

BEFORE THE WEST VIRGINIA BOARD OF SOCIAL WORK EXAMINERS

WEST VIRGINIA BOARD OF SOCIAL  
WORK EXAMINERS,

Complainant,

v.

Case No: TR0108-0902

Tara Rush,  
Licensed Social Worker  
Licensed Number: BP00942954,

Respondent.

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CONSENT AGREEMENT AND ORDER

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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 Tara Rush (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 have reached an agreement for the resolution of this case matter 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, Tara Rush, is a licensee of the Board, possessing License No. BP00942954, 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 Contracting Family Service Provider with the Family Options Providers.
5. That in January of 2008 the Board received a Complaint from the West Virginia Department of Health and Human Resources (hereinafter “WVDHHR”) against the Respondent for an improper relationship with a minor, billing for services that had not been provided, and falsifying signatures and other documents in order to bill for these services.
6. That the Respondent provided family services to WVDHHR clients as a contract employee through her employer Family Options Providers.
7. That WVDHHR began to investigate complaints that the Respondent was not seeing her clients even though billing statements were being submitted for family services. One client, Nakita N. Johnson, stated that she had not seen the Respondent since August 31, 2007; however, the Respondent submitted billing statements for visits on September 15, 2007, September 21, 2007, and October 5, 2007. Service Notes were completed by the Respondent for each of those services dates with the signature of the client, Nakita Johnson. But upon comparing the signature of Nakita Johnson from these Service Notes of September 15 and 21, 2007, and October 5, 2007, the signature

of Nakita Johnson appears to be not that of Nakita Johnson. Moreover, Nakita Johnson states that she was not seen by the Respondent for any services on those dates, and she did not sign any Service Notes for the Respondent. The Respondent denies any such forgery or falsifying of records, and states that she completed all services as noted in her Service Notes and billing statements.

8. That upon further investigation another client was discovered to not have received services for which the Respondent made billings to WVDHHR. WVDHHR was billed for services for Lori Murphy on October 22, 2007, which a Service Note was completed by the Respondent. Again, when a comparison of the client's signature was made from a previous signature on file, it appears that the Respondent forged Lori Murphy's signature. Moreover, Lori Murphy denies signing any Service Note; however, the Respondent denies any such forgery, and she states that she completed services for Lori Murphy on October 22, 2007.

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 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.

11. That the Board at its September 25, 2008, Board meeting made a finding of probable cause for a violation of the National Association of Social Workers Code of Ethics at 3.04(a), 3.05, and 4.04; however, the Board found no probable cause for any type of improper relationship with a minor by the Respondent.

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.

### **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, Tara Rush, 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 unprofessional and unethical and a violation of the statute and rules of the Board.

The Respondent, Tara Rush, 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 one (1) year effective upon the entry date of this *Order* hereto.

2. During this one (1) year period of suspension the Respondent must complete the following requirements:

a. Respondent shall complete twelve (12) contact hours of West Virginia Board of Social Work Examiners approved continuing education in the area of ethics, maintaining client and billing records. Respondent shall provide proof of completion to the Board. These twelve (12) contact hours are in addition to the standard requirement of fifty (50) contact hours that a licensee must complete for license renewal, and shall not be obtained via any online courses.

b. 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 within six (6) months of entry of this *Order*.

3. Respondent shall notify the Board of upon application for reinstatement of a licensed MSW level individual approved by the Board who shall mentor the Respondent during a one year probationary period following reinstatement. Moreover, the Respondent shall provide to the Board a self-report of at least two hundred and fifty (250) words at six (6) month intervals of what she has learned by this experience.

4. Should there be any violations of this agreement, or reported violations of the Board's governing statute's and rules during this one year probationary period, then the Board may automatically suspend the Respondent's license without a hearing.


5. 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.

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

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

WEST VIRGINIA BOARD OF  
SOCIAL WORK EXAMINERS

By:

  
\_\_\_\_\_  
Rita Brown, Chairperson

Entered:

  
\_\_\_\_\_  
DATE

Agreed to by:

Tara Rush

Tara Rush, Respondent

November 24<sup>th</sup> 2008

DATE

Sworn and subscribed before me this 24<sup>th</sup> day of November, 2008.

My Commission expires: February 08, 2011

Michelle L. Pulkownik

Notary Public

NOTARIAL SEAL  
Michelle L. Pulkownik, Notary Public  
Franklin Township, Greene County  
My Commission Expires Feb. 8, 2011