

**BEFORE THE WEST VIRGINIA BOARD OF SOCIAL WORK EXAMINERS**

**WEST VIRGINIA BOARD OF SOCIAL  
WORK EXAMINERS,**

**Complainant,**

**v.**

**Case No. 507SC-0806**

**SAMANTHA CUSHARD, RESPONDENT  
Licensed Social Worker Number: AP00942884**

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**CONSENT AGREEMENT AND ORDER**

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After due investigation of information received regarding possible statutory and rule violations, the West Virginia Board of Social Work Examiners (hereinafter "Board") determined that there was probable cause to believe that Samantha Cushard (hereinafter "Respondent") has exhibited unprofessional and unethical conduct in the practice of social work, in violation of the provisions of W. Va. Code § 30-30-1 *et seq.* and the Rules of the Board, 25 C.S.R. § 1 *et seq.* The Respondent was provided with written notice of the allegations against her pursuant to the rules of the Board and the laws of this State. Now, in lieu of hearing, the parties agree to entry of the following Order in disposition of this matter.

**FINDINGS OF FACT**

The Board adopts the following findings in this matter:

1. That the Board is a State entity created by W. Va. Code § 30-30-1 *et seq.* and is empowered to regulate the practice of social work.

2. That the Respondent, Samantha Cushard, is a licensee of the Board, possessing License No. AP00942884, and is therefore subject to the license requirements of said Board.

3. That the Board is empowered to investigate allegations of unprofessional or unethical conduct and to suspend, restrict, revoke or refuse to issue a license to practice social work under the authority granted to it by W. Va. Code § 30-30-1 *et seq.*

4. That Respondent was employed by Timberline, Inc. from approximately June 2005 through October 2005, and at the time of this employment held a provisional social work permit while awaiting examination. The Respondent's provisional social work permit expired on October 31, 2005 for failure to sit for the licensing examination. However, the Respondent reapplied in March 2007 to the Board having successfully passed the licensing examination and obtained a social work license. At this time she gained employment as a social worker at the West Virginia Department of Health and Human Resources (hereinafter "WVDHHR").

5. That in May 2007, the Board received a complaint from WVDHHR that the Respondent had been involved in a sexual relationship with a client, and that the Respondent misrepresented herself while attempting to obtain information on a juvenile residing at a shelter.

6. That upon investigation, it was discovered that the Respondent had engaged in a sexual relationship with an individual who was a client at Timberline, Inc. beginning in June 2005. The sexual relationship lasted during and after her period of employment with Timberline, Inc. The Respondent continued to see this individual until May 2007, and actually resided with him from May 2006 until April 2007.

7. That the Respondent's previous employer, Timberline, Inc., seemed to be unaware of the Respondent's relationship with a client, and the Respondent never revealed this information to WVDHHR.

8. That the Respondent attempted to gain information about a juvenile resident at a shelter for her former client with whom she had engaged in a sexual relationship. Moreover, in attempting to obtain the information she misrepresented herself and what she was doing at the shelter, and further attempted to gain the information by using her position with WVDHHR.

9. That the Board conducted an investigation, during which time the Complainant, the Respondent and other relevant parties were interviewed and various documents relevant to the complaint were obtained and reviewed.

10. That during the Board's investigation, the Respondent admitted that all the allegations as stated by WVDHHR were true. Respondent stated she, "became sexually involved with [the client]." Moreover, the Respondent stated "[t]he misrepresentation allegations are true everything about that was written on how it happened." See Respondent's Response.

11. That the Board's assigned complaint investigator did review all the information obtained during the investigation and based upon that review, did make a recommendation to the Board for a finding of probable cause.

12. That the Respondent's actions constitute a violation of the current Code of Ethics adopted by the Board, the Board's governing practice act, and that this violation of

the Code of Ethics may be grounds for disciplinary action by the Board pursuant to W. Va. Code § 30-30-7 and 25 C.S.R. § 1-4.2.

13. That the Board did meet and made a finding of probable cause for a violation of the National Association of Social Workers Code of Ethics at 1.06, 1.07, 1.09, 4.03, 4.04, 4.06, and 5.01.

### **CONCLUSIONS OF LAW**

1. That the Board has jurisdiction to take disciplinary action against Respondent.

2. That based upon the allegations of unprofessional or unethical conduct set out above in the *Findings of Fact* section, the Board is authorized to suspend, revoke or otherwise restrict the license of the Respondent to practice social work, pursuant to W. Va. Code § 30-30-7.

3. That the Board has adopted the National Association of Social Workers Code of Ethics as its Code of Ethics pursuant to 25 C.S.R. § 1-4.1 and has defined professional negligence to include a licensed social worker's failure to comply with the Code of Ethics. Violations of this Code may be grounds for disciplinary action by the Board pursuant to 25 C.S.R. § 1-4.2.

### **CONSENT OF LICENSEE**

I, Samantha Cushard, by affixing my signature hereto, acknowledge the following:

1. That I have had the opportunity to consult with counsel and execute this Consent Agreement voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.

2. That no person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth herein.

3. That I acknowledge that I am aware that I may pursue this matter through appropriate administrative and/or court proceedings, and I am aware of my legal rights, including my right to a public hearing pursuant to W. Va. Code § 30-1-8(e), regarding this matter, but intelligently, knowingly and voluntarily waive such rights.

4. That I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.

5. That I admit that my actions were illegal, unprofessional and unethical and a violation of the statute and rules of the Board.

The Respondent, Samantha Cushard, by affixing her signature hereon, agrees to the following:

### **ORDER**

On the basis of the foregoing, the Board does hereby ORDER and DECREE that:

1. The Board does hereby REVOKE the license of Samantha Cushard, License No. AP00942884, to practice social work in the state of West Virginia.

2. The Board is bound by agreement and by law to report the results of all disciplinary actions, including the instant matter, for posting in the Health Integrity Practitioners Data Bank through the Association of Social Work Boards.

3. That this document is a public record as defined in W. Va. Code § 29B-1-2(4).

4. This *Consent Agreement and Order* constitutes the entire agreement between the parties.

5. The Respondent, Samantha Cushard, shall return all licenses to the Board office **within ten days** from entry of this *Consent Agreement and Order* if she has not done so already.

WEST VIRGINIA BOARD OF  
SOCIAL WORK EXAMINERS

By: *Rita Brown*  
Rita Brown, Chairperson

Entered: 1-31-2008  
DATE

☒ Agreed to by: *Samantha Cushard*  
Samantha Cushard, Respondent

Sworn and subscribed before me this 14 day of Jan, 2007.  
My Commission expires: 12/29/14

*Robert Darrell Helton*  
Notary Public

