

Before the West Virginia Board of Social Work

W. Va. Board of Social Work,

Complainant,

v.

Case No. 201910RM

Rebecca Marcum, AP0094440

Respondent.

Consent Agreement and Order

Pursuant to W. Va. Code § 30-30-5, the West Virginia Board of Social Work (“Board”) commenced a review involving Respondent Rebecca Marcum and the disciplinary action issued against Respondent by the West Virginia Board of Examiners in Counseling. (See Attachment #1 – Final Order & Hearing Examiner’s Findings of Fact, Conclusions of Law, and Recommended Order dated March 13, 2019).

Respondent was found to have engaged in unethical and unprofessional conduct in the course of her work as a professionally licensed counselor when she crossed professional boundaries by having a romantic relationship with a substance abuse client she had treated within 5 years of their last professional contact in violation of Section A.5.c of the American Counseling Association Code of Ethics. (See Attachment #1).

Engaging in such behavior while having a social work license is considered by this Board to be unprofessional and unethical conduct in violation of applicable statutes or rules including, but not limited to, W. Va. Code §§ 30-30-26, W. Va. Code R. § 25-1-4.3, and the Code of Ethics of the National Association of Social Workers.

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, at all times relevant to this investigation, was a licensed social worker in the State of West Virginia, License No. AP00944400, and is subject to the jurisdiction and authority of the Board and applicable licensing requirements.
3. The Board conducted an investigation regarding disciplinary action taken against Respondent by the West Virginia Board of Examiners in Counseling wherein she crossed professional boundaries by having a romantic relationship with a substance abuse client she had treated within five (5) years of their last professional contact in violation of Section A.5.c of the American Counseling Association Code of Ethics. (See Attachment #1).
4. Respondent's provisional counseling license was revoked for a five-year period. Following the revocation period, if Respondent chooses to seek reinstatement of her counseling license, she must show she is fit for duty by undergoing counseling. She also would be subject to supervised practice for a period of time if her license is reinstated. (See Attachment #1).
5. During the Board's investigation, Respondent admitted to crossing professional boundaries with a substance abuse client that led to her dismissal from her licensed counseling position at Logan Mingo Area Mental Health.

6. The Board alleges that its review of this matter shows Respondent engaged in conduct, practices, or acts constituting a willful departure from accepted standards of professional conduct in violation of W. Va. Code § 30-30-26 *et seq.*, and Code of Ethics of the National Association of Social Workers (W. Va. Code R. § 25-1-4.3).

7. 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 or 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 Code of Ethics of the National Association of Social Workers ("NASW"), which became effective on January 1, 1997.
5. Pursuant to the Ethical Principles set forth in the NASW Code of Ethics, social workers are supposed to elevate service to others above self-interest.
6. Social workers should not permit their private conduct to interfere with their ability to fulfill their professional responsibilities. (NASW Code of Ethics Standard 4.03).

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

8. Social workers should not engage in sexual activities with former clients because of the potential for harm to the client. (NASW Code of Ethics Standard 1.09).

9. Social workers should be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment. (NASW Code of Ethics Standard 1.06).

10. Although Respondent was employed as provisionally licensed counselor when she crossed professional boundaries with a substance use client, she simultaneously held a social work license. Respondent failed to comply with applicable law and or regulation concerning licensed social workers in West Virginia, which are 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 his 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 he is aware of her legal rights regarding this matter, but intelligently, knowingly, and voluntarily waives such rights.

5. Respondent expressly acknowledges that the entire agreement is contained in this Consent Agreement and Order and 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 that 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. Respondent admits that her conduct violated applicable Board statutes, regulations, or codes of conduct.

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. Beginning on the date of execution of this Consent Agreement and Order, Respondent's license shall be suspended for a period of five (5) years.

2. During the period of suspension, Respondent shall, at her own expense, enroll in and successfully complete twelve 12 hours of Board-approved continuing education classes in ethics involving the following topics: *Professional Boundaries; Conflicts of Interest*. Respondent shall submit a written verification to the Board of her enrollment and shall submit proof of having successfully completed the course.

3. At the conclusion of the suspension period, Respondent shall appear before the Board to document and assure the Board she has met all requirements of the Consent Agreement and Order.

4. Should Respondent's social work license be reinstated after the suspension period, she 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 the direct supervisor 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.

5. 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.

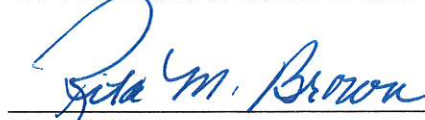
6. Respondent shall at all times cooperate with the Board, and any of its agents or employees, in the monitoring or investigation of Respondent's compliance with the terms and conditions of this Consent Agreement and Order.

7. 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 should Respondent violate any of the terms of this Consent Agreement and Order, the Board may immediately proceed with further disciplinary action against Respondent's license. In the event Respondent contests any such allegations of violation of the Consent Agreement and Order, if any, 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.*

8. 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 18 of November, 2019.

W. Va. Board of Social Work

A handwritten signature in blue ink, appearing to read "Rita M. Brown", is written over a horizontal line.

Board Chairperson

Reviewed and agreed to by:

Rebecca Marcum
Rebecca Marcum, Respondent

11/6/19
Date

Sworn and subscribed before me this 6 day of November 2019.

My Commission expires: Feb. 19, 2024.

Audra Conley
Notary Public

