

Before the West Virginia Board of Social Work

W. Va. Board of Social Work,

Complainant,

v.

Case No. 201820JB

Julie Blair,

Respondent.

Final Decision and Order

In order to carry out its regulatory duties, the West Virginia Board of Social Work ("Board") is empowered to suspend, revoke, or otherwise discipline an individual's social work license if the person engaged in unprofessional and/or unethical conduct in violation of applicable statutes, rules, or ethical principles or standards. See W. Va. Code § 30-30-5; See W. Va. Code R. § 25-6-4 *et seq.*

On October 17, 2019, the Board met and considered its designated Hearing Examiner's Findings of Fact, Conclusions of Law and Recommended Order submitted September 10, 2019. After considering the Hearing Examiner's Findings of Fact, Conclusions of Law and Recommended Order, and the underlying record adduced in this matter, the Board voted to adopt and accept the Hearing Examiner's Findings of Fact, Conclusions of Law and Recommended Order.

Wherefore, having adopted and accepted the Hearing Examiner's Findings of Fact, Conclusions of Law and Recommended Order, its contents are hereby incorporated in their entirety by reference in this Final Decision and Order. A copy of the same is attached to this Final Decision and Order.

1. Accordingly, it is ORDERED the Hearing Examiner's Findings of Fact, Conclusions of Law and Recommended Order submitted September 10, 2019, is adopted and accepted.

2. It is ORDERED the Board has lawful authority to take disciplinary action against the Respondent, Julie Blair, License No.201820JB, insofar as the Hearing Examiner found that the Board proved by a preponderance of the evidence, through consistent, reliable, and credible witnesses, testimony, and documentation that Respondent, in the course of her employment, attempted to trade prescription drugs for marijuana with a patient/client.

3. The Hearing Examiner concluded that Respondent was timely and properly served with the Complaint and Notice of Hearing. The Board was within its authority to proceed with the disciplinary hearing despite Respondent's failure to appear.

4. The Hearing Examiner concluded that Respondent engaged in unprofessional or unethical practices and acts and failed to comply with applicable laws, rules, regulations or codes of conduct pertaining to licensed social workers in West Virginia.

5. The Hearing Examiner further concluded that the conduct of the Respondent constituted grounds for disciplinary action pursuant to W. Va. Code § 30-1-8; W. Va. Code § 30-30-26; W. Va. Code R. § 25-1-4.3; W. Va. Code R. § 25-6-1 *et seq.*; and the Code of Ethics of the National Association of Social Workers ("NASW Code of Ethics").

6. Therefore, it is ORDERED Respondent's social work license shall be revoked immediately.

7. Beginning on the date of execution of this Final Decision and Order, Respondent shall be prohibited from seeking reinstatement of her social work license for a period of (5) years.

8. The Respondent shall notify the Board in writing if she seeks to apply for reinstatement at the end of the five (5) year revocation period.

9. Should Respondent seek reinstatement, she shall produce at her own expense a medical opinion from a Board-approved behavioral health provider that she is fit to engage in the practice of social work. The medical opinion, at minimum, shall confirm that Respondent has undergone substance use treatment and aftercare.

10. Should Respondent's social work license be reinstated after the revocation period, she shall be placed on probation for a period of two (2) years. During this period of probation, and at her own expense, Respondent shall practice social work only under the direct supervision of a Board-approved licensed social worker who shall cosign all work completed by Respondent. The parties shall execute a supervisory agreement outlining the terms of supervision prior to initiation of such supervision.

11. The Board shall report this matter to the Disciplinary Action Reporting System (DARS) who is the agent for West Virginia in reporting matters to the Health Integrity Practitioner's Data Bank (HIPDB) as set forth in Federal Law; or other recognized national and state disciplinary action reporting organization, licensing agency, professional association or society, community organization, employers of social workers, the public, or other agencies, institutions, and organizations.

12. It is ORDERED Respondent shall reimburse the Board for administrative costs in the investigation and disposition of this matter, which includes the cost of the hearing examiner, court reporter, and hearing transcript. Such costs shall be paid to the Board within 90 days of the issuance of an invoice by the Board.

Pursuant to W. Va. Codes §§ 30-30-28 and 29A-5-4, any party adversely affected by this Final Decision and Order has the right to appeal it by a filing a petition for appeal in either the Circuit Court of Kanawha County or in the circuit court in the county in which the party resides or does business. Such appeal must be filed within 30 days of the date the party receives this Final Decision and Order.

ENTERED THIS 22 DAY OF October, 2019.



Rita M. Brown, Chairperson
West Virginia Board of Social Work

BEFORE THE WEST VIRGINIA BOARD OF SOCIAL WORK**W. Va. Board of Social Work,****Complainant,****vs.****Case No. 201820JB****Julie Blair****Respondent.**

**HEARING EXAMINER'S FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND RECOMMENDED ORDER**

This matter came on for evidentiary hearing on the 18th day of June, 2019, before Jack C. McClung, Hearing Examiner, pursuant to a Complaint And Notice of Hearing dated May 10, 2019.

Complainant West Virginia Board of Social Work (hereinafter "Complainant" or "Board") appeared by its counsel, Mark S. Weiler, Assistant Attorney General. Also present was Vickie James, Executive Director, and Kate Carter, Administrative Assistant, of the Complainant Board.

Respondent Julie Blair (hereinafter "Respondent" or "Blair") failed to appear by counsel or in person.

At the hearing of this matter, the Board presented the testimony of Stephanie McCloud, Director of Outpatient Services at Ohio Valley Physicians, and Vickie James, Executive Director of the Board, in support of its complaint against Respondent Blair.

All witnesses were sworn, exhibits (Exhibits 1 - 5 for the Board) were received into evidence, the hearing was recorded electronically, and a transcript prepared and distributed to the parties appearing at hearing.

After a review of the record and exhibits admitted into evidence at the hearing of this matter,

after assessing the credibility of all testimony of witnesses of record and weighing the evidence in consideration of the findings as to credibility, and after consideration of the proposed findings of fact and conclusions of law as were filed by the parties, the undersigned hearing examiner makes the following findings of fact, conclusions of law, and proposed order.

To the extent that these findings and conclusions are inconsistent with any proposed findings of fact and conclusions of law submitted by a party, the same are rejected by the hearing examiner. Conversely, to the extent that these findings and conclusions are generally consistent with any proposed findings of fact and conclusions of law submitted by the parties, the same are accepted and adopted. To the extent that the testimony of any witness is not in accordance with these Findings and Conclusions, such testimony is not credited. Any proposed finding of fact, conclusion of law, or argument proposed or submitted by a party but omitted herein is deemed irrelevant or unnecessary to the determination of the material issues in this matter.

CREDIBILITY OF WITNESSES, TESTIMONY, AND EXHIBITS

The hearing examiner was and is satisfied that all records and documents entered as exhibits are complete, authentic and valid, and that they were entered with the proper evidentiary foundations.

The hearing examiner was and is satisfied that the witnesses brought on by the parties were credible and truthful except as may be noted below. Neither the demeanor of the witnesses nor the substance of any testimony suggested any inconsistency, conflict, or ulterior motive except as may be noted below.

STATEMENT OF FACTS

1. Complainant Board is a statutorily created regulatory body whose mission is to protect the public through the regulation of the practice of social work in this State. W. Va. Code § 30-30-1 et seq.

2. Respondent, at all times relevant to this matter, was a licensed social worker in the State of West Virginia, License No. BP00943378, and is subject to the jurisdiction and authority of the Board and applicable licensing requirements and code of ethics.

3. During the relevant time period, Respondent was employed by Ohio Valley Physicians ("OVP") as an addiction counselor, working in Ravenswood, West Virginia, at one of OVP's outpatient clinics.

4. On or about September 17, 2018, a complaint was filed with the Board by Stephanie McCloud, OVP's Director of Outpatient Services, concerning Respondent's behavior with an OVP client or patient. *See* Board Exhibit 1.

5. Ms. McCloud was concerned that Respondent was engaged in conduct that potentially compromised the safety of a client, as well as her credibility as a licensed social worker.

6. Specifically, it was reported on or about September 7, 2018, to Ms. McCloud that Respondent had contacted one of her addiction clients about obtaining marijuana, and that Respondent had offered to trade prescription drugs (Klonopin) for marijuana. *See* Board Exhibit 1 at Stephanie McCloud Memorandum dated September 13, 2018.

7. On Sunday, September 9, 2018, OVP contacted Respondent and instructed her not to come to work the next day as the allegation needed to be investigated. *Id.*

8. On Monday, September 10, 2018, Respondent resigned her employment. *See* Board Exhibit 1 at Julie Blair's Resignation Email and Stephanie McCloud Memorandum dated September 13, 2018.

9. Respondent stated to Ms. McCloud, she had made some big mistakes and needed help.

10. On or about Tuesday, September 11, 2018, the OVP client provided a written

statement alleging that on multiple occasions, beginning in March 2018, he provided Respondent with marijuana; that over a several month period, Respondent often called or texted him seeking marijuana; and that he eventually blocked Respondent's number and asked OVP for a different addiction counselor. *See* Board Exhibit 1 at OVP Client's Written Statement.

11. Ms. McCloud, as OVP's Director of Outpatient Services, was concerned Respondent engaged in conduct that potentially compromised the safety of addiction clients, as well as Respondent's credibility as a licensed social worker. She believed Respondent violated sections of the NASW Code of Ethics, being the the Code of Ethics of the National Association of Social Workers, hereinafter "the NASW Code of Ethics", as well as OVP's employee policies, and that such behavior would negatively impact patient care.

12. On or about September 18, 2018, the Board forwarded OVP's complaint -to Respondent and requested a written response to the allegations. *See* Board Exhibit 3.

13. On or about October 26, 2018, the Board sent a follow-up letter to Respondent due to her failure to respond. Respondent did not respond a second time. *See* Board Exhibit 3.

14. Thereafter, Respondent was timely and properly served with the Board's Statement of Charges and Notice of Hearing in this matter. *See* Board Exhibit 3.

15. The Board did not receive a response from Respondent.

16. Vickie James, the Board's Executive Director, testified at the hearing that Respondent's behavior violated sections of the NASW Code of Ethics, and that the Board was concerned that Respondent was working with individuals with their own dependence issues. *See* Transcript at 26-30.

17. Ms. James testified that Respondent did not behave in a trustworthy manner, did not elevate service to others above self-interest, and crossed professional boundaries by engaging

in a "dual" or "multiple" relationship, which is a conflict of interest. *See* Transcript at 26-30.

CONCLUSIONS OF LAW

1. 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 in this State.
2. In order to carry out its regulatory duties, the Board is empowered to suspend, revoke, or otherwise discipline an individual's social work license if the person engaged in unprofessional and/or unethical conduct in violation of applicable statutes, rules, or ethical principles or standards. *See* W. Va. Code § 30-30-5.
3. Respondent, at all times relevant to this matter, was a licensed social worker in the State of West Virginia, License No. BP00943378, and is subject to the jurisdiction and authority of the Board and applicable licensing requirements and code of ethics.
4. Pursuant to W. Va. Code § 30-30-26(g), the Board may, after notice and opportunity for hearing, deny or refuse to renew, suspend, restrict or revoke the license or permit of, or impose probationary conditions upon or take disciplinary action against, any licensee or permittee for being guilty of unprofessional conduct which places the public at risk or intentionally violates legislative rules of the Board.
5. Upon review of the record it is found that Respondent Blair was timely served with the Complaint and Notice of Hearing by certified mail, and that Respondent received the said Complaint and Notice of hearing on the 16th day of May, 2019. *See* Board Exhibits 3 and 4.
6. It is therefore found that service of the said Complaint and Notice of Hearing was accomplished pursuant to law on Respondent Blair.
7. The Board was therefore within its power to proceed with the hearing despite Respondent's failure to appear.

8. W. Va. Code R. § 25-1-4 states that a licensee must abide by the provisions of the NASW Code of Ethics. *See* Board's Exhibit 2— NASW Code of Ethics.

9. Pursuant to the ethical principles set forth in the NASW Code of Ethics, a social worker is expected to behave in a trustworthy manner and elevate service to others above self interest and a social worker's primary responsibility is to promote the well-being of clients. *See* NASW Code of Ethics Standard 1.01 — Commitment to Clients.

10. In addition, social workers are expected to be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment. *See* NASW Code of Ethics Standard 1.06(a) — Conflicts of Interest.

11. Social workers are expected not to take advantage of any professional relationship or exploit others to further their personal interests. *See* NASW Code of Ethics Standard 1.06(b) — Conflicts of Interest.

12. Social workers are expected not to engage in dual or multiple relationships with clients or former clients in which there is a risk of exploitation or potential harm to the client. *See* NASW Code of Ethics Standard 1.06(c) — Conflicts of Interest.

13. Social workers are expected to not allow their private conduct to interfere with their ability to fulfill their professional responsibilities. *See* NASW Code of Ethics Standard 4.03 ---- Private Conduct.

14. Social workers should not allow their own personal problems, psychosocial distress, legal problems, substance abuse, or mental health difficulties to interfere with their professional judgment and performance or to jeopardize the best interests of people for whom they have a professional responsibility. *See* NASW Code of Ethics Standard 4.05(a) — Impairment.

15. Social workers should work toward the maintenance and promotion of high standards

of practice. *See* NASW Code of Ethics Standard 5.01(a) — Integrity of the Profession.

16. Social workers should promote the general welfare of society, from local to global levels, and the development of people, their communities, and their environments. *See* NASW Code of Ethics Standard 6.01 — Social Welfare.

17. In disciplinary matters, the Board bears the burden of proof by a preponderance of the evidence.

18. The evidence and testimony presented establishes by a preponderance of the evidence that Respondent attempted to trade prescription drugs for marijuana with one of her OVP clients.

19. The evidence and testimony presented establishes by a preponderance of the evidence that over a several month period, Respondent called or texted the client numerous times seeking marijuana, and that the client subsequently asked OVP to replace Respondent with a different addiction counselor.

20. The evidence presented therefore establishes by a preponderance of the evidence that Respondent engaged in unprofessional or unethical conduct and has failed to comply with applicable law, regulation, or codes of conduct pertaining to licensed social workers in West Virginia, which is grounds for disciplinary action pursuant to W. Va. Code § 30-1-8, W. Va. Code § 30-30-26, W. Va. Code R. § 25-1-4.3, NASW Code of Ethics, and W. Va. Code R. § 25-6-1 *et seq.*

21. The witnesses, testimony, and evidence presented by the Board in this matter were consistent, reliable, and credible.

22. Accordingly, the Board has met its burden of proof in this matter by a preponderance of the evidence and may discipline Respondent's license accordingly.

23. The Board may seek reimbursement for all administrative costs generated in the investigation and disposition of this matter including, but not limited to, the cost of the Hearing

Examiner, Court Reporter, and Hearing Transcript.

RECOMMENDED ORDER

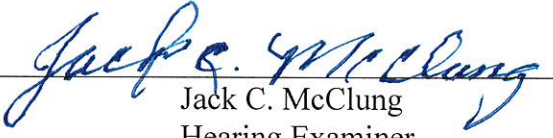
WHEREFORE, as to the Complaint And Notice of Hearing dated May 10, 2019, it is recommended

1. that the West Virginia Board of Social Work find that Respondent Julie Blair engaged in the above-referenced conduct in violation of law and regulation as alleged in the said Complaint;

2. that the said Complaint be therefore AFFIRMED in all respects and any defense or objection thereto by Respondent Blair be DENIED; and,

3. that it be HELD that Complainant West Virginia Board of Social Work has the lawful authority under law to discipline the license of Respondent Blair accordingly.

Recommended this 10th day of September, 2019.


Jack C. McClung
Hearing Examiner