



North Carolina Social Work Certification and Licensure Board Ethics Case Presentation

First complaint (399)

- December 2006 – The Board initiated a complaint based on anonymous allegations that the social worker operated a clinic where:
 1. She billed for services provided by six others of various disciplines, including a P-LCSW (provisional licensed clinical social worker).
 2. Supervision was lax.
 3. Billing was inaccurate, miscoded, and excessive.

Social worker's background

- The social worker is a grandfathered (not MSW) social worker who started the agency following the unexpected death of her employer, in part for the purpose of maintaining services to his clients.

Investigation

- Social worker asserted that she contacted two regulatory boards to inquire about billing practices but did not follow through to obtain a competent opinion to address billing or other operational concerns.
- Social worker asserted she contacted local management entities and was told she was billing correctly for the P-LCSW.

Investigation

- She hired independent billing contractors, and most of her clinicians were clinically supervised by others.
- When she learned that she had improperly billed, she did not report the errors at that time to the appropriate authority as required.

Investigation

- Clinical and administrative records were ordered and reviewed.
- Investigation found:
 1. The social worker failed to adequately review billing submitted under her name, and her company billed Medicaid for services under her name rather than under the name of the P-LCSW who provided services.
 2. Instances in which chart numbers on progress notes did not match billing records.
 3. Considerable variation in listing of the P-LCSW credential.

Investigation

4. Two diagnostic assessments from the P-LCSW had countersignatures by the P-LCSW's supervisor dated significantly later.
5. The father of a former, minor client of the Respondent was employed by the contractor who managed the Respondent's billing.

Resolution process

- March 2008 – Subcommittee of two Board members attempted resolution by Consent Order.
- Social worker obtained first counsel.
- Negotiations ensued between parties through counsels.

Resolution of the first complaint

- October 2008 – by Consent Order
 1. Stayed suspension – probation for at least two years
 2. Clinical supervision
 3. Administrative supervision, including chart review, staffing patterns, procedures, billing
 4. Continuing education in boundaries
 5. Can't supervise P-LCSWs

Second complaint (527)

- May 2009 – Anonymous complaint received.
- June 2009 – Social worker's response received.
- Complaint was investigated.
- Case eventually closed as unsubstantiated.

Third complaint (567)

- October 2009 – Anonymous complaint received.
- November 2009 – Social worker's response received.
- Complaint was investigated.
- Case eventually closed as unsubstantiated.

Fourth complaint (580)

- November 2009 – Anonymous complaint received.
- December 2009 – Social worker's response received.
- Complaint was investigated.
- Case was heard (12/02/11) and closed as unsubstantiated.

Fifth complaint (583)

- December 2009 – Board received a **signed** complaint.
- January 2010 – Board sent the complaint with a records order to the social worker.
- Social worker did not produce the records as ordered.
- February 2010 – Social worker's response received.
- Case assigned for investigation.

Fifth complaint (583) continued

- April 2010 – Investigator did an onsite, random records review. (It is atypical to do onsite reviews.)
- Investigator also gathered additional information, including compliance with probationary terms.
- Continued monitoring or compliance with the Consent Order.
- Investigation found evidence of violations.

Resolution phase

- November 2010 – Board issued a Show Cause Notice of Hearing and a proposed Consent Order.
- Board received a request for a continuance – granted.
- Board continued to monitor social worker's compliance with the Consent Order.

Resolution phase

- January 2011 – Board received a second request for a continuance until June 2011 – granted.
- Monitoring continued.
- Board received interrogatories.

Resolution phase

- May 2011 – Board received a third request for continuance to allow for deposition of investigator – granted.
- Continued to December 2011.
- Notice of deposition issued to investigator.
- July 2011 – Investigator deposed for approximately six hours.

Hearing

- December 2011 – Board heard the cases.
- Tension-filled questioning of investigator by social worker's counsel was more of an interrogation. Testimony included review of records deficits.
- Social worker's supervisor testified for the social worker.
- Witnesses testified on behalf of the Board and on behalf of the social worker.

Hearing

- No evidence to substantiate violations in cases 527, 567.
- Board found violations [N.C. Gen. Stat. 90B-11(a)(7); 90B-6(i), and 21 NC Admin. Code 63 .0601(3)] for delay beyond the 30-day limit in providing records to the Board.
- Insufficient evidence to support other violations.
- Board issued a (nondisciplinary) Letter of Concern.
- Board restored license to good standing.

Useful observations

1. Although the subcommittee and staff were confident of continuing violations based on ongoing and evolving evidence at the time, the passage of time and the evolving testimony by the supervisor of the social worker's progress determined the outcome. The outcome could have been different if the case had been heard earlier.

Useful observations

2. A **painful** lesson learned in the need to equip investigators with the necessary skills when being deposed or examined by an aggressive counsel.
3. Board membership changed during the course of these events, with newer members not having the collective interpretive history.

Discussion

Thank you