

BEFORE THE WEST VIRGINIA BOARD OF SOCIAL WORK EXAMINERS

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

Complainant,

v.

Case No.: JB06004

**JULIE A. BARTHELMESS,
Licensed Social Worker
License Number: AP00452925,**

Respondent.

CONSENT AGREEMENT AND ORDER

After due investigation of a written complaint, the West Virginia Board of Social Work Examiners (hereinafter "Board") determined that there was probable cause to believe that Julie A. Barthelmess (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 and this matter was scheduled for hearing, pursuant to the rules of the Board and the laws of this State.

Now, in lieu of hearing, the parties have reached an agreement for the resolution of Case Number JB06004 and 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, Julie A. Barthelmess, is a licensee of the Board, possessing License No. AP00452925, 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, at all times material hereto, employed as a counselor with the Huntington Mental Health Associates.
5. That in August of 2005 the Board received correspondence from Respondent admitting to illegal and unethical conduct. Said correspondence included an admission of theft of prescription pads belonging to Dr. Carol Klein, the forging of Dr. Klein's signature on the prescription pads for prescriptions written in Respondent's name and in her son's name, the filling of those prescriptions, and the abuse of the prescription medication, Adderall.
6. That in September of 2005 the Board received a Complaint against Respondent, relating to the admission made by Respondent in her August correspondence to the Board.

7. That in October of 2005 the Board received a second complaint against Respondent, again relating to the admissions made by Respondent in her August correspondence to the Board.

8. That between August of 2005 and October of 2005, the Board conducted an investigation, during which time the Complainants, the Respondent and other relevant parties were interviewed and various documents relevant to the complaints were obtained.

9. 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.

10. That the Respondent's actions constitute multiple violations of the current Code of Ethics adopted by the Board, and that these violations of this Code may be grounds for disciplinary action by the Board pursuant to 25 C.S.R. § 1-4.2.

11. That the Board, by vote at its November 10, 2005 meeting, made a finding of probable cause for multiple violations of the National Association of Social Workers Code of Ethics.

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(a)(1).

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.

4. That in December of 2005 the Board issued a Notice of Hearing and Complaint to the Respondent. This matter was scheduled for hearing on February 21, 2006, at 10:00am.

CONSENT OF LICENSEE

I, Julie A. Barthelmess, 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 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 Rules of the Board.

The Respondent, Julie A. Barthelmess, 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. Respondent's license is hereby suspended for a period of six (6) months effective upon the signature date of the agreement hereto.

2. During this six (6) month period of suspension the Respondent must complete the following requirements:

a. Respondent shall submit to monthly drug-screening tests, and additionally the Respondent shall submit to unannounced, witnessed drug-screening tests. Said tests shall be on demand and to the specifications of the Board, the Respondent shall complete the necessary releases in order to ensure that the Board will directly receive a copy of the drug screen results, and at the Respondent's expense. Receipt of a positive drug screen is deemed to be a violation of this Settlement Agreement and Order and shall result in a revocation of Respondent's license.

b. Respondent shall participate and continue in a drug rehabilitation/treatment program. Respondent shall complete the necessary releases in order to ensure that the Board will directly receive monthly progress reports. Moreover, the Respondent shall bear the expense.

c. Respondent shall be required to complete six (6) contact hours of Board approved continuing education in professional and social work ethics that is in addition to the standard requirement of fifty (50) contact hours that a licensee must complete for license renewal.

3. Provided that Respondent successfully completes these aforementioned requirements during her suspension period she may have her license reinstated. However, the Respondent will be placed on probation for a period of five (5) years during which time Respondent shall complete the following requirements:

a. Respondent shall continue in therapy under the same conditions as agreed to pursuant to section 2.b. of this *Consent Agreement and Order*. If the Respondent is discharged from therapy during her five (5) year period of probation, Respondent shall cause a final report be forwarded directly to the Board.

b. Respondent shall continue with the regime of drug screening pursuant to the conditions as outlined in section 2.a. of this *Consent Agreement and Order*.

c. Respondent shall be under the supervision of a licensed social worker that is approved by the Board. The licensed social worker does not need to be physically on-site at the Respondent's work location. Respondent shall inform all her clients that her work is being supervised by the Board approved licensed social worker, and Respondent shall obtain the necessary release that will permit this

licensed Board approved social worker to review any and all files necessary. Quarterly reports shall be submitted by the supervisor social worker, of the monthly meetings between her/him and the Respondent, directly to the Board, and shall continue during this probationary period or until such time that the Board determines otherwise.

d. Respondent shall submit a complete list of all prescribed medications by a health care professional in a timely manner if requested by the Board.

4. That Respondent shall reimburse the Board for all of the administrative and legal expenses incurred by the Board in the investigation and disposition of this case. This reimbursement shall be paid within a two (2) year period beginning from the effective date of the probationary period.

5. Respondent agrees and understands that a felony conviction shall result in a revocation of Respondent's license.

6. 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.

7. That this document is a public record as defined in W. Va. Code § 29-1-2(4).7.

8. This *Consent Agreement and Order* constitutes the entire agreement between the parties. This *Consent Agreement and Order* is a settlement of two complaints the Board received concerning Respondent forging prescriptions and engaging in prescription drug abuse. Respondent admits to forging prescriptions and engaging in prescription drug abuse up through August 2005. This *Consent Agreement and Order* only resolves allegations up

through August 2005. Respondent expressly acknowledges and agrees that any violations that may have occurred after August 2005 are not covered by this Settlement Agreement.

In recognition of this Agreement and these terms, we hereby affix our signatures.

WEST VIRGINIA BOARD OF
SOCIAL WORK EXAMINERS

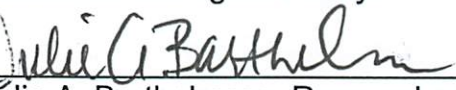
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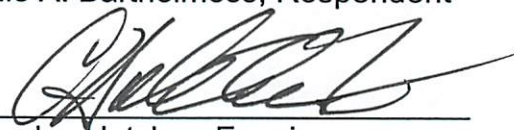

Rita Brown, Chairperson

Entered:

2-16-06
DATE

Reviewed and agreed to by:


Julie A. Barthelmess, Respondent


Charles Hatcher, Esquire
Attorney for Respondent

2-16-06
DATE