case No. 143311201010.

20. Respondent has complied in all respects with the terms of her criminal probation, including payment of the entire $13,700 she earned back to the state. **Respondent's Affidavit ¶ 16.**

**Response:** Petitioner lacks knowledge of the facts stated herein and therefore denies, and further denies this is a material fact.

21. Respondent anticipates early termination of her probation in February, 2017. **Respondent's Affidavit ¶ 17.**

**Response:** Petitioner lacks knowledge of the facts stated herein and therefore denies, and further denies this is a material fact.

22. Although aware of the circumstances, the Texas State Board of Social Worker Examiners has taken no action against Respondent's license. **Respondent's Affidavit ¶ 18.**

**Response:** Petitioner lacks knowledge of the facts stated herein and therefore denies, and further denies this is a material fact.

## Argument

Hill's Suggestions in Opposition to Petitioner's Motion for Summary Decision fail to establish a genuine issue as to any material fact or any basis

why Petitioner should not entitled to judgment as a matter of law. The cause for discipline in this case is Hill's entering a plea of guilty to a qualifying offense. Hill entered her plea while licensed in Missouri. The offense to which Hill pleaded guilty qualifies as cause for discipline for the reasons set forth in the Motion for Summary Determination and herein. Thus, the entering of the plea, in and of itself, is cause for discipline. The underlying conduct, including the reasons and timing of the conduct, are irrelevant to the cause for discipline when the basis for the discipline is a qualifying guilty plea. To hold, as Respondent suggests, that Hill cannot be disciplined for her guilty plea because the underlying conduct occurred prior to her licensure in Missouri is contrary to the plain language and purpose of the statute. The result would be that Hill could have been denied licensure for a guilty plea existing at the time she applied in Missouri, but if she obtains a license prior to the guilty plea her license could not be disciplined for pleading guilty to the same conduct after licensure. This result would not make sense.

In her Response to Petitioner's Statement of Undisputed Material Facts, Hill admits that she pled guilty to a criminal offense. Moreover, she does not deny the description of the offenses to which she pled guilty and received an order of deferred adjudication, set forth in Petitioner's Exhibit B to its Motion for Summary Determination. (Par. 3 of Hill's Response to Statement of Uncontested Facts). Hill's additional statement and further

argument that the charging and disposition documents do not reference the numerical Texas statute to which she pled guilty is irrelevant. The certified criminal records attached as Exhibit B to Petitioner's Motion for Summary Determination, which Hill does not otherwise challenge, establish the offense to which Hill pled guilty. Contrary to Hill's argument, establishing judicial notice of another state's statute has no bearing on the determination at issue, and Hill fails to explain why this is relevant.[1]

Moreover, Hill's claim that further analysis is required to determine whether her offense involved moral turpitude is unavailing. Even if additional analysis was required to address moral turpitude, which Petitioner denies, Hill does not contest the additional basis for discipline set forth in Petitioner's Motion for Summary Determination regarding her guilty plea to an offense of which fraud or dishonesty is an essential element, to which "theft" applies. Furthermore, pursuant to *Brehe v. Missouri Dep't of Elementary & Secondary Educ.*, which Hill references, Courts recognize three classifications of crimes: "(1) crimes that necessarily involve moral turpitude, such as frauds; (2) crimes 'so obviously petty that conviction carries no suggestion of moral turpitude,' such as illegal parking; and (3) crimes that 'may be saturated with moral turpitude,' yet do not involve it necessarily,

[1] For the convenience of the Commission, a copy of the Texas criminal statute at issue is attached as Exhibit A.

such as willful failure to pay income tax or refusal to answer questions before a congressional committee." *Brehe v. Missouri Dep't of Elementary & Secondary Educ.*, 213 S.W.3d 720, 725 (Mo. App. W.D. 2007). The Court explained that they sometimes refer to these classifications as categories 1, 2 and 3, and that for category 1 crimes all that is necessary to create authority to discipline based on moral turpitude is a guilty plea, without needing an inquiry into the circumstances of the offense. *Id.* The Court stated moral turpitude has been found in crimes involving theft, and crimes of theft and stealing are consistently treated by Missouri courts and agencies as a "category 1" crime. *Id.*; *see also Sutton v. Mo. Board of Cosmetology and Barber Examiners*, No. 15-1012 CB, May 4, 2016 ("This Commission has repeatedly found stealing to be a category (1) crime - one that necessarily involves moral turpitude. *See, e.g., Director of Dep't of Pub. Safety v. Cummings*, Case No.10-2387 PO (Jan. 10, 2012) *citing, In re Carpenter*, 891 A.2d 223 (D.C. 2006) (moral turpitude is inherent in crimes that have an intent to defraud or steal")). Thus, because Hill pled guilty to the crime of theft, no further analysis as to whether it involved moral turpitude is required.

Further, Hill fails to explain why it is material that the conduct she engaged in resulting in her conviction occurred prior to the issuance of her license in December of 2011. Hill pled guilty to the offense of theft by a

government contractor on February 11, 2015, the same day she received an order of deferred adjudication for the offense of theft by a public servant. The statutory basis under which Petitioner is seeking to discipline Hill's license arises pursuant to § 337.630.2(2), RSMo, which provides grounds for discipline if the person has pled guilty to certain criminal offenses. Not only was the current basis for seeking discipline not in existence at the time Petitioner's license was issued, but the dates on which the underlying conduct occurred has no bearing on Petitioner's ability to seek discipline under this statute.

Additionally, as set forth in Petitioner's responses to Hill's additional uncontested facts, none of Hill's additional uncontested facts are material to the Commission's determination. In fact, Hill's additional uncontested facts support Petitioner's basis for moving to discipline Hill's license.

WHEREFORE, Petitioner, State Committee for Social Workers, prays that this Commission grant Petitioner's Motion for Summary Determination and enter determination in favor of the Committee and against Respondent, finding cause to discipline Respondent's license and for all other relief to which Petitioner may be entitled.

Respectfully submitted,

CHRIS KOSTER
Attorney General

Daniel S. Levy
Assistant Attorney General
Missouri Bar Number 66039
E-Mail: Daniel.Levy@ago.mo.gov

Post Office Box 861
St. Louis, Missouri 63188-0861
Telephone: (314) 340-7953
Facsimile: (314) 340-7891
*Attorneys for the State Committee for Social Workers*

## CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing motion was mailed, postage prepaid this 20th day of December, 2016 to:

David F. Barrett
P.O. Box 104151
Jefferson City, MO 65110

Assistant Attorney General

Vernon's Texas Statutes and Codes Annotated
Penal Code (Refs & Annos)
Title 7. Offenses Against Property (Refs & Annos)
Chapter 31. Theft (Refs & Annos)

V.T.C.A., Penal Code § 31.03

§ 31.03. Theft

Effective: September 1, 2015
Currentness

(a) A person commits an offense if he unlawfully appropriates property with intent to deprive the owner of property.

(b) Appropriation of property is unlawful if:

(1) it is without the owner's effective consent;

(2) the property is stolen and the actor appropriates the property knowing it was stolen by another; or

(3) property in the custody of any law enforcement agency was explicitly represented by any law enforcement agent to the actor as being stolen and the actor appropriates the property believing it was stolen by another.

(c) For purposes of Subsection (b):

(1) evidence that the actor has previously participated in recent transactions other than, but similar to, that which the prosecution is based is admissible for the purpose of showing knowledge or intent and the issues of knowledge or intent are raised by the actor's plea of not guilty;

(2) the testimony of an accomplice shall be corroborated by proof that tends to connect the actor to the crime, but the actor's knowledge or intent may be established by the uncorroborated testimony of the accomplice;

(3) an actor engaged in the business of buying and selling used or secondhand personal property, or lending money on the security of personal property deposited with the actor, is presumed to know upon receipt by the actor of stolen property (other than a motor vehicle subject to Chapter 501, Transportation Code) that the property has been previously stolen from another if the actor pays for or loans against the property $25 or more (or consideration of equivalent value) and the actor knowingly or recklessly:

(A) fails to record the name, address, and physical description or identification number of the seller or pledgor;

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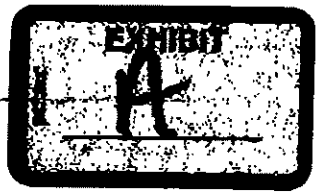

(B) fails to record a complete description of the property, including the serial number, if reasonably available, or other identifying characteristics; or

(C) fails to obtain a signed warranty from the seller or pledgor that the seller or pledgor has the right to possess the property. It is the express intent of this provision that the presumption arises unless the actor complies with each of the numbered requirements;

(4) for the purposes of Subdivision (3)(A), "identification number" means driver's license number, military identification number, identification certificate, or other official number capable of identifying an individual;

(5) stolen property does not lose its character as stolen when recovered by any law enforcement agency;

(6) an actor engaged in the business of obtaining abandoned or wrecked motor vehicles or parts of an abandoned or wrecked motor vehicle for resale, disposal, scrap, repair, rebuilding, demolition, or other form of salvage is presumed to know on receipt by the actor of stolen property that the property has been previously stolen from another if the actor knowingly or recklessly:

(A) fails to maintain an accurate and legible inventory of each motor vehicle component part purchased by or delivered to the actor, including the date of purchase or delivery, the name, age, address, sex, and driver's license number of the seller or person making the delivery, the license plate number of the motor vehicle in which the part was delivered, a complete description of the part, and the vehicle identification number of the motor vehicle from which the part was removed, or in lieu of maintaining an inventory, fails to record the name and certificate of inventory number of the person who dismantled the motor vehicle from which the part was obtained;

(B) fails on receipt of a motor vehicle to obtain a certificate of authority, sales receipt, or transfer document as required by Chapter 683, Transportation Code, or a certificate of title showing that the motor vehicle is not subject to a lien or that all recorded liens on the motor vehicle have been released; or

(C) fails on receipt of a motor vehicle to immediately remove an unexpired license plate from the motor vehicle, to keep the plate in a secure and locked place, or to maintain an inventory, on forms provided by the Texas Department of Motor Vehicles, of license plates kept under this paragraph, including for each plate or set of plates the license plate number and the make, motor number, and vehicle identification number of the motor vehicle from which the plate was removed;

(7) an actor who purchases or receives a used or secondhand motor vehicle is presumed to know on receipt by the actor of the motor vehicle that the motor vehicle has been previously stolen from another if the actor knowingly or recklessly:

(A) fails to report to the Texas Department of Motor Vehicles the failure of the person who sold or delivered the motor vehicle to the actor to deliver to the actor a properly executed certificate of title to the motor vehicle at the time the motor vehicle was delivered; or

(B) fails to file with the county tax assessor-collector of the county in which the actor received the motor vehicle, not later than the 20th day after the date the actor received the motor vehicle, the registration license receipt and certificate of title or evidence of title delivered to the actor in accordance with Subchapter D, Chapter 520, Transportation Code, [1] at the time the motor vehicle was delivered;

(8) an actor who purchases or receives from any source other than a licensed retailer or distributor of pesticides a restricted-use pesticide or a state-limited-use pesticide or a compound, mixture, or preparation containing a restricted-use or state-limited-use pesticide is presumed to know on receipt by the actor of the pesticide or compound, mixture, or preparation that the pesticide or compound, mixture, or preparation has been previously stolen from another if the actor:

(A) fails to record the name, address, and physical description of the seller or pledgor;

(B) fails to record a complete description of the amount and type of pesticide or compound, mixture, or preparation purchased or received; and

(C) fails to obtain a signed warranty from the seller or pledgor that the seller or pledgor has the right to possess the property; and

(9) an actor who is subject to Section 409, Packers and Stockyards Act (7 U.S.C. Section 228b), that obtains livestock from a commission merchant by representing that the actor will make prompt payment is presumed to have induced the commission merchant's consent by deception if the actor fails to make full payment in accordance with Section 409, Packers and Stockyards Act (7 U.S.C. Section 228b).

(d) It is not a defense to prosecution under this section that:

(1) the offense occurred as a result of a deception or strategy on the part of a law enforcement agency, including the use of an undercover operative or peace officer;

(2) the actor was provided by a law enforcement agency with a facility in which to commit the offense or an opportunity to engage in conduct constituting the offense; or

(3) the actor was solicited to commit the offense by a peace officer, and the solicitation was of a type that would encourage a person predisposed to commit the offense to actually commit the offense, but would not encourage a person not predisposed to commit the offense to actually commit the offense.

(e) Except as provided by Subsection (f), an offense under this section is:

(1) a Class C misdemeanor if the value of the property stolen is less than $100 ;

(2) a Class B misdemeanor if:

(A) the value of the property stolen is $100 or more but less than $750 ;

(B) the value of the property stolen is less than $100 and the defendant has previously been convicted of any grade of theft; or

(C) the property stolen is a driver's license, commercial driver's license, or personal identification certificate issued by this state or another state;

(3) a Class A misdemeanor if the value of the property stolen is $750 or more but less than $2,500 ;

(4) a state jail felony if:

(A) the value of the property stolen is $2,500 or more but less than $30,000 , or the property is less than 10 head of sheep, swine, or goats or any part thereof under the value of $30,000 ;

(B) regardless of value, the property is stolen from the person of another or from a human corpse or grave, including property that is a military grave marker;

(C) the property stolen is a firearm, as defined by Section 46.01;

(D) the value of the property stolen is less than $2,500 and the defendant has been previously convicted two or more times of any grade of theft;

(E) the property stolen is an official ballot or official carrier envelope for an election; or

(F) the value of the property stolen is less than $20,000 and the property stolen is:

(i) aluminum;

(ii) bronze;

(iii) copper; or

(iv) brass;

(5) a felony of the third degree if the value of the property stolen is $30,000 or more but less than $150,000 , or the property is:

(A) cattle, horses, or exotic livestock or exotic fowl as defined by Section 142.001, Agriculture Code, stolen during a single transaction and having an aggregate value of less than $150,000 ; or

(B) 10 or more head of sheep, swine, or goats stolen during a single transaction and having an aggregate value of less than $150,000 ;

(6) a felony of the second degree if:

(A) the value of the property stolen is $150,000 or more but less than $300,000 ; or

(B) the value of the property stolen is less than $300,000 and the property stolen is an automated teller machine or the contents or components of an automated teller machine; or

(7) a felony of the first degree if the value of the property stolen is $300,000 or more.

(f) An offense described for purposes of punishment by Subsections (e)(1)-(6) is increased to the next higher category of offense if it is shown on the trial of the offense that:

(1) the actor was a public servant at the time of the offense and the property appropriated came into the actor's custody, possession, or control by virtue of his status as a public servant;

(2) the actor was in a contractual relationship with government at the time of the offense and the property appropriated came into the actor's custody, possession, or control by virtue of the contractual relationship;

(3) the owner of the property appropriated was at the time of the offense:

(A) an elderly individual; or

(B) a nonprofit organization;

(4) the actor was a Medicare provider in a contractual relationship with the federal government at the time of the offense and the property appropriated came into the actor's custody, possession, or control by virtue of the contractual relationship; or

(5) during the commission of the offense, the actor intentionally, knowingly, or recklessly:

(A) caused a fire exit alarm to sound or otherwise become activated;

(B) deactivated or otherwise prevented a fire exit alarm or retail theft detector from sounding; or

(C) used a shielding or deactivation instrument to prevent or attempt to prevent detection of the offense by a retail theft detector.

(g) For the purposes of Subsection (a), a person is the owner of exotic livestock or exotic fowl as defined by Section 142.001, Agriculture Code, only if the person qualifies to claim the animal under Section 142.0021, Agriculture Code, if the animal is an estray.

(h) In this section:

(1) "Restricted-use pesticide" means a pesticide classified as a restricted-use pesticide by the administrator of the Environmental Protection Agency under 7 U.S.C. Section 136a, as that law existed on January 1, 1995, and containing an active ingredient listed in the federal regulations adopted under that law (40 C.F.R. Section 152.175) and in effect on that date.

(2) "State-limited-use pesticide" means a pesticide classified as a state-limited-use pesticide by the Department of Agriculture under Section 76.003, Agriculture Code, as that section existed on January 1, 1995, and containing an active ingredient listed in the rules adopted under that section (4 TAC Section 7.24) as that section existed on that date.

(3) "Nonprofit organization" means an organization that is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, by being described as an exempt organization by Section 501(c)(3) of that code.

(4) "Automated teller machine" means an unstaffed electronic information processing device that, at the request of a user, performs a financial transaction through the direct transmission of electronic impulses to a financial institution or through the recording of electronic impulses or other indicia of a transaction for delayed transmission to a financial institution. The term includes an automated banking machine.

(i) For purposes of Subsection (c)(9), "livestock" and "commission merchant" have the meanings assigned by Section 147.001, Agriculture Code.

(j) With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this section that involves the state Medicaid program.

**Credits**

Acts 1973, 63rd Leg., p. 883, ch. 399, § 1, eff. Jan. 1, 1974. Amended by Acts 1975, 64th Leg., p. 914, ch. 342, § 10, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 937, ch. 349, § 1, eff. Aug. 29, 1977; Acts 1981, 67th Leg., p. 849, ch. 298, § 1, eff. Sept. 1, 1981; Acts 1981, 67th Leg., p. 2065, ch. 455, § 1, eff. June 11, 1981; Acts 1983, 68th Leg., p. 2918, ch. 497, § 3, eff.

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED
DEC 20 2016
ADMINISTRATIVE HEARING COMMISSION

| | | |
|---|---|---|
| STATE COMMITTEE FOR SOCIAL WORKERS<br><br>3605 Missouri Boulevard<br>P.O. Box 1335<br>Jefferson City, MO 65102<br><br>Petitioner, | ) | |
| v. | ) | No. 16-2945 |
| Debra K. Hill<br>7420 Manchester<br>Kansas City, MO 64133<br><br>Respondent. | ) | |

PETITIONER'S OBJECTION TO FURTHER USE OF RESPONDENT'S AFFIDAVIT

Comes now, Petitioner, the State Committee for Social Workers, and hereby objects to the further use of Respondent Debra Hill's affidavit, attached to Respondent's Suggestions in Opposition to Petitioner's Motion for Summary Decision, at hearing or for other purposes beyond supporting Respondent's aforementioned Suggestions in Opposition.

WHEREFORE, Petitioner prays that this Commission order that Respondent Debra Hill's affidavit attached to her Suggestions in Opposition to Petitioner's Motion for Summary Decision not be used at hearing or for other purposes beyond supporting Respondent's Suggestions in Opposition

filed with this Commission, and for all other relief to which Petitioner may be entitled.

Respectfully submitted,

CHRIS KOSTER
Attorney General

Daniel S. Levy

Daniel S. Levy
Assistant Attorney General
Missouri Bar Number 66039
E-Mail: Daniel.Levy@ago.mo.gov

Post Office Box 861
St. Louis, Missouri 63188-0861
Telephone: (314) 340-7953
Facsimile: (314) 340-7891
*Attorneys for the State Committee for Social Workers*

## CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing motion was mailed, postage prepaid this 20th day of December, 2016 to:

David F. Barrett
P.O. Box 104151
Jefferson City, MO 65110

Daniel S. Levy

Assistant Attorney General

BEFORE THE
STATE COMMITTEE FOR SOCIAL WORKERS
STATE OF MISSOURI

| | | |
|---|---|---|
| STATE COMMITTEE<br>FOR SOCIAL WORKERS<br>Post Office Box 1335<br>Jefferson City, Missouri 65102-1335<br><br>Petitioner, | ) | |
| v. | ) | Case No. |
| DAVID HELLING<br>7907 West Rollingwood Boulevard<br>Columbia, Missouri 65202-8700<br><br>Respondent. | ) | |

## PROBATION VIOLATION COMPLAINT

Petitioner, the State Committee for Social Workers, by and through the Attorney General of the State of Missouri, for its cause of action against Respondent, David Helling, states:

1. The State Committee for Social Workers ("the Committee") is an agency of the State of Missouri created and established pursuant to § 337.622, RSMo (Cum. Supp. 2013),[1] for the purpose of upholding and carrying

[1] All statutory citations herein are to the Revised Statutes of Missouri, 2013 Cumulative Supplement, unless otherwise noted.

out the provisions of § 337.600 through § 337.689, as amended, relating to social workers.

2. David Helling ("Respondent") was licensed by the Committee as a licensed clinical social worker, License Number 2006025888 ("Respondent's License") on or about September 18, 2008.

3. Respondent's License expired on September 30, 2013. Respondent's license has not been renewed since its expiration in 2013.

## PROCEDURAL HISTORY

4. From September 30, 2013 through present (hereinafter "the Relevant Time Period"), Respondent's License was expired and was not renewed after having been placed on probation as described below.

5. As a licensed clinical social worker, Respondent established relationships of professional trust and confidence with his clients.

6. Respondent was aware of the relationships of professional trust and confidence between himself and his clients.

7. During the relevant time period, Respondent was employed as a substance abuse counselor by Phoenix Programs, Inc. ("Phoenix").

8. At all relevant times herein, the Phoenix office, where Respondent met with clients, was located at 90 East Leslie Lane, Columbia Missouri, 65202-1535.

9. On or about May 21, 2012, Respondent met with client C.F.[2] for an initial assessment interview.

10. Respondent continued to provide social work services to C.F. until approximately June of 2012.

11. Respondent established a social worker/client relationship and a relationship of professional trust and confidence with C.F.

12. Respondent was aware of the relationship of professional trust and confidence he had established with C.F.

13. During the course of Respondent's interaction with C.F., Respondent made repeated statements and engaged in conduct of a sexual nature directed towards C.F.

14. Respondent's statements and conduct of a sexual nature directed towards C.F. were made knowingly for Respondent's own gratification and serviced no therapeutic service.

15. Respondent's employment with Phoenix was terminated on or about June 11, 2012, as a result of the conduct described herein.

16. Based upon information and complaints regarding Respondent's statements and actions as described herein, the State Committee for Social Workers (the "Committee") filed a complaint with the Administrative Hearing commission. On June 8, 2015, the Commission entered its decision

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2 To protect their privacy, client C.F. will only be referred to herein by their initials.

in the case of *Missouri State Committee for Social Workers v. David Helling,* under Case Number 15-0316 SW. In its decision the Commission found that Respondent Helling's license to practice clinical social work was subject to discipline pursuant to §337.630.2(5), (6), (13), and (15).

17. The Committee held a disciplinary hearing on September 24, 2015 pursuant to notice and Section 621.110, RSMo. After full review of the record and the evidence and testimony presented at hearing, the Committee issued Findings of Fact, Conclusions of Law, and a Disciplinary Order on October 6, 2015.

18. The Committee ordered that Respondent's clinical social worker license be suspended for a period of three (3) years and then immediately placed on probation for a period of five (5) years from the date of its Order (the "Disciplinary Order") as evidenced by the true and accurate copy of the Disciplinary Order attached hereto as Exhibit 1 and incorporated by reference as if fully set forth herein.

## VIOLATION OF TERMS OF PROBATION

19. Pursuant to the terms of the Disciplinary Order, Paragraph 1(b), Respondent was required to submit written reports of compliance on or before January 1 and July 1 of each calendar year regardless of whether Respondent was engaged in the practice of social work; and to timely renew his license

during the period of probation under Paragraph 1(g) of the Disciplinary Order.

20. To date, no written reports of compliance have been submitted as required pursuant to Paragraph 1(b).

21. To date, Respondent has not renewed his license as required pursuant to Paragraph 1(g).

22. Because Respondent did not comply with the terms of the Disciplinary Order in that Respondent failed to renew and keep current his license, and Respondent failed to submit reports to the Committee as required by the Disciplinary Order, Respondent is in violation of the Disciplinary Order.

## CAUSE FOR ADDITIONAL DISCIPLINE

23. Pursuant to the terms of the Disciplinary Order, Paragraph 5, any failure of Respondent to comply with any term or condition set forth in the Disciplinary Order may result in the Committee conducting an evidentiary hearing to determine whether a violation occurred.

24. Pursuant to the terms of the Disciplinary Order, Paragraph 5, if, after a hearing, the Committee determines that Respondent violated a term or condition of the Disciplinary Order, the Committee may impose further disciplinary action against Respondent's License.

25. Cause exists to impose additional discipline upon Respondent's License pursuant to § 324.042, RSMo, regarding additional discipline permitted, which provides in pertinent part:

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

26. Cause exists to impose additional discipline upon Respondent's License because Respondent failed to submit any bi-yearly written reports to the Committee regarding his compliance with the terms and conditions of the Disciplinary Order during the Disciplinary Period, as required by the Disciplinary Order.

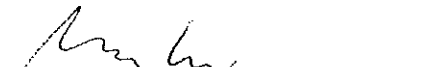
27. Cause exists to impose additional discipline upon Respondent's License because Respondent renew and keep current his License, as required by the Disciplinary Order.

WHEREFORE, the Committee respectfully requests: (1) that a hearing be held to determine whether Respondent David Helling violated the terms of the Disciplinary Order; (2) issuance of written Findings of Fact, Conclusions of Law and an Order finding that Helling violated the terms of the Disciplinary Order; (3) that this violation constitutes grounds to impose

additional discipline upon Helling's License as a Missouri Licensed Clinical Social Worker; (4) the imposition of such additional discipline that is appropriate; and (5) such other and further relief that is just and proper.

Respectfully submitted,

JOSHUA HAWLEY
Attorney General



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*Attorneys for Petitioner*
*State Committee for Social Workers*

BEFORE THE STATE COMMITTEE FOR SOCIAL WORKERS
STATE OF MISSOURI

| | | |
|---|---|---|
| MISSOURI STATE COMMITTEE FOR SOCIAL WORKERS, | ) | |
| Petitioner, | ) | |
| v. | ) | No. 15-0316 SW |
| David Helling, | ) | |
| Respondent. | ) | |

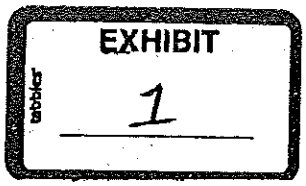
FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER

On June 8, 2015, the Administrative Hearing Commission entered its "Decision" in the case of *Missouri State Committee for Social Workers v. David Helling*, Case number 15-0316 SW. In the Decision, the Administrative Hearing Commission found that David Helling's license to practice clinical social work is subject to discipline pursuant to Section 337.630.2 (5), (6), (13) and (15), RSMo.[1]

The State Committee for Social Workers (the "Committee") received and reviewed the record of proceedings of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety as if set forth in this Order.

The Committee timely set this matter for hearing and properly served upon Respondent David Helling notice of the time, date and location of the hearing.

[1] All statutory references are to the Revised Statutes of Missouri (2000), as supplemented, unless otherwise indicated.



Pursuant to notice and Section 621.110, RSMo, the Committee held a disciplinary hearing on September 24, 2015, at the University of Missouri, 701 5th Street, Clark Hall, Room 426, Columbia, Missouri 65201, for the purpose of determining the appropriate disciplinary action against the clinical social worker license held by Respondent David Helling. The Committee began the hearing at approximately 11:16 p.m. Assistant Attorney General Stephen Doerhoff appeared on behalf of the Committee. Respondent David Helling did not appear either personally or by counsel.

After full review of the record and the evidence and testimony presented at hearing, the Committee issues this Findings of Fact, Conclusions of Law and Disciplinary Order:

1. The Committee is an agency of the State of Missouri, created and existing pursuant to Section 337.622, RSMo, for the purpose of carrying out the provisions of Sections 333.600 through 337.689, RSMo.

2. Respondent David Helling ("Licensee") holds clinical social worker license number 2006025888 that was current and active until September 30, 2013 when it lapsed and has not been renewed.

3. The Committee adopts and incorporates by reference the findings of fact and conclusions of law contained in the Decision and the record of the Administrative Hearing Commission in the case of *Missouri State Committee for Social Workers v. David Helling*, Case number 15-0316 SW. The Committee takes official notice of its file in this matter.

4. The Committee properly set this matter for disciplinary hearing and properly served notice of the disciplinary hearing on Respondent David Helling.

5. The Committee has jurisdiction over this proceeding pursuant to Section 621.110, RSMo, and Section 337.630.4, RSMo.

6. The Committee finds that this Order is necessary to protect the public.

THEREFORE, having fully considered the evidence before the Board and giving full weight to the Findings of Fact and Conclusions of Law as found by the Administrative Hearing Commission, the State Committee of Social Workers orders that the clinical social worker license held by David Helling be SUSPENDED for a period of THREE (3) YEARS and then immediately placed on PROBATION for a period of FIVE (5) YEARS from the date of this Order (the "Disciplinary Period"). During the suspension portion of the Disciplinary Period, Licensee shall not be entitled to practice as a clinical social worker. During the probation portion of the Disciplinary Period, Licensee shall be entitled to work as a clinical social worker, under supervision. Under both the suspension and probation portions of the Disciplinary Period, Licensee right to practice shall subject to compliance with the terms and conditions of the Disciplinary Period as set forth in this Order.

## Terms and Conditions of the Disciplinary Period

1. Licensee shall comply with the following terms and conditions during the Disciplinary Period:

   a. Licensee shall keep the Committee informed of Licensee's current work and home telephone numbers and addresses. Licensee shall notify the Committee in writing within ten (10) business days of any change in this information. If Licensee utilizes e-mail, Licensee shall provide the Committee with his current and active e-mail address;

   b. Licensee shall submit written reports of compliance on or before January 1, and July 1 of each calendar year, but shall be submitted no more than two weeks prior

to each reports due date. Each written report of compliance shall state truthfully whether Licensee has complied with all conditions of the Disciplinary Period and, if not, shall provide full disclosure of the failure to comply. If Licensee has completed any continuing education during the reporting period, Licensee shall attach to his written compliance report, copies of documentation of completion of the continuing education. Each written report of compliance shall be due regardless of whether Licensee is engaging in the practice of social work;

c. 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;

d. Licensee shall comply with all provisions of Chapter 337, RSMO, and its regulations, and all state and federal criminal laws and all state and federal laws related to the practice of clinical social work, including compliance with state revenue laws;

e. Licensee shall engage in no conduct that would give the Committee cause to seek authority to discipline from the Administrative Hearing Commission as set forth in Section 337.630, RSMo;

f. Upon the request of the Committee or its representative, Licensee shall immediately submit any and all records requested to show compliance with these terms and conditions;

g. Licensee shall renew timely all licenses, shall pay timely all fees required for licensure and shall meet all other requirements necessary to maintain all licenses issued by the Committee current and active;

h. Licensee shall accept and comply with unannounced visits from the Committee or its representatives to monitor Licensee's compliance with these terms and conditions;

i. Licensee shall provide a copy of this Order to any employer for whom Licensee will be performing social work within 5 business days of the commencement of his employment or within 5 days of Licensee's receipt of this Order;

*Supervision Requirements*

j. During the probation portion of the Disciplinary Period, Licensee's practice as a social worker shall be supervised as set forth in this Order;

k. During the probation portion of the Disciplinary Period, if Licensee engages in the practice of social work, such practice shall be under the order, control, oversight, guidance and full professional responsibility of the approved registered supervisor at the setting(s) as approved by the Committee;

l. Within 30 days after the beginning of the probation portion of the Disciplinary Period, or if, Licensee is not currently engaged in the practice of social work, prior to beginning the practice of social work, Licensee shall submit no fewer than 5 names of proposed clinical social workers who will agree to serve as Licensee's supervisor. The Committee may approve one of the proposed clinical social workers, or may require additional names to be submitted, which Licensee shall submit within 30 days of the Committee's request;

m. The Committee will provide written notice to both Licensee and the supervisor of its approval of a supervisor. Licensee must begin supervision within 7 days of the Committee's approval of the supervisor. Licensee shall immediately provide the

Committee written notice of the start date of the supervision and shall, within 7 days of the start date of the supervision, provide the Committee with a copy of the supervision agreement between Licensee and the supervisor;

n. If Licensee fails to secure a supervisor within 30 days of the effective date of this Order, then Licensee shall cease to practice as a social worker until a supervisor is approved, per the terms of this Order;

o. Licensee shall be responsible for any payment associated with the supervision;

p. Supervision shall consist of at least monthly, consisting of at least 4 hours per month, 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.

q. Licensee's supervisor shall submit written reports to the Committee due by January 1 and July 1 of each year of the Disciplinary Period. In these reports, the supervisor shall report to the Committee whether Licensee is in compliance with the terms of this Order, to the best knowledge of the supervisor, and Licensee's understanding and adherence to approved standards of professional and ethical conduct, areas of continued growth and development and accountability of supervision hours, thus far, in the Disciplinary Period;

r. If Licensee's approved supervisor becomes unable or decides not to continue to serve in the capacity of a supervisor or for any other reason ceases to serve as a supervisor for Licensee, then Licensee shall:

   *i.* Within 3 business days of being notified that the supervisor will be ceasing to serve as Licensee's supervisor, Licensee shall advise the

Committee in writing of the date the supervisor will be ceasing to provide services; and

*ii.* Within 30 days of being notified of the need to find a new supervisor, Licensee shall secure a new supervisor in accord with the terms of this Order. If Licensee does not secure a new Committee approved supervisor, per the terms of this Order, Licensee shall cease practice as a social worker until such time as a Committee approved supervisor is in place.

2. Upon the expiration of the Disciplinary Period and successful completion of the Disciplinary Period, Licensee's license shall be fully restored if all other requirements of the law have been satisfied; provided however, that in the event the Committee determines that Licensee has violated any term or condition of this Order, the Committee may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may impose additional probation, suspend, revoke, or otherwise lawfully discipline Licensee's license.

3. The Committee shall enter no order imposing further discipline on Licensee's license without notice and an opportunity for hearing before the Committee in accordance with the provisions of Chapter 536, RSMo; however nothing in this Order shall prohibit Licensee and the Committee from entering into a written agreement to modify any term of this Order, including the discipline imposed and/or the conditions of the Disciplinary Period.

4. If the Committee determines that Licensee has violated a term or condition of this Order, and that violation would also be actionable in a proceeding before the Administrative Hearing Commission or in a circuit court, the Committee may elect to pursue any lawful remedies or procedures afforded to it and is not bound by this Order in its determination of appropriate legal actions concerning such violation(s).

5. If any alleged violation of this Order occurs during the Disciplinary Period, the Committee may choose to conduct a hearing on the alleged violation either during the Disciplinary Period, or as soon thereafter as a hearing can be held, to determine whether a violation of the terms and conditions of the Disciplinary Period occurred and, if so, may impose further discipline on the license of Licensee. The Committee has continuing jurisdiction to hold a hearing determine if a violation of the terms and conditions of the Disciplinary Period occurred.

6. This Order shall be maintained as an open and public record of the Committee as provided in Chapters 337, 610 and 324, RSMo.

SO ORDERED this 6th day of October, 2015.

STATE COMMITTEE FOR SOCIAL WORKERS

Tom Reichard, Executive Director

**BEFORE THE MISSOURI**
**STATE COMMITTEE FOR SOCIAL WORKERS**

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|---|---|
| MISSOURI STATE COMMITTEE<br>FOR SOCIAL WORKERS<br>3605 Missouri Boulevard<br>P.O. Box 1335<br>Jefferson City, MO 65102<br><br>Petitioner,<br><br>v.<br><br>ELEANOR WILSON<br>P.O. Box 754<br>Bolivar, MO 65613<br><br>Respondent. | )<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>)<br>) |

Ms Wilson called 3/30/17
Is not working in MO
& didn't think she had
to comply. She's going
to send a letter to the
cmte explaining actions
May surrender in lieu

## PROBATION VIOLATION COMPLAINT

Petitioner, Missouri State Committee for Social Workers ("Committee"), by and through the Attorney General of the State of Missouri, states its cause of action against Eleanor Wilson ("Wilson"):

1. The Committee was established pursuant to § 337.622, RSMo, for the purpose of executing and enforcing the provisions of §§ 337.600 through 337.689, RSMo.

2. Wilson is licensed by the Committee as a Licensed Master Social Worker, license number 2016029811. Wilson's license is current and under probation as set forth herein.

3. On August 17, 2016, the Committee issued a Probated Master Social Worker License to Wilson as authorized by § 337.330.2(2), RSMo, based on her plea of guilty to six counts of theft in Jackson County case no. 1316-CR04101-01. A copy of the Order Issuing a Probated Master Social Worker License ("Order") is attached as Exhibit 1 and incorporated by reference.

4. Pursuant to the Order Wilson's license was placed on probation for a period of two years.

5. Paragraph 18 of the Order states in part:

> a. Licensee shall keep the Committee informed of Licensee's current work and home telephone numbers and addresses. Licensee shall notify the Committee within ten (10) business days of any change in this information. . . .
>
> b. Licensee shall submit reports of compliance on or before the first day of each month during the Disciplinary Period. Each written report of compliance shall state truthfully whether Licensee has complied with all conditions of the Disciplinary Period and, if she has not, shall provide full disclosure of the failure to comply. . . .
>
> . . . .
>
> m. Within 30 days after the effective date of this Order, or if, Licensee is not currently engaged in the practice of social work, prior to beginning the practice of social work, Licensee shall submit no fewer than 5 names of proposed clinical social workers who will agree to serve as Licensee's supervisor. . . .
>
> . . . .

6. Wilson has failed to comply with the terms of the Order in that she has failed to:

a. Keep the Committee informed of her current work and home telephone numbers and addresses;

b. Submit reports of compliance on or before the first day of each month during the Disciplinary Period;

c. Submit names of proposed clinical social workers who will agree to serve as Licensee's supervisor.

7. The Committee has jurisdiction over this matter pursuant to § 324.042, RSMo, which states:

> 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.

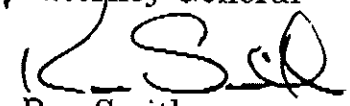
8. Wilson's conduct as set forth herein violates the terms and conditions of the Order and is grounds for the Committee, after a hearing, to impose further discipline.

## CONCLUSION

Petitioner requests the Committee hold a hearing to determine whether a violation of the Order Issuing a Probated Master Social Worker License to Respondent has occurred, and to impose such further disciplinary action pursuant to § 324.042, RSMo, as is appropriate.

Respectfully submitted,

JOSHUA D. HAWLEY
Attorney General



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Attorneys for the Missouri State
Committee for Social Workers

# BEFORE THE STATE COMMITTEE OF SOCIAL WORKERS
# STATE OF MISSOURI

In the Matter of the Application of:

**ELEANOR CLAUDETTE WILSON**

## ORDER ISSUING A PROBATED MASTER SOCIAL WORKER LICENSE

The State Committee for Social Workers (the "Committee"), pursuant to Section 324.038, RSMo[1], issues this order granting a **PROBATED MASTER SOCIAL WORKER LICENSE** to Eleanor Claudette Wilson ("Wilson" or "Licensee"), XXXX[2], Bolivar, Missouri 65613.

As set forth in Section 324.038, RSMo, Licensee may submit a written request for hearing to the Administrative Hearing Commission seeking review of the Board's decision set forth in this Order. Such written request must be filed with the Administrative Hearing Commission within 30 days of the date the Board mails this Order to Licensee. The written request should be addressed to the Administrative Hearing Commission, United States Post Office Bldg, Third Floor, 131 West High Street, P.O. Box 1557, Jefferson City, Missouri 65102-1557. Any such request should set forth that the applicant is qualified for nonprobated licensure pursuant to the laws and administrative regulations relating to Licensee's profession. If such review is requested, a hearing shall be held pursuant to Chapter 621, RSMo. A Commissioner of the

[1] All statutory references are to the Revised Statutes of Missouri (2000), as supplemented, unless otherwise indicated.
[2] Licensee's street address is on file with the Committee and available, upon request.

Administrative Hearing Commission will preside over the hearing. The hearing will be on the record and recorded by a court reporter. At the hearing, Licensee shall have the right to present testimony, call witnesses on her behalf, introduce evidence, cross-examine any witnesses called by the Board, and object to any evidence introduced by the Board and make legal argument to the Commission. Following the hearing, the Administrative Hearing Commission will issue an order including findings of fact, conclusions of law and a decision based on the evidence admitted at the hearing. A copy of the Administrative Hearing Commission's order will be delivered to the parties. Chapter 536, RSMo, sets forth the procedures for review of the order of the Administrative Hearing Commission.

If no written request for review is filed with the Administrative Hearing Commission within the 30-day period, the right to seek review of the Board's decision shall be considered waived. Section 324.038.2, RSMo. Should Licensee make written request for review of this Order, the terms and conditions of this Order shall remain in full force and effect unless and until such time as the Administrative Hearing Commission or reviewing court orders otherwise.

**Relevant Statutes**

1. Section 324.038, RSMo, authorizes the Committee to issue a license subject to probation, in lieu of denial, and states:

> 1. Whenever a board within or assigned to the division of professional registration, including the division itself when so empowered, may refuse to issue a license for reasons which also serve as a basis for filing a complaint with the administrative hearing commission seeking disciplinary action against a holder of a license, the board, as an alternative to refusing to issue a license, may, at its discretion, issue to an applicant a license subject to probation.

2. The board shall notify the applicant in writing of the terms of the probation imposed, the basis therefor, and the date such action shall become effective. The notice shall also advise the applicant of the right to a hearing before the administrative hearing commission, if the applicant files a complaint with the administrative hearing commission within thirty days of the date of delivery or mailing by certified mail of written notice of the probation. If the board issues a probated license, the applicant may file, within thirty days of the date of delivery or mailing by certified mail of written notice of the probation, a written complaint with the administrative hearing commission seeking review of the board's determination. Such complaint shall set forth that the applicant or licensee is qualified for nonprobated licensure pursuant to the laws and administrative regulations relating to his or her profession. Upon receipt of such complaint the administrative hearing commission shall cause a copy of such complaint to be served upon the board by certified mail or by delivery of such copy to the office of the board, together with a notice of the place of and the date upon which the hearing on such complaint will be held. Hearings shall be held pursuant to chapter 621. The burden shall be on the board to demonstrate the existence of the basis for imposing probation on the licensee. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered waived.

3. If the probation imposed includes restrictions or limitations on the scope of practice, the license issued shall plainly state such restriction or limitation. When such restriction or limitation is removed, a new license shall be issued.

2. Section 337.643.1, RSMo, requires a license to engage in the practice of master social work and states:

1. No person shall use the title of licensed master social worker and engage in the practice of master social work in this state unless the person is licensed as required by the provisions of this section and section 337.644.

2. A licensed master social worker shall be deemed qualified to practice the applications of social work theory, knowledge, methods and ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. "Master social work practice" includes the applications of specialized knowledge and advanced practice skills in the management, information and referral, counseling, supervision, consultation, education, research, advocacy, community

organization, and the development, implementation, and administration of policies, programs, and activities. Under supervision as provided in sections 337.600 to 337.689, the practice of master social work may include the practices reserved to clinical social workers or advanced macro social workers for no more than forty-eight consecutive calendar months for the purpose of obtaining licensure under section 337.615 or 337.645. No licensed master social worker shall practice independently the scope of practice reserved for clinical social workers or advanced macro social workers. This shall mean that any practices reserved to licensed clinical social workers or licensed advanced macro social workers performed by a licensed master social worker shall be for the purpose of obtaining licensure under section 337.615 or 337.645 in an employment setting where either a licensed clinical social worker or a licensed advanced macro social worker is a registered supervisor approved by the state committee for social work.

3. Section 337.644, RSMo, sets forth the requirements for licensure as a licensed master social worker and states:

1. Each applicant for licensure as a master social worker shall furnish evidence to the committee that:

(1) The applicant has a master's or doctorate degree in social work from an accredited social work degree program approved by the council of social work education;

(2) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be determined by the state committee for social workers;

(3) The applicant is at least eighteen years of age, is of good moral character, is a United States citizen or has status as a legal resident alien, and has not been convicted of a felony during the ten years immediately prior to application for licensure;

(4) The applicant has submitted a written application on forms prescribed by the state board;

(5) The applicant has submitted the required licensing fee, as determined by the committee.

2. Any applicant who answers in the affirmative to any question on the application that relates to possible grounds for denial of licensure

under section 337.630 shall submit a sworn affidavit setting forth in detail the facts which explain such answer and copies of appropriate documents related to such answer.

3. Any person holding a valid unrevoked and unexpired license, certificate, or registration from another state or territory of the United States having substantially the same requirements as this state for master social workers may be granted a license to engage in the person's occupation in this state upon application to the committee accompanied by the appropriate fee as established by the committee under section 337.612.

4. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subsection 1 of this section or with the provisions of subsection 3 of this section. The license shall refer to the individual as a licensed master social worker and shall recognize that individual's right to practice licensed master social work as defined in section 337.600.

4. Section 337.630, RSMo, authorizes the Committee to deny an application for a licensed master social worker license and states, in relevant portion:

1. The committee may refuse to issue or renew any license required by the provisions of sections 337.600 to 337.689 for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.

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:

* * *

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a social worker licensed under this chapter; for any offense an essential element of which is fraud, dishonesty or an act of violence;

or for any offense involving moral turpitude, whether or not sentence is imposed;

5. Section 570.030, RSMo, states:

> 1. A person commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.
>
> * * *
>
> 9. Any violation of this section for which no other penalty is specified in this section is a class A misdemeanor.

**Parties and Background**

6. The Committee is an agency of the State of Missouri created and existing pursuant to Section 337.622, RSMo, for the purpose of carrying out the provisions of Sections 337.600 through 337.689, RSMo.

7. Eleanor Claudette Wilson is a natural person who has registered her address with the Committee at XXXX[3], Bolivar, MO 65613.

8. Wilson submitted her "Application for Licensure by Reciprocity" to the Committee that she signed before a notary public on February 25, 2016 (the "Application").

9. Wilson holds a valid, unrevoked and unexpired Licensed Master Social Worker license issued by the State of Kansas.

10. Kansas has substantially the same requirements as Missouri for the issuance of a master social work license.

11. Wilson has met the statutory requirements for licensure.

**Basis for Probation**

[3] Licensee's street address is on file with the Committee and available, upon request.

12. On the Application, Wilson answered "yes" to the question that stated:

> Have you ever entered a plea of guilty or nolo contendere or been convicted of a felony, misdemeanor or received a suspended imposition of sentence?

13. Along with the Application, Wilson provided a written explanation of her criminal history.

14. On June 2, 2016, Wilson met with the Board to discuss her rehabilitation.

15. On April 16, 2015, Wilson plead guilty to 6 counts of "Theft/Stealing (Value of Property or Services is Less than $500" in violation of Section 570.030. *State of Missouri v. Eleanor C. Wilson,* Circuit Court of Jackson County, Missouri, Case number 1316-CR04101-01 (the "2015 Stealing Case"). For each count, Wilson was sentenced to 1 year in the Jackson County Detention center, execution suspended, and 2 years of supervised probation, subject to certain conditions of probation including payment of restitution of $6,611.55 to be paid by one lump sum payment of $3,305.77 with the remaining restitution to be paid by monthly installments of $138/month until the remaining restitution is paid in full.

16. The Committee has cause to deny Wilson's application for a licensed master social worker license pursuant to Section 337.330.2 (2), RSMo.

17. The Committee finds that issuance of a probated master social worker license, subject to certain terms and conditions, in lieu of denial, will ensure protection of the public.

**Issuance of Probated License Subject to Terms and Conditions**

The Committee, in lieu of denial, hereby issues a licensed master social worker license to Eleanor Claudette Wilson, on **PROBATION** for a period of **TWO (2) YEARS**

(the "Disciplinary Period") subject to the terms and conditions contained in this Order and set forth below. During the Disciplinary Period, Licensee shall be entitled to practice as a licensed master social worker, subject to compliance with this Order.

**Terms and Conditions of the Disciplinary Period**

18. Licensee shall comply with the following terms and conditions of probation during the Disciplinary Period:

a. Licensee shall keep the Committee informed of Licensee's current work and home telephone numbers and addresses. Licensee shall notify the Committee in writing within ten (10) business days of any change in this information. If Licensee utilizes e-mail, Licensee shall provide the Committee with her current and active e-mail address;

b. Licensee shall submit written reports of compliance on or before the first day of each month during the Disciplinary Period. Each written report of compliance shall state truthfully whether Licensee has complied with all conditions of the Disciplinary Period and, if she has not, shall provide full disclosure of the failure to comply. Each written report of compliance shall be due regardless of whether Licensee is engaged in the practice of social work;

c. 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;

d. Licensee shall comply with all provisions of Chapter 337, RSMO, and its regulations, and all state and federal criminal laws and all state and

federal laws related to the practice of licensed master social work, including compliance with state revenue laws;

e. Licensee shall engage in no conduct that would give the Committee cause to seek authority to discipline from the Administrative Hearing Commission as set forth in Section 337.630, RSMo;

f. Upon the request of the Committee or its representative, Licensee shall immediately submit any and all records requested to show compliance with these terms and conditions;

g. Licensee shall renew timely all licenses, shall pay timely all fees required for licensure and shall meet all other requirements necessary to maintain all licenses issued by the Committee current and active including not allowing any license to be suspended for failure to comply with the revenue laws of the state and also including timely completion of all required continuing professional education;

h. Licensee shall accept and comply with unannounced visits from the Committee or its representatives to monitor Licensee's compliance with these terms and conditions;

i. Licensee shall provide a copy of this Order to any employer for whom Licensee will be performing social work within 5 business days of the commencement of her employment or within 5 business days of Licensee's receipt of this Order;

j. Wilson shall comply with all conditions of her criminal probation imposed in the 2015 Stealing Case. If any court finds that Wilson has

violated the conditions of her criminal probation, Wilson shall provide a copy of that court's order to the Committee within 10 days of Wilson's receipt of any such order;

*Supervision Requirements*

k. During the Disciplinary Period, Licensee's practice as a social worker shall be supervised as set forth in this Order;

l. During the Disciplinary Period, Licensee shall practice social work only under the order, control, oversight, guidance and full professional responsibility of the approved registered supervisor at the setting(s) as approved by the Committee;

m. Within 30 days after the effective date of this Order, or if, Licensee is not currently engaged in the practice of social work, prior to beginning the practice of social work, Licensee shall submit no fewer than 5 names of proposed clinical social workers who will agree to serve as Licensee's supervisor. The Committee may approve one of the proposed clinical social workers, or may require additional names to be submitted, which Licensee shall submit within 30 days of the Committee's request;

n. The Committee will provide written notice to both Licensee and the supervisor of its approval of a supervisor. Licensee must begin supervision within 7 days of the Committee's approval of the supervisor. Licensee shall immediately provide the Committee written notice of the start date of the supervision and shall, within 7 days of the start date of

the supervision, provide the Committee with a copy of the supervision agreement between Licensee and the supervisor;

o. If Licensee fails to secure a supervisor within 30 days of the effective date of this Settlement Agreement, then Licensee shall cease to practice as a social worker until a supervisor is approved, per the terms of this Settlement Agreement;

p. Licensee shall be responsible for any payment associated with the supervision;

q. Supervision shall consist of at least monthly, consisting of at least 4 hours per month, 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;

r. Licensee's supervisor shall submit written reports to the Committee due by the 5th day of each month of the Disciplinary Period. In these reports, the supervisor shall report to the Committee whether Licensee is in compliance with the terms of this Order, to the best knowledge of the supervisor, and Licensee's understanding and adherence to approved standards of professional and ethical conduct, areas of continued growth and development and accountability of supervision hours;

s. If Licensee's approved supervisor becomes unable or decides not to continue to serve in the capacity of a supervisor or for any other reason ceases to serve as a supervisor for Licensee, then Licensee shall:

i. Within 3 business days of being notified that the supervisor will be ceasing to serve as Licensee's supervisor, Licensee shall advise the Committee in writing of the date the supervisor will be ceasing to provide services;

t. Within 30 days of being notified of the need to find a new supervisor, Licensee shall secure a new supervisor in accord with the terms of this Settlement Agreement. If Licensee does not secure a new Committee approved supervisor, per the terms of this Settlement Agreement, Licensee shall cease practice as a social worker until such time as a Committee approved supervisor is in place; and

u. Licensee shall follow all directives of her supervisor related to her practice as a social worker.

19. Upon the expiration of the Disciplinary Period and successful completion of the probation, Licensee's license shall be fully restored if all other requirements of the law have been satisfied; provided however, that in the event the Committee determines that Licensee has violated any term or condition of this Order, 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's license.

20. The Committee shall enter no order imposing further discipline on Licensee's license without notice and an opportunity for hearing before the Committee in accordance with the provisions of Chapter 536, RSMo.

21. If the Committee determines that Licensee has violated a term or condition of this Order, and that violation would also be actionable in a proceeding before the

Administrative Hearing Commission or in a circuit court, the Committee may elect to pursue any lawful remedies or procedures afforded to it and is not bound by this Order in its determination of appropriate legal actions concerning such violation(s).

22. If any alleged violation of this Order occurs during the Disciplinary Period, the Committee may choose to conduct a hearing on the alleged violation either during the Disciplinary Period, or as soon thereafter as a hearing can be held, to determine whether a violation of the terms and conditions of probation occurred and, if so, may impose further discipline on Licensee's license. The Committee has continuing jurisdiction to hold a hearing determine if a violation of the terms and conditions of probation occurred.

23. This Order of the Committee shall be maintained as an open and public record of the Committee as provided in Chapters 337, 610 and 324, RSMo.

**IT IS SO ORDERED.**

Dated: 8/17/2016

Tom Reichard
Executive Director
State Committee For Social Workers

# Review of Previously Submitted Rules – Not in Affect

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**
**Division 2263—State Committee for Social Workers**
**Chapter 2—Licensure Requirements**

**PROPOSED RESCISSION**

**20 CSR 2263-2.045 Provisional Licenses**. This rule outlined the requirements for provisional licensed clinical social workers.

*PURPOSE: This rule is being rescinded as provisional licenses are no longer issued.*

*AUTHORITY: sections 337.600, 337.612, 337.615, 337.627, and 337.630, RSMo Supp. 2010. Original rule filed Dec. 30, 1998, effective July 30, 1999. Amended: Filed Oct. 30, 2002, effective June 30, 2003. Amended: Filed March 15, 2004, effective Sept. 30, 2004. Amended: Filed March 28, 2005, effective Sept. 30, 2005. Moved to 20 CSR 2263-2.045, effective Aug. 28, 2006. Amended: Filed Aug. 27, 2009, effective April 30, 2010. Emergency amendment filed Aug. 18, 2010, effective Aug. 28, 2010, expired Feb. 24, 2011. Amended: Filed Aug. 18, 2010, effective Feb. 28, 2011. Rescinded: Filed ---------*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars ($500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsw@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**
**Division 2263—State Committee for Social Workers**
**Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2263-2.050 Application for Licensure as a Social Worker.** The committee is proposing to amend subsection (4)(D).

*PURPOSE: This amendment allows individuals seeking licensure as a clinical social worker to take the exam prior to the completion of required supervision.*

(1) Application for social work licensure shall be made on the forms provided by the committee. Application forms shall be obtained from the Executive Director, State Committee for Social Workers, PO Box 1335, Jefferson City, MO 65102.

(2) An application for licensure is not considered officially filed with the committee until it has been determined by the committee staff to be complete and the application is submitted on the form(s) provided by the committee. The application shall be typewritten or printed legibly in black ink, signed, notarized, and accompanied by the application fee as set forth in the rules promulgated by the committee.

(3) A separate application for licensure shall be made for each class of license sought.

(4) The following documents shall be on file for an application to be considered complete and officially filed:
(A) Completed application form, specifying the type of license sought;
(B) Official transcript(s) sent directly from the educational institution(s);
(C) Completed Attestation of Supervision form(s) sent directly from the attesting supervisor(s), if applicable;
(D) Verification of a passing score, as determined by the committee, on the examination administered by the Association of Social Work Boards (ASWB). Verification of score(s) shall be sent directly to the committee office by the ASWB. The required examinations are—
1. Licensed baccalaureate social worker—bachelors examination;
2. Licensed baccalaureate social worker independent practice—bachelors examination;
3. Licensed master social worker—masters examination.
A. A clinical examination taken by a person who has registered supervision before April 30, 2010, and has not been issued a provisional licensed clinical social worker license is acceptable;
4. Licensed advanced macro social worker—advanced generalist examination.
A. An examination taken before the completion of **at least 75% of** the supervised work experience is not acceptable; and
5. Licensed clinical social worker—clinical examination.

A. An examination taken before the completion of **at least 75% of** the supervised work experience is not acceptable; and

(E) Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri Highway Patrol or its approved vendor. All fees are nonrefundable.

(F) An applicant for licensure who answers "yes" to any question in the application which relates to possible grounds for denial of licensure under section 337.630, RSMo, shall submit a sworn affidavit setting forth in detail the facts that explain the answer and shall submit copies of appropriate documents related to that answer, if requested by the committee, which shall include but is not limited to the following:

1. Certified copies of final orders/judgments;
2. If no final order—Certified copy of clerk's docket sheet and copy of complaint; and
3. If criminal conviction—A certified copy of final order and sentence or commutation of sentence.

(5) A person who has previously held a license as a social worker, whose license had either expired or been revoked, shall submit evidence of competency. Evidence of competency in this case shall be the same as the evidence required of an inactive licensee who desires to return to active status as stated in 20 CSR 2263-2.090.

(6) Following the committee's review process, the applicant will be informed by letter of licensure denial. The denial letter will identify the reasons for denial and the appeal process.

*AUTHORITY: sections 337.600, 337.612, 337.615, 337.627, and 337.630, RSMo Supp.* ***[2010]2013****.* This rule originally filed as 4 CSR 263-2.050. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. Amended: Filed Dec. 2, 1991, effective May 14, 1992. Amended: Filed Jan. 11, 1995, effective June 30, 1995. Rescinded and readopted: Filed Dec. 30, 1998, effective July 30, 1999. For intervening history, please consult the* ***Code of State Regulations****. Amended: Filed _____.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489 or via email at lcsw@pr.mo.gov. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**
**Division 2263—State Committee for Social Workers**
**Chapter 2—Licensure Requirements**

## PROPOSED AMENDMENT

**20 CSR 2263-2.050 Application for Licensure as a Social Worker.** The committee is proposing to delete section (5), add new section (6), and renumber as needed.

*PURPOSE: This amendment establishes a one (1)-year time period to complete the licensure process. Section (5) is deleted as those requirements are covered in 20 CSR 2263-2.085.*

(1) Application for social work licensure shall be made on the forms provided by the committee. Application forms shall be obtained from the Executive Director, State Committee for Social Workers, PO Box 1335, Jefferson City, MO 65102.

(2) An application for licensure is not considered officially filed with the committee until it has been determined by the committee staff to be complete and the application is submitted on the form(s) provided by the committee. The application shall be typewritten or printed legibly in black ink, signed, notarized, and accompanied by the application fee as set forth in the rules promulgated by the committee.

(3) A separate application for licensure shall be made for each class of license sought.

(4) The following documents shall be on file for an application to be considered complete and officially filed:
- (A) Completed application form, specifying the type of license sought;
- (B) Official transcript(s) sent directly from the educational institution(s);
- (C) Completed Attestation of Supervision form(s) sent directly from the attesting supervisor(s), if applicable;
- (D) Verification of a passing score, as determined by the committee, on the examination administered by the Association of Social Work Boards (ASWB). Verification of score(s) shall be sent directly to the committee office by the ASWB. The required examinations are—
  1. Licensed baccalaureate social worker—bachelors examination;
  2. Licensed baccalaureate social worker independent practice—bachelors examination;
  3. Licensed master social worker—masters examination.
     - A. A clinical examination taken by a person who has registered supervision before April 30, 2010, and has not been issued a provisional licensed clinical social worker license is acceptable;
  4. Licensed advanced macro social worker—advanced generalist examination.

A. An examination taken before the completion of the supervised work experience is not acceptable; and

5. Licensed clinical social worker—clinical examination.

A. An examination taken before the completion of the supervised work experience is not acceptable; and

(E) Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri Highway Patrol or its approved vendor. All fees are nonrefundable.

(F) An applicant for licensure who answers "yes" to any question in the application which relates to possible grounds for denial of licensure under section 337.630, RSMo, shall submit a sworn affidavit setting forth in detail the facts that explain the answer and shall submit copies of appropriate documents related to that answer, if requested by the committee, which shall include but is not limited to the following:

1. Certified copies of final orders/judgments;
2. If no final order—Certified copy of clerk's docket sheet and copy of complaint; and
3. If criminal conviction—A certified copy of final order and sentence or commutation of sentence.

*[(5) A person who has previously held a license as a social worker, whose license had either expired or been revoked, shall submit evidence of competency. Evidence of competency in this case shall be the same as the evidence required of an inactive licensee who desires to return to active status as stated in 20 CSR 2263-2.090.]*

*[(6)]* **(5)** Following the committee's review process, the applicant will be informed by letter of licensure denial. The denial letter will identify the reasons for denial and the appeal process.

**(6) Any applicant for licensure shall complete and officially file the application for licensure within an application window of one (1) year from the date the application is initially submitted to the committee. If an applicant fails to complete all requirements for licensure within the one (1)-year period, then the application shall be deemed void. If the applicant wishes to pursue licensure after the expiration of the application window, the applicant must begin the application process again by submitting a new application and all applicable fees and comply with all other requirements as set forth in this rule for a complete and officially filed application. The applicant may make a written request to the committee to transfer to the new application file the previously submitted transcripts, any still valid test scores, and any other information submitted as part of the application process that is still current and valid. The committee has discretion to determine what portions of the application documents will transfer to the new application**

**and which will not, however, the committee shall not approve the transfer of the results of any background check or fingerprinting requirement to the new application nor shall the committee waive any requirement for payment of any applicable fees for the new application.**

*AUTHORITY: sections 337.600, 337.612, 337.615, 337.627, and 337.630, RSMo Supp. [2010] 2014. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. Amended: Filed Dec. 2, 1991, effective May 14, 1992. Amended: Filed Jan. 11, 1995, effective June 30, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed --------.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately eight dollars and eighty-six cents ($8.86) to nine dollars and fifty cents ($9.50) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed amendment will cost private entities approximately seventy-seven dollars and forty-five cents ($77.45) to one hundred seven dollars and forty-five cents ($107.45) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsw@pr.mo.gov. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**
**Division 2263—State Committee for Social Workers**
**Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2263-2.050 Application for Licensure as a Social Worker.** The committee **is** proposing to delete section (5), renumber as needed, and add new section (6).

*PURPOSE: This amendment establishes a one (1) year time period to complete the licensure process. Section (5) is deleted as those requirements are covered in 20 CSR 2263-2.085.*

(1) Application for social work licensure shall be made on the forms provided by the committee. Application forms shall be obtained from the Executive Director, State Committee for Social Workers, PO Box 1335, Jefferson City, MO 65102.

(2) An application for licensure is not considered officially filed with the committee until it has been determined by the committee staff to be complete and the application is submitted on the form(s) provided by the committee. The application shall be typewritten or printed legibly in black ink, signed, notarized, and accompanied by the application fee as set forth in the rules promulgated by the committee.

(3) A separate application for licensure shall be made for each class of license sought.

(4) The following documents shall be on file for an application to be considered complete and officially filed:
(A) Completed application form, specifying the type of license sought;
(B) Official transcript(s) sent directly from the educational institution(s);
(C) Completed Attestation of Supervision form(s) sent directly from the attesting supervisor(s), if applicable;
(D) Verification of a passing score, as determined by the committee, on the examination administered by the Association of Social Work Boards (ASWB). Verification of score(s) shall be sent directly to the committee office by the ASWB. The required examinations are—
1. Licensed baccalaureate social worker—bachelors examination;
2. Licensed baccalaureate social worker independent practice—bachelors examination;
3. Licensed master social worker—masters examination.
A. A clinical examination taken by a person who has registered supervision before April 30, 2010, and has not been issued a provisional licensed clinical social worker license is acceptable;
4. Licensed advanced macro social worker—advanced generalist examination.

A. An examination taken before the completion of the supervised work experience is not acceptable; and

5. Licensed clinical social worker—clinical examination.

A. An examination taken before the completion of the supervised work experience is not acceptable; and

(E) Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri Highway Patrol or its approved vendor. All fees are nonrefundable.

(F) An applicant for licensure who answers "yes" to any question in the application which relates to possible grounds for denial of licensure under section 337.630, RSMo, shall submit a sworn affidavit setting forth in detail the facts that explain the answer and shall submit copies of appropriate documents related to that answer, if requested by the committee, which shall include but is not limited to the following:

1. Certified copies of final orders/judgments;
2. If no final order—Certified copy of clerk's docket sheet and copy of complaint; and
3. If criminal conviction—A certified copy of final order and sentence or commutation of sentence.

(5) *[A person who has previously held a license as a social worker, whose license had either expired or been revoked, shall submit evidence of competency. Evidence of competency in this case shall be the same as the evidence required of an inactive licensee who desires to return to active status as stated in 20 CSR 2263-2.090.*

*(6)]* Following the committee's review process, the applicant will be informed by letter of licensure denial. The denial letter will identify the reasons for denial and the appeal process.

**(6) Any applicant for licensure shall complete and officially file the application for licensure within an application window of one (1) year from the date the application is initially submitted to the committee. If an applicant fails to complete all requirements for licensure within the one (1) year period, then the application shall be deemed void. If the applicant wishes to pursue licensure after the expiration of the application window, the applicant must begin the application process again by submitting a new application, all applicable fees, and comply with all other requirements as set forth in this rule for a complete and officially filed application. The applicant may make a written request to the committee to transfer to the new application file the previously submitted transcripts, any still valid test scores, and any other information submitted as part of the application process that is still current and valid. The committee has discretion to determine what portions of the application documents will transfer to the new application**

**and which will not, however, the committee shall not approve the transfer of the results of any background check or fingerprinting requirement to the new application nor shall the committee waive any requirement for payment of any applicable fees for the new application.**

*AUTHORITY: sections 337.600, 337.612, 337.615, 337.627, and 337.630, RSMo Supp. [2010] 2014. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. Amended: Filed Dec. 2, 1991, effective May 14, 1992. Amended: Filed Jan. 11, 1995, effective June 30, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed --------.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately eight dollars and eighty-six cents ($8.86) to nine dollars and fifty cents ($9.50) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed amendment will cost private entities approximately seventy-seven dollars ($77) to one hundred seven dollars ($107) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489 or via email at lcsw@pr.mo.gov. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**
**Division 2263—State Committee for Social Workers**
**Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2263-2.060 Licensure by Reciprocity**. The committee is adding new section (3).

*PURPOSE: This amendment establishes a one (1)-year deadline to complete the application process.*

(1) The committee may issue a license by reciprocity to individuals who meet the licensure requirements as set forth in the rules promulgated by the committee and provide the following:
   (A) Completed application for Licensure by Reciprocity form provided by the committee. The application shall state the class of license sought by the applicant;
   (B) A reciprocity application fee as set forth in the rules promulgated by the committee;
   (C) Verification form provided by the committee to be completed by the regulatory entity verifying that the individual holds a valid, unexpired license as a social worker in that state, territory, province, or country whose licensing or certification requirements at the time the application is submitted to the committee are substantially similar to those in Missouri. The applicant has the burden of providing the information necessary for determination of this issue.
      1. The applicant for licensure by reciprocity shall furnish to the committee true and accurate copies of the licensure law from the state in which he/she is licensed and/or certified;
   (D) Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri Highway Patrol or its approved vendor. All fees are nonrefundable.

(2) Following the committee's review process, the applicant for licensure by reciprocity shall be informed by letter that licensure by reciprocity has been denied. The denial letter shall identify the reasons for denial and the appeal process.

**(3) Any applicant for licensure shall complete and officially file the application for licensure within an application window of one (1) year from the date the application is initially submitted to the committee. If an applicant fails to complete all requirements for licensure within the one (1)-year period, then the application shall be deemed void. If the applicant wishes to pursue licensure after the expiration of the application window, the applicant must begin the application process again by submitting a new application and all applicable fees and comply**

**with all other requirements as set forth in this rule for a complete and officially filed application. The applicant may make a written request to the committee to transfer to the new application file the previously submitted transcripts, any still valid test scores, and any other information submitted as part of the application process that is still current and valid. The committee has discretion to determine what portions of the application documents will transfer to the new application and which will not, however, the committee shall not approve the transfer of the results of any background check or fingerprinting requirement to the new application nor shall the committee waive any requirement for payment of any applicable fees for the new application.**

*AUTHORITY: sections 337.600, 337.612, 337.615, 337.627, and 337.630, RSMo Supp. [2009] **2014**. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. Rescinded and readopted: Filed Dec. 30, 1998, effective July 30, 1999. Amended: Filed Nov. 13, 2002, effective June 30, 2003. Amended: Filed March 15, 2004, effective Sept. 30, 2004. Moved to 20 CSR 2263-2.060, effective Aug. 28, 2006. Amended: Filed Dec. 15, 2006, effective June 30, 2007. Amended: Filed Aug. 27, 2009, effective April 30, 2010.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately eight dollars and eighty-six cents ($8.86) to nine dollars and fifty cents ($9.50) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed amendment will cost private entities approximately one hundred seventeen dollars and forty-five cents ($117.45) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsw@pr.mo.gov. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**
**Division 2263—State Committee for Social Workers**
**Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2263-2.082 Continuing Education**. The committee is amending section (2).

*PURPOSE: This amendment adds a continuing education requirement of cultural competence.*

(1) As a condition for renewing a license to practice, all licensed social workers shall be required to have completed thirty (30) clock hours of acceptable continuing professional education courses prior to the renewal of the license.

(2) As part of the thirty (30) continuing education (CE) 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 social work **and complete at least three (3) hours of cultural competence in the practice of social work**.

(3) The committee shall have authority to make exceptions to the continuing professional education requirement for reasons of health, military service, foreign residency, or other good cause.

(4) The overriding consideration in determining whether a specific activity is acceptable is that it shall be a formal curriculum of learning which contributes directly to the advancement, extension, and enhancement of professional skills and scientific knowledge of a licensed individual.

(5) A licensee who becomes licensed during a renewal cycle shall be required to obtain continuing education at the rate computed by the following:
(A)

| REQUIRED CEs* | |
|---|---|
| ISSUE MONTH | CE HOURS NEEDED |
| October | 29 |
| November | 28 |
| December | 26 |
| January | 25 |
| February | 24 |
| March | 23 |
| April | 21 |
| May | 20 |

| | |
|---|---|
| June | 19 |
| July | 18 |
| August | 16 |
| September | 15 |
| October | 14 |
| November | 13 |
| December | 11 |
| January | 10 |
| February | 9 |
| March | 8 |
| April | 6 |
| *This chart pertains to new licensees only. | |
| Formula: Months licensed divided by the number of months in reporting cycle multiplied by total CE hours required for renewal. Total rounded up or down to the nearest whole number: four (4) or less round down; five (5) or more round up. Example: licensed on January 1 of an odd year, reporting cycle is 24 months, 30 hours of CE required. 8 months ÷ 24 months x 30 = 9.9 which rounds up to 10. Licensee must have 10 CE hours to renew. | |

(6) The required continuing education hours may be satisfied through any combination of the following activities:

(A) University or college courses that the licensee successfully completes for credit. Each semester hour credit shall equal fifteen (15) hours of continuing education and each quarter-hour credit shall equal ten (10) hours. Non-credit hours shall be measured in classroom hours;

(B) A maximum of fifteen (15) hours for the completion of self-study programs (i.e., audio or video recordings, electronic, computer, or interactive materials or programs);

(C) Three (3) hours for the publication of an article in a non-peer-reviewed publication;

(D) Five (5) hours for publication of an article in a peer-reviewed professional publication;

(E) Five (5) hours for the publication of one (1) chapter in a social work related professional book;

(F) Ten (10) hours for the publication of an entire book related to the practice of social work;

(G) A maximum of five (5) hours for the initial one (1)-time preparation and presentation of a social work course, seminar, or workshop during a renewal period. Credit for preparation and presentation shall not be granted for repetitious presentations;

(H) A maximum of three (3) hours during a renewal period for supervision performed for any of the following: social work applicants, impaired licensees, licensees under disciplinary sanction, or peer review of another licensee's therapy skills which includes consultation,

conference, and critique; undergraduate and graduate practicum students; or specialty applicants; or

(I) Attending workshops or seminars approved by or sponsored by the following:

1. National Association of Social Workers (NASW);
2. Social service agency and/or organizational staff development unit (i.e., hospitals, nursing homes, residential treatment facility, etc.);
3. Professional associations in the human services including but not limited to the—
   A. American Psychological Association (APA);
   B. Missouri Psychological Association (MOPA);
   C. American Association for Marriage and Family Therapy (AAMFT);
   D. Missouri Association for Marriage and Family Therapy (MAMFT);
   E. American Counseling Association of Missouri (ACAM);
   F. American Counselors Association (ACA);
   G. American Mental Health Counseling Association (AMHCA);
   H. Missouri Mental Health Counseling Association (MMHCA); and
   I. Missouri Society for Clinical Social Workers (MSCSW);
4. Association of Social Work Boards (ASWB) or its successor—Approved Continuing Education (ACE);
5. Accredited college or university; or
6. Continuing education hours used to satisfy the continuing education requirements of another state may be submitted to fulfill the requirements of this state if the other state's continuing education requirements are substantially equal to or greater than the requirements of this state.

(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.

(8) Continuing education activities shall—

(A) Be presented by a qualified individual who is an instructor, consultant, or trainer whose documented background, training, education, or experience is appropriate for leading a discussion on the subject matter;

(B) Specify the level of knowledge participants should have upon entering (basic, intermediate, advanced) and the educational objectives obtained upon completing the activity; and

(C) Provide a mechanism for evaluation by the participants. The evaluation may be completed on-site immediately following the activity or an evaluation questionnaire may be distributed to participants to be completed and returned by mail.

(9) With the exception of any of the previously mentioned organizations in section (6), any other organized group that wants to sponsor a workshop or seminar shall submit an application for approval at least thirty (30) days prior to the date of the program. Applications shall be submitted on forms provided by the committee. The committee shall notify the sponsor in writing of approval or denial. The committee will not consider requests for approval of any

program submitted after it has already been presented.

(10) Once an application for approval of a course has been granted by the committee, reapproval shall not be required for each subsequent presentation of the course so long as it has not changed. If any portion of the course has significantly changed, reapplication must be made.

(11) A licensee shall be responsible for maintaining records of continuing education activities. Each licensee shall retain documentation of the continuing education verified on the renewal form for two (2) years following license renewal. The committee may conduct audits of licensees to verify compliance with the continuing education requirements.

(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. Documentation of continuing education may consist of—

(A) Certificates or affidavits provided by the program/sponsor;

(B) Receipts for fees paid to the sponsor;

(C) Educational transcripts;

(D) Written verification from the university practicum instructor that the licensee provided supervision of undergraduate or graduate students;

(E) Copy of publication and letter from editor/publisher;

(F) A written announcement of a presentation schedule and/or brochure specifically identifying the licensee as the presenter of a course/seminar/program.

(13) Continuing education required by the committee as part of discipline imposed on a licensee shall not count toward compliance with the continuing education requirement of this rule.

*AUTHORITY: section 337.627, RSMo Supp. [2009] 2014. Original rule filed June 25, 2004, effective Dec. 30, 2004. Rescinded and readopted: Filed Jan. 17, 2006, effective July 30, 2006. Moved to 20 CSR 2263-2.082, effective Aug. 28, 2006. For intervening history, please consult the* ***Code of State Regulations****. Amended: Filed --------.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489 or via email at lcsw@pr.mo.gov. To be considered, comments must be received within thirty days after publication of this notice in the* ***Missouri Register****. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**
**Division 2263—State Committee for Social Workers**
**Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2263-2.085 Restoration of License**. The committee is amending sections (1), (2), and (3) and adding section (4).

*PURPOSE: This amendment clarifies the process to restore a license.*

(1) A license that has **been** expired *[may be renewed within]* **for** sixty (60) days *[of the expiration date]* **or less shall be restored** by **submitting**:
(A) *[Submitting a]* **A** completed renewal form;
(B) Proof of satisfaction of the continuing education (CE) requirements;
(C) The renewal fee; and
(D) The delinquency fee.

(2) A license that has been expired more than sixty (60) days but less than two (2) years *[may]* **must** be *[renewed]* **restored** by **submitting**:
(A) *[Submitting a]* **A** completed renewal form;
(B) Proof of satisfaction of the continuing education requirements;
(C) The renewal fee*[,]***;**
**(D)** *[t]***T**he restoration fee; and
*[(D)]* **(E)** Proof of completion of continuing education hours in the current renewal cycle *[in accordance with]* **using** the following **formula**: **Number of months not renewed divided by twenty-four (24), multiplied by thirty (30), and then rounded to the nearest whole number. Total rounded up or down to the nearest whole number: four (4) or less round down; five (5) or more round up. Example: license which has been expired for seven (7) months: 7 ÷ 24 = .29 × 30 = 8.7, rounded up to 9. Nine (9) hours of CE required to renew.**
*[1.*

| *CEs REQUIRED TO RENEW** | |
|---|---|
| *MONTHS NOT RENEWED* | *CE HOURS NEEDED* |
| *1* | *1* |
| *2* | *3* |
| *3* | *4* |
| *4* | *5* |
| *5* | *6* |
| *6* | *8* |

| | |
|---|---|
| *7* | *9* |
| *8* | *10* |
| *9* | *11* |
| *10* | *13* |
| *11* | *14* |
| *12* | *15* |
| *13* | *16* |
| *14* | *18* |
| *15* | *19* |
| *16* | *20* |
| *17* | *21* |
| *18* | *23* |
| *19* | *24* |
| *20* | *25* |
| *21* | *26* |
| *22* | *28* |
| *23* | *29* |
| *24* | *30* |
| **This chart pertains to licensees who failed to renew only.* | |
| *Formula: Number of months not renewed divided by twenty-four (24) multiplied by thirty (30) and then rounded to the nearest whole number. Total rounded up or down to the nearest whole number: four (4) or less round down; five (5) or more round up.*<br>*Example: license which has been expired for seven (7) months. 7/24 = .29 * 30 = 8.7, rounded up to 9. Nine (9) hours of CE required to renew.]* | |

*[2.]* **1.** Proof of the completion of the continuing education hours during the lapse period must be submitted with the application for renewal and the required fees. These hours are in addition to the thirty (30) hours required for renewal of the license.

*[3.]* **2.** The number of continuing education hours completed above the number required in the current renewal cycle can be credited toward the total hours required for the next renewal cycle.

(3) A license that has been expired for two (2) years or more *[may be renewed]* **must be restored** by submitting *[the following]*:

(A) A completed application for licensure, noting the previous license[;], **a request for restoration of license, and one (1) of the following:**

**1. Proof of current qualification for licensure and proof of completion of at least thirty (30) hours of continuing education completed within the two (2) years immediately preceding the application;**

**2. Proof of eligibility for licensure by reciprocity as if the applicant was applying for a new license; or**

**3. Proof of successful completion of any examination required for licensure that has been completed within two (2) years of the date of the request for the restoration of license; and**

*[(B) Proof of current qualification for licensure that is not already in the committee's files (i.e., proof of graduation from an accredited program, completion of examinations, or completion of supervised experience);*

*(C) Proof of completion of no less than thirty (30) hours of continuing education completed within the two (2) years immediately preceding the application, and the prorate hours for the current period calculated as under subsection (2)(A); and]*

*[(D)]* **(B)** The restoration fee.

**(4) To restore a license that has been previously revoked, the applicant must submit the following:**

**(A) An application for licensure requesting reinstatement that contains a statement of the applicant's competency for licensure and rehabilitation from the conduct that was the cause of revocation;**

**(B) Proof of current qualification for licensure and proof of completion of at least thirty (30) hours of continuing education completed within two (2) years immediately preceding the application, or proof of eligibility for licensure by reciprocity as if the applicant was applying for a new license; and**

**(C) Proof of successful completion of any examination required for licensure that has been completed within two (2) years of the date of the request for restoration of license; and**

**(D) The restoration fee.**

*AUTHORITY: sections 337.600, 337.612, 337.618, 337.627, 337.630, and 337.662, RSMo Supp. [2009] **2014**. Original rule filed Dec. 30, 1998, effective July 30, 1999. Amended: Filed March 15, 2004, effective Sept. 30, 2004. Moved to 20 CSR 2263-2.085, effective Aug. 28, 2006. For intervening history, please consult the **Code of State Regulations**. Amended: Filed ---------*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately eight dollars and eighty-six cents ($8.86) to nine dollars and fifty cents ($9.50) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed amendment will cost private entities approximately one hundred seventy-four dollars and forty-five cents ($174.45) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsw@pr.mo.gov. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**
**Division 2263—State Committee for Social Workers**
**Chapter 3—Ethical Standards/Disciplinary Rules**

## PROPOSED AMENDMENT

**20 CSR 2263-3.040 Client Relationships.** The committee is proposing to amend subsections (11)(E) through (11)(G).

*PURPOSE: This amendment removes the requirement for a supervisor to co-sign all clinical records.*

(1) A member of the profession shall not enter into or continue a dual or multiple relationship, including social relationship, business relationship, or sexual relationship, as defined by the committee, with a current client or with a person to whom the member has at any time rendered psychotherapy (clinical social work) or other professional social work services for the treatment or amelioration of mental and emotional conditions. Business relationships do not include purchases made by the member from the client when the client is providing necessary goods or services to the general public, and the member determines that it is not possible or reasonable to obtain the necessary goods or services from another provider.

(2) A member of the profession shall be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment.

(3) A member of the profession should make clear to clients the purposes, goals, techniques, rules of procedure, and limitations that may affect the professional relationship at or before the time that it is begun. A member of the profession shall not provide professional services to clients without being able to justify the basis upon which those services are rendered.

(4) A member of the profession should be aware of his/her own mental health and emotional stability and the effect those have on his/her ability to provide appropriate services to clients. A member of the profession shall not undertake or continue a professional relationship with a client when the competency of the member is or reasonably could be expected to be impaired due to mental, emotional, physiologic, pharmacologic, or substance abuse conditions. If that condition develops after a professional relationship has been initiated, the member shall notify the client in writing of the termination of services and shall assist the client in obtaining services from another professional.

(5) A member of the profession shall not undertake and/or continue a professional relationship with a client when the objectivity or competency of the member is, or

reasonably could be expected to be, impaired because of present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative, or legal relationship with the client. If that dual relationship develops or is discovered after the professional relationship has been initiated, the member of the profession shall terminate the professional relationship in an appropriate manner, shall notify the client in writing of this termination, and shall assist the client in obtaining services from another professional.

(6) A member of the profession should be knowledgeable about the services available in the community and make appropriate referrals for their clients. When a member of the profession has a relationship, particularly of an administrative, supervisory, and/or evaluative nature, with an individual seeking counseling services, the licensed social worker, provisional member shall not serve as the practitioner for such individual but shall refer the individual to another professional.

(7) A member of the profession must inform clients about electronic recording of sessions, how such sessions will be used, and provide specific information about any specialized or experimental activities in which they may be expected to participate as a condition of service.

(8) A member of the profession shall terminate a professional relationship when it is reasonably clear that the client is not benefiting from the relationship or when the service has been satisfactorily rendered.

(9) A member of the profession shall protect clients against physical threats, intimidation, and coercion in the provision of social services insofar as is reasonably possible.

(10) A member of the profession shall not attempt any intervention unless thoroughly trained in its use or under the supervision of an expert.

(11) A member of the profession rendering services to a client shall maintain professional records that include:

(A) The presenting problem(s), assessment, plan of action, and progress notes;
(B) The fee arrangement;
(C) The date and substance of each contact with the client;
(D) Notation and results of formal consults with other providers;
(E) A copy of all evaluative reports prepared or received as a part of the professional relationship; **and**
(F) A copy of a written communication with the client identifying the date and reason for termination of professional service if the licensed social worker is in private practice*[; and*
*(G) The clinical records of a member of the profession who is under supervision shall be co-signed by the supervisor]*.

(12) For the purpose of these rules, the licensed social worker and temporary permit holder shall assure that professional records are maintained for at least five (5) years after the date of service is terminated.

(13) A member of the profession shall not falsify or permit the unauthorized destruction of client records.

*AUTHORITY: sections 337.600, 337.615, 337.627, and 337.630, RSMo Supp. 2009.* This rule originally filed as 4 CSR 263-3.040. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. Rescinded and readopted: Filed Dec. 30, 1998, effective July 30, 1999. Amended: Filed March 15, 2004, effective Sept. 30, 2004. Moved to 20 CSR 2263-3.040, effective Aug. 28, 2006. For intervening history, please consult the Code of State Regulations. Amended: Filed _____.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489 or via email at lcsw@pr.mo.gov. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*