

ASSOCIATION OF SOCIAL WORK BOARDS

Rebuilding:
Post-Disciplinary Consequences

Sunday, May 11, 2014
8:30 am – 10:30 am

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 - MACTE
 - JRCERT
 - FARB
 - NMTCB
 - OTHERS.....

Objectives

- Rebuilding: Post-Disciplinary Consequences
 - *The participant will gain knowledge related to the pros and cons of disciplinary decisions and enforcement, including request for expungement and reinstatement.*

Agenda

- Where have we been?
- What do we look to accomplish?
- Where are we going?

Where have we been?

- Complaint
- Consent order or administrative prosecution with final adverse action
- Finding(s) of wrongdoing
- Sanction
- No appeal or affirmation by judiciary

Elements of a final order....

- *Essential to the authority of the board to enforce the sanctions...*
- Elements
 - Findings of fact
 - Conclusions of law
 - Burden of proof
 - ***Sanctions, with specificity***
 - ***Reinstatement rights, if any***
 - Publicity
 - Right to appeal

Elements of a final order....

- ***Sanctions, with specificity***
- ***Reinstatement rights, if any***
- **It is imperative that these elements be specified.**
- ***The key to post-discipline success is to appropriately draft the order determining the sanctions in the first place and the consequences of compliance and noncompliance....***

Examples of sanctions.....

- Speak up.....

Examples of sanctions.....

- Final orders...what can be included???

Examples of sanctions.....

- Reprimand
- Censure
- Letter of admonition
- Probation
- Restriction
- Limit
- Suspension
- Revocation
- Others.....

What do we intend to accomplish???

- Why does the board administratively prosecute individuals?
 - Anyone.....
- What are the consequences of not accomplishing what is intended?
 - Anyone.....

Missouri Division of Professional Registration: **Committee for Social Workers**

Mission Statement

- The mission of the State Committee for Social Workers is to protect the citizens of the state through the licensing of social workers and assessing their competence to practice. It is also the Committee's duty to investigate all complaints against its licensees in a fair and equitable manner.

From:..... <http://pr.mo.gov/socialworkers-mission-statement.asp>

What do we intend to accomplish???

- Examples.....
 - Anyone....

What do we intend to accomplish???

- Examples.....
 - Tynes Settlement Agreement (Aug 2013)
 - **Respondent, a licensed clinical social worker, is hereby publicly CENSURED by the committee.**
 - **Additional terms of settlement agreement**
 - Joint work product
 - Contractually enforceable
 - Each party pays its own fees
 - Respondent waives and releases committee

What do we intend to accomplish???

- Examples.....
 - Caumartin Final Order (December 2013)
 - Committee ordered that the clinical social worker license **..is hereby SUSPENDED until Respondent “meets all of the requirements of the November 20, 2012, Settlement Agreement regarding supervision and the psychosocial assessment, for a period not to exceed three (3) years.”**
 - Upon a lifting of the suspension, **Respondent shall be placed on probation for the full three (3) years** ordered in the November 20, 2012, Settlement Agreement.

What do we intend to accomplish???

- Examples.....
 - Caumartin Final Order (January 2013)
 - **Additional terms and conditions of final order**
 - Comply with the law
 - Submit quarterly reports
 - ***Renew and maintain licensure status in good standing***
 - ***Failure to comply with terms and conditions shall constitute violation of order***

What do we intend to accomplish???

- Examples.....
 - Schilling Final Order (January 2013)
 - Committee ordered that the clinical social worker license of Respondent is **“hereby placed on PROBATION for a period of one (1) year, beginning with the effective date of this Order...”**
 - **Additional terms of order**
 - Work under supervision
 - Submit quarterly reports
 - ***Failure to comply with terms and conditions shall constitute violation of order***

What do we intend to accomplish???

- Examples.....
 - Ali Final Order (December 2013)
 - “...it is the Order of the Committee that the clinical social worker license of [Respondent] is hereby **REVOKED.**”

Where are we going?????

- Consequences of disciplinary actions...

Now what?????

- **P**ublic protection.....it's all about ***public protection***
- **U**nderscore.....board responsibilities
- **B**rand.....board and what it does
- **L**itigate.....where necessary to make a point
- **I**lluminateshare with the public
- **C**onsequences.....of failure to comply

Now what?????

- How does a board enforce the terms of the final order/consent agreement? What do you do??
- Consequences of noncompliance
- Questions to ponder...and answer!!!

Question #1

- What does the board do to enforce its final adverse actions/consent orders?

Question #2

- Do suspended licensees have to come before the board and petition to have practice rights/privileges restored?

Question #3

- What does your board do when a sanctioned licensee comes up for renewal?
- More specific...a suspended licensee comes up for renewal...how is this handled?

Question #4

- Do revoked licensees have the right to petition for reinstatement? Tell us about the process. Do they have a right to a hearing?

Cases as examples

- Separate handout.

Thank you.....

- Additional Questions...