

BEFORE THE WEST VIRGINIA BOARD OF SOCIAL WORK EXAMINERS

RECEIVED FEB 25 2008

WEST VIRGINIA BOARD OF SOCIAL
WORK EXAMINERS,
Complainant,

v.

Case No.

PAMELA DYE,
Licensed Social Worker
Licensed Number: AP00931891

CONSENT AGREEMENT AND ORDER

After due investigation of a written complaint 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 Pamela Dye (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, W.Va. Code R. § 25-1 *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 Case Number ____ 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, Pamela Dye, is a licensee of the Board, possession License No. AP00941891, 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 W.Va. Code § 30-30-1 *et seq.*
4. That Respondent was, at all times material hereto, employed as licensed social worker with Try-Again homes, Inc.
5. That in November, 2006, the Board received a complaint that the Respondent had engaged in inappropriate behavior and contact with a former juvenile client. It had been initially alleged that the Respondent engaged in a sexual relationship with the juvenile client, but these allegations were not substantiated. Investigations were launched by both the Respondent's employer and the West Virginia Department of Health and Human Resources.
6. That in August 2005 the Respondent was the juvenile's social worker, and then later in October, 2005, the Respondent expressed an interest in becoming the juvenile's legal guardian. However, the Respondent was removed from the juvenile's case as his social worker due to the conflict of interest and the complaints from the foster parents regarding what they believed to be the inappropriate nature of the Respondent's contact with the juvenile.

7. That the Respondent continued to have contact with the juvenile notwithstanding her removal from his case for the reasons stated herein.
8. The Respondent continued to place telephone calls to the juvenile as he was placed in various agencies for treatment, and at one point the Respondent told the juvenile to memorize her telephone number in case he was moved to another facility without her knowledge.
9. That the Respondent also communicated via written letters, and the substance of these letters was inappropriate even for a parent-child relationship as the Respondent alleged she had with this juvenile.
10. That the Board conducted its own investigation, and did make a recommendation to the Board for a finding of probable cause.
11. 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 W.Va. Code R. § 25-1-4.2.
12. That the Board made a finding of probable cause for a violation of the National Association of Social Workers Code of Ethics at 1.06(c) and 5.01(a) and (b).

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 W.Va. Code R. § 25-1-4.1 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 W.Va. Code R. § 25-1-4.2.

CONSENT OF LICENSEE

I, Pamela Dye, 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 Boards.

The Respondent, Pamela Dye, 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 Respondent is hereby placed on probation for a period of one year effective upon the entry date of this *Order* hereto.
2. During this period of probation, the Respondent shall complete the following requirements:
 - a. Respondent shall be under the supervision of a licensed master level social worker that is approved by the Board. Monthly reports shall be submitted by the supervising social worker of the monthly meetings between the supervisor and the Respondent directly to the Board. Moreover, the Respondent shall inform her clients that her work is being supervised by a Board approved licensed master level social worker, and Respondent shall obtain any releases necessary to permit the supervising social worker to review any and all files necessary.
 - b. Respondent shall inform her employer that she is on probation and the terms of the probation. Should Respondent change her employment during the probationary period, she must notify the Board and her new employer of her probationary status.
 - c. Respondent shall complete ten (10) contact hours of West Virginia Board of Social Work Examiners approved continuing education in social work ethics which include training on dual and multiple relationship during the one-year probationary period. These ten (10) contact hours are in addition to the standard required of fifty (50) contact hours of training every two years that a licensee must complete for license renewal, and shall not be obtained via any online courses.

- d. 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 by the completion of the probationary period.
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 by W.Va. Code § 29B-1-2(4).
6. This Consent Agreement and Order constitutes the entire agreement between the parties.

WEST VIRGINIA BOARD OF
SOCIAL WORK EXAMINERS

By:

Rita M. Brown

Rita Brown, Chairperson

Entered:

2/26/08

DATE

Agreed to by:

Pamela Dye

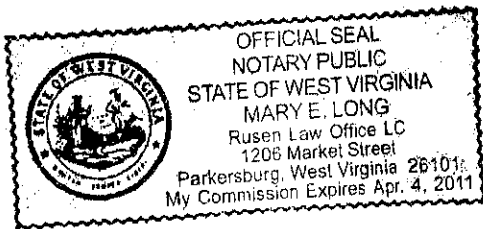
Pamela Dye, Respondent

2/22/08

DATE

Sworn and subscribed before me this 22nd day of February, 2008.

My commission expires: 4-4-2011



Mary E. Long

Notary Public

Michele Rusen

Michele Rusen, Esquire
Counsel for Pamela Dye

2/22/08

DATE