

BEFORE THE WEST VIRGINIA BOARD OF SOCIAL WORK EXAMINERS

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WEST VIRGINIA BOARD OF SOCIAL
WORK EXAMINERS,

Complainant,

v.

Case No. 0806DR-07-01

DENA D. RICHARDS ,
Licensed Social Worker
Licensed Number: AP00939030
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 Dena D. Richards (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, Dena D. Richards, is a licensee of the Board, possessing License No. AP00939030, 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 licensed social worker for Eagle Pointe Nursing Home. However, Respondent was subsequently terminated from this employment in August 2006.

5. That in August 2006, the Board received a written complaint that the Respondent had misappropriated funds from a resident/patient.

6. That upon investigation, it was revealed that the Respondent had been given approximately four hundred dollars (\$400.00) with which to purchase items for a resident/patient in May 2006. Respondent's employer discovered in August 2006, that Respondent had purchased several items that were not for the benefit of the resident/patient. Moreover, it was determined that the Respondent had falsified one receipt to show the purchase of certain items which had not actually been purchased yet by the Respondent.

7. That when questioned regarding the questionable purchases and the false receipt the Respondent admitted, both verbal and written, that she had not yet purchased those items, but had planned on purchasing those items in the future. Respondent also admitted that she still retained one hundred dollars (\$100.00) or more of the resident's/patient's funds. However, she was required to pay these funds back to her employer which she successfully did.

8. That 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 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.

11. That the Board, by vote at its January 18, 2006 meeting, made a finding of probable cause for a violation of the National Association of Social Workers Code of Ethics at 4.04 along with W. Va. Code § 30-30-7(3).

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, Dena D. Richards, 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 statute and rules of the Board.

The Respondent, Dena D. Richards, 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. Respondent shall complete fifteen (15) contact hours of Board approved continuing education in professional and social work ethics within one year of license reinstatement. These

fifteen (15) contact hours are in addition to the standard requirement of fifty (50) contact hours that a licensee must complete for license renewal.

3. 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 one year of license reinstatement.

4. 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.

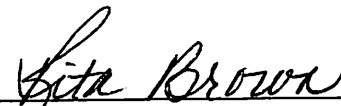
5. That this document is a public record as defined in W. Va. Code § 29-1-2 (4).7.

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

7. The Respondent, Dena D. Richards, shall return all licenses to the Board office within ten days from entry of this *Consent Agreement and Order*.

WEST VIRGINIA BOARD OF
SOCIAL WORK EXAMINERS

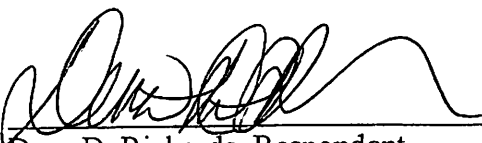
By:


Rita Brown, Chairperson

Entered:

May 8, 2007
DATE

Agreed to by:


Dena D. Richards, Respondent

ENTERED MAY 08 2007
SIGNATURE DATE