

Before the West Virginia Board of Social Work

W. Va. Board of Social Work,

Complainant,

v.

Case No. 201819RH

Rachel Hatfield, License No. AP00940088

Respondent.

Consent Agreement and Order

Pursuant to W. Va. Code § 30-30-5, the West Virginia Board of Social Work ("Board") commenced an investigation involving Respondent Rachel Hatfield and possible unethical conduct in violation of applicable statutes or rules including, but not limited to, W. Va. Code §§ 30-30-26(g)(3) and (4), W. Va. Code R. § 25-1-4.3, and the Code of Ethics of the National Association of Social Workers ("NASW"), in that Respondent may have mishandled confidential client files/records, acted unprofessionally, and crossed boundaries with clients by sharing personal information and having a client's bank/debit card in her possession to pay client bills.

Respondent was provided with written notice of the allegations against her pursuant to the rules of the Board and the laws of this state.

The parties have reached an agreement as to the appropriate disposition of this matter, with consideration to necessary safeguards for protection of the public, and do hereby agree to the following Findings of Fact, Conclusions of Law, and Order.

Findings of Fact

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. Respondent is a licensed social worker in West Virginia, License No. AP00940088, and is subject to the jurisdiction and authority of the Board and applicable licensing, statutory, and regulatory requirements.
3. The Board conducted an investigation regarding a complaint it received from Central West Virginia Aging Services ("Central Aging") on or about September 6, 2018, concerning Respondent and possible conduct in violation of applicable statutes, regulations, and the NASW Code of Ethics.
4. Respondent was employed by Central Aging as a case manager/social worker in the Oak Hill, West Virginia office. She provided case management services under the Title XIX Medicaid Aged and Disabled Waiver Program.
5. Respondent shared information concerning her personal life with clients.
6. Respondent made unprofessional and inappropriate social media or direct messaging posts (but not with any clients) either during agency time and/or through an agency-downloaded messaging application or through agency-issued laptop computer.
7. For several months, Respondent was in possession of client JM's Direct Express Card issued through the Social Security Administration. Having possession of the client's Direct Express Card is contrary to applicable case management policies under the Title XIX Medicaid Aged and Disabled Waiver Program. Central Aging does not permit its case management social workers to have possession of client funds.

8. Upon separation from employment in August 2018, Respondent did not return all client files, notes, client updates, and records as required. Respondent acknowledged that she had her daughter return some client files to the Central Aging office. But, the box was left outside unsecured and unattended for Central Aging to discover. According to Central Aging, not all client files/records in Respondent's possession or control were returned.

9. The Board alleges that its review of this matter shows Respondent may have engaged in conduct, practices, or acts constituting a willful departure from accepted professional standards of professional conduct in violation of W. Va. Code § 30-30-26 *et seq.*, and NASW Code of Ethics.

10. Respondent avers and maintains that, at all times at issue herein, and at all times in her practice as a licensed social worker, he she acted in good faith and followed applicable laws and regulations and has behaved reasonably and within the accepted standards of practice.

11. The Board and Respondent desire to resolve this matter through the use of this negotiated Consent Agreement and Order as follows:

Conclusions of Law

1. The Board has jurisdiction to take disciplinary action against Respondent.
2. The Board is empowered to suspend, revoke, or otherwise discipline an individual's social work license. See W. Va. Code § 30-30-5 and W. Va. Code R. § 25-6-1 *et seq.*

3. 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 for engaging in unprofessional conduct which places the public at risk and intentionally violating a lawful order or legislative rule of the Board.

4. W. Va. Code R. § 25-1-4 states that a licensee must abide by the provisions of the NASW Code of Ethics.

5. Social workers' primary responsibility is to promote the well-being of clients. (NASW Code of Ethics Standard 1.01 – Commitment to Clients).

6. Social workers should work toward the maintenance and promotion of high standards of practice. (NASW Code of Ethics Standard 5.01 – Integrity of the Profession).

7. Social workers should be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment, which includes avoiding have a dual or multiple relationship with a client. (NASW Code of Ethics Standard 1.06 – Conflicts of Interest).

8. Social workers should protect the confidentiality of all information obtained in the course of professional service. (NASW Code of Ethics Standard 1.07(c) – Privacy and Confidentiality).

9. The allegations set out above in the Findings of Fact, if proven consistent with the applicable burden of proof, would likely demonstrate that Respondent 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, and W. Va. Code R. § 25-6-1 *et seq.*

Consent of Licensee

The Respondent, by affixing her signature hereto, acknowledges the following:

1. Respondent acknowledges the Board has jurisdiction over her and the conduct which has precipitated this Consent Agreement and Order.
2. Respondent has been given the opportunity to consult with counsel and she executes this negotiated Consent Agreement and Order voluntarily, freely, without compulsion or duress, and she is mindful that it has legal consequences.
3. No person or entity has made any promise or given any inducement whatsoever to encourage Respondent to make this settlement other than as set forth herein.
4. Respondent acknowledges that she is aware she may pursue this matter through appropriate administrative and/or court proceedings, and she is aware of her legal rights regarding this matter, but intelligently, knowingly, and voluntarily waives such rights.
5. The parties expressly acknowledge that this Consent Agreement and Order constitutes the entire agreement between them related to the allegations contained above and that no representations, promises, or inducements have been made by or to Respondent other than as appear in this Consent Agreement and Order.
6. Respondent acknowledges this Consent Agreement and Order is a public document available for inspection by the public in accordance with the provisions set forth in the West Virginia Freedom of Information Act (W. Va. Code § 29B-1 *et seq.*), and may be reported to other governmental agencies, professional boards, or other organizations.

7. Respondent waives any defenses including, but not limited to, laches, statute of limitations, and estoppel, that she may have otherwise claimed as a condition of this Consent Agreement and Order.

8. Without admitting her actions violated the statutes or administrative regulations of the Board, Respondent consents to the findings of the Board as set forth above.

9. Respondent consents to the entry of the following Order affecting her conduct as a licensed social worker in the State of West Virginia.

Order

On the basis of the foregoing, the Board does hereby ORDER and DECREE that:

1. Respondent's license to practice social work in the State of West Virginia shall be reprimanded with this Consent Agreement and Order being the reprimand.

2. Beginning on the date of execution of this Consent Agreement and Order, Respondent's license shall be placed on probation for a period of one (1) year. During this period of probation, and at her own expense, Respondent shall practice social work only under supervision of a Board-approved MSW licensed social worker.

3. During the period of supervision, Respondent and supervising social worker shall focus on the following areas of concern: *Ethics, Dual Relationships, Confidentiality and Client Records, and Use of Social Media in the Workplace.*

4. During the period of supervision, the supervising social worker shall submit quarterly reports to the Board addressing Respondent's job performance.

5. The parties shall execute a supervisory agreement outlining the terms of supervision prior to initiation of such supervision.

6. During the last month of supervised practice, Respondent shall communicate with the Board to document and assure the Board she has meet all requirements of the Consent Agreement and Order and affirm she is ready and able to return to independent practice.

7. Respondent shall be reinstated to a licensee in good standing, provided she has complied with all the foregoing requirements of this Consent Agreement and Order, and subject to her meeting continuation education requirements that may be needed in the normal course of renewing her license.

8. Respondent shall reimburse the Board the sum of \$300.00 for costs incurred by the Board during the investigation of this matter, which shall be paid within 120 days of the date of entry of this Consent Agreement and Order.

9. 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.

10. Respondent shall at all times cooperate with the Board, and any of its agents or employees, in the monitoring or investigation of Respondent's compliance with the terms and conditions of this Consent Agreement and Order.

11. Respondent's failure to comply with the terms and conditions of this Consent Agreement and Order hereby imposed shall be deemed a violation of this Consent Agreement and Order, and in the event Respondent violates any of the terms of this Consent Agreement and Order,

the Board may initiate proceedings to take further disciplinary action against Respondent's license. In the event Respondent contests any such allegations of violation of the Consent Agreement and Order which result in the further discipline of Respondent's license, Respondent may request a hearing to address the matter. Any such hearing shall be scheduled and conducted in accordance with the provisions of W. Va. Code § 30-1-8, W. Va. Code § 30-30-1 *et seq.*, and W. Va. Code R. § 25-6-1 *et seq.*

12. This Consent Agreement and Order shall be interpreted in accordance with the laws of the State of West Virginia, and venue of any lawsuit filed by any party arising in whole or in part out of this Consent Agreement and Order shall be in the Circuit Court of Kanawha County, West Virginia; and further, in the event any part of this Consent Agreement and Order is invalidated by order of a court of competent jurisdiction or by legislative action, the remainder of this Consent Agreement and Order shall remain in binding effect.

Entered this 29 of October, 2020.

W. Va. Board of Social Work

Patricia O'Reilly
Board Chairperson

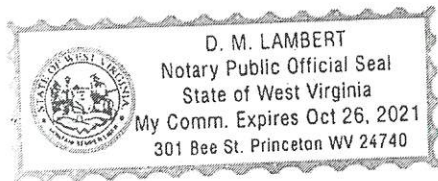
Reviewed and agreed to by:

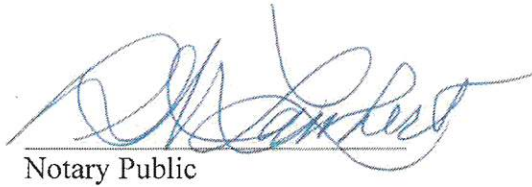
Rachel Hatfield
Rachel Hatfield, Respondent

10/13/20
Date

Sworn and subscribed before me this 14th day of October 2020.

My Commission expires: 10/26/21.




Notary Public