

Before the West Virginia Board of Social Work

W. Va. Board of Social Work,

Complainant,

v.

**Complaint No. 202007LJ
Complaint No. 202011LJ
Denial of Renewal Application**

Linda M. Jenkins,

Respondent.

W Va. Board of Social Work's Final Decision and Order

The West Virginia Board of Social Work (the "Board") is a state entity created by W. Va. Code § 30-30-1 *et seq.*, whose mission is to protect the public through the regulation of the practice of social work. In order to carry out its regulatory duties, the Board is empowered to investigate and take disciplinary action against an individual's social work license if the person has engaged in unprofessional conduct and/or unethical conduct in violation of applicable statutes, rules, ethical principles, or standards. See W. Va. Code § 30-30-5 and W. Va. Code R. § 25-6-4. Additionally, the Board may refuse to renew a license if the licensee violates applicable statutes or regulations, which includes the NASW Code of Ethics. *Id.*

In the present case, the Board commenced investigations involving Respondent and possible unprofessional and unethical conduct in violation of applicable statutes or rules, including, but not limited to, W. Va. Code §§ 30-30-26(g)(3) and (4) and the NASW Code of Ethics in that Respondent crossed professional boundaries with a patient, or former patient at Mildred Mitchell Bateman Hospital ("Bateman Hospital") where she was employed. Also, Respondent permitted a relative to handle a file folder having confidential patient information. In addition, Respondent,

without authorization, informed another employee that the employee's estranged adult son had recently been a patient at Bateman Hospital.

On December 28, 2020, the Board received Respondent's license renewal application for consideration. (See Board Exhibit 6). Respondent's license was set to expire January 1, 2021. On or about January 21, 2021, Respondent, by legal counsel, submitted an amended response to the disciplinary complaints, wherein Respondent admitted she crossed professional boundaries with the aforementioned former patient, including having a personal intimate and sexual relationship with the former patient. Respondent, however, denied having any type of sexual contact with the patient while the patient was still admitted at Bateman Hospital.

The Board made a finding of probable cause to pursue disciplinary action against Respondent based on the complaints filed against her. The Board also denied Respondent's license renewal application. Respondent appealed this denial. Respondent's license was placed on delinquent status during the appeal process.

Based on the foregoing, the Board's legal counsel and Respondent's legal counsel agreed to a consolidated hearing to address the complaints pending against Respondent and the denial of her license renewal application. Respondent was provided with written notice of the allegations against her pursuant to the rules of the Board and the laws of this state.

Since the issuance of the original Statement of Charges and Notice of Hearing dated May 20, 2021, and on multiple occasions, Respondent allegedly engaged in further unethical conduct. Thus, an Amended Statement of Charges and Notice of Hearing was filed and served in this matter.

A hearing took place on December 13 and 14, 2021, before a designated hearing examiner pursuant to the Board's Amended Statement of Charges and Notice of Hearing dated October 25, 2021. At the hearing, the Board was represented by Mark S. Weiler, Assistant Attorney General.

Respondent was represented by Todd W. Reed, Attorney at Law. The parties submitted proposed Findings of Fact, Conclusions of Law, and Recommended Decision to designated Hearing Examiner Jennifer Taylor, Attorney at Law.

On April 21, 2022, the Board met and considered Hearing Examiner Taylor's Findings of Fact, Conclusions of Law, and Recommended Decision submitted April 10, 2022. After considering Hearing Examiner Taylor's Findings of Fact, Conclusions of Law, and Recommended Decision, and the underlying record adduced in this matter, the Board voted to adopt and accept Hearing Examiner Taylor's Findings of Fact, Conclusions of Law, and Recommended Decision.

Wherefore, having adopted and accepted Hearing Examiner Taylor's Findings of Fact, Conclusions of Law, and Recommended Decision, its contents are hereby incorporated in their entirety by reference in this Final Decision and Order. A copy of the same is attached to this Final Decision and Order. (See attached Hearing Examiner Taylor's Findings of Fact, Conclusions of Law, and Recommended Decision submitted April 10, 2022).

1. Accordingly, it is ORDERED the Hearing Examiner's Findings of Fact, Conclusions of Law, and Recommended Decision submitted April 10, 2022, is adopted and accepted.

2. It is ORDERED the Board has lawful authority to take disciplinary action against Respondent Linda Michelle Jenkins, License No. AP00940354, insofar as the Hearing Examiner found that the Board proved by a preponderance of the evidence, through consistent, reliable, and credible witnesses, testimony, and documentation, that Respondent crossed professional boundaries with a patient by having a personal, intimate, and sexual relationship with the patient prior to and after discharge from Bateman Hospital and engaged in other professional misconduct in violation of W. Va. Code §§ 30-30-26, W. Va. Code R. § 25-6-4, and the NASW Code of Ethics.

Also, Respondent failed to prove or demonstrate extraordinary circumstances or any exception to the NASW Code of Ethics that would rationalize or justify having a personal, intimate, and sexual relationship with the former patient.

3. It is ORDERED the Board had lawful authority to deny Respondent's license renewal application insofar as the Hearing Examiner found the Board proved by a preponderance of the evidence, through consistent, reliable, and credible witnesses, testimony, and documentation that Respondent engaged in professional misconduct, conduct that does not show good moral character, or conduct that violates the NASW Code of Ethics.

4. The Hearing Examiner concluded Respondent's license to practice social work in the State of West Virginia is subject to regulation and discipline by the Board. See W. Va. Code § 30-30-5 and W. Va. Code R. § 25-6-4.

5. The Hearing Examiner concluded the Board has jurisdiction over the subject matter and the Respondent. See W. Va. Code § 30-30-5 and W. Va. Code R. § 25-6-4.

6. The Hearing Examiner concluded that Respondent was timely and properly served with the Amended Statement of Charges and Notice of Hearing, and appeared in person with legal counsel to participate in the scheduled hearing. The Board has jurisdiction to proceed with adjudication of this matter.

7. The Hearing Examiner concluded the hearing was conducted pursuant to West Virginia Code and the Board's legislative and procedural rules. See W. Va. Code § 29A-5-1 *et seq.*; W. Va. Code R. § 25-6-1 *et seq.*

8. The Hearing Examiner concluded the totality of evidence and testimony presented established by a preponderance of the evidence Respondent failed to comply with applicable laws, regulations, and code of ethics 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, W. Va. Code R. § 25-7-2, and W. Va. Code R. § 25-6-4.

9. The Hearing Examiner concluded that Respondent engaged in conduct, practices, or acts constituting professional misconduct, negligence, or a willful departure from accepted standards of professional conduct in violation of W. Va. Code § 30-30-26, W. Va. Code R. § 25-6-4, and the NASW Code of Ethics.

10. The Hearing Examiner concluded the Board acted properly and within its authority in denying Respondent's renewal application in that a license renewal application may be denied if the applicant has engaged in professional misconduct, conduct that does not show good moral character, or conduct that violates the NASW Code of Ethics. See W. Va. Code § 30-30-14 – Licensure Eligibility; See W. Va. Code R. § 25-1-4.3 (A licensee must abide by the provisions of the NASW Code of Ethics).


11. Therefore, it is ORDERED Respondent's social work license shall be indefinitely revoked.

12. 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.

13. It is ORDERED Respondent shall reimburse the Board for administrative costs in the investigation and disposition of this matter, which shall include the cost of the hearing examiner, court reporter, and hearing transcript. Such costs shall be paid to the Board within 120 days of the issuance of an invoice by the Board.

Pursuant to W. Va. Codes §§ 30-30-28 and 29A-5-4, any party adversely affected by this Final Decision and Order has the right to appeal it by a filing a petition for appeal in either the Circuit Court of Kanawha County or in the circuit court in the county in which the party resides or does business. Such appeal must be filed within 30 days of the date the party receives this Final Decision and Order.

ENTERED THIS 21st DAY OF APRIL, 2022.



**Charles Scott Inghram, Chairperson
West Virginia Board of Social Work**

BEFORE THE WEST VIRGINIA BOARD OF SOCIAL WORK

**WEST VIRGINIA BOARD OF SOCIAL WORK,
Complainant,**

v.

**Case No. 202007LJ
Case No. 202011LJ
Denial of Renewal Application**

**LINDA M. JENKINS,
Respondent.**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED DECISION

This is a matter involving a disciplinary proceeding filed by the Complainant, the West Virginia Board of Social Work (“the Board”), against the Respondent, Linda M. Jenkins, Licensee No. AP00940354. The Complainant alleged that the Respondent engaged in unprofessional or unethical conduct, behavior, practices or acts that constituted a willful departure from accepted professional standards and ethical practices relevant to social workers licensed in the State of West Virginia. Specifically, the Complainant alleged that the Respondent, in her capacity as a social worker at the Mildred Mitchell Bateman Hospital (“the Hospital” or “Bateman Hospital”), crossed professional boundaries with a patient or former client by developing a personal and social relationship with him while she was employed at the hospital. The Board further alleged that the Respondent allowed a relative to handle a file folder that contained confidential patient information and, without authorization, informed a co-worker that the co-worker’s adult son had been a patient at the Hospital. The Board alleged that the actions of the Respondent form a sufficient basis for disciplinary action pursuant to the provisions of *W.Va. Code* § 30-30-1, *et seq.*, the *W.Va. Code of State Rules* §25-1-4.3 and §25-6-4, and the Code of Ethics of the National Association of Social Workers.

PROCEDURAL HISTORY

On or about February 25, 2020, Tamara Kuhn, the Director of Human Resources at Batman Hospital, filed a Complaint with the West Virginia Board of Social Work alleging that the Respondent, Linda M. Jenkins, had engaged in an intimate personal relationship with a patient during and after the time he was a patient in the Hospital. The Hospital suspended the Respondent from her employment pending investigation into the matter. The Board forwarded the Complaint to the Respondent on February 27, 2020, and requested a written response. The Respondent submitted multiple written responses *pro se*. After securing legal counsel, the Respondent filed an Affidavit responding to the allegations in the Complaint on January 19, 2021.

During the pendency of the investigation, the Board received a second Complaint on July 17, 2020, from Social Worker Lisa Westfall, who alleged further unprofessional conduct against the Respondent for conducting a dating relationship with a former patient. The Board forwarded the Complaint to the Respondent on July 27, 2020. The Respondent submitted a written response via e-mail on August 27, 2020.

The West Virginia Department of Health and Human Resources Office of Inspector General (“OIG”) investigated the allegations of whether the Respondent had engaged in a sexual relationship with a former patient. The Respondent submitted a written response to these allegations to the Board and to the OIG Investigator on March 25, 2020.

On December 28, 2020, the Board received a license renewal application from the Respondent Linda M. Jenkins. The Respondent’s license expired on January 1, 2021.

The Board met on January 21, 2021, to consider the Respondent's application for her license renewal. The Board reviewed the Respondent's amended responses to the disciplinary complaints, wherein Respondent admitted she crossed professional boundaries with a former patient, including having a personal intimate and sexual relationship with him. (Exhibit No. 7.) On March 26, 2021, based upon the complaints against the Respondent and her admissions, the Board made a finding of probable cause to pursue disciplinary action against Respondent Linda Jenkins. The Board also denied Respondent's license renewal application. The Respondent appealed this denial. The Board placed the Respondent's license on delinquent status during the appeal process. (Exhibit No. 8.)

The Board issued a Statement of Charges and Notice of Hearing on May 20, 2021, which alleged that the Respondent engaged in conduct, practices, or acts constituting professional misconduct, negligence, or a willful departure from accepted professional standards of professional conduct in violation of the provisions of *W.Va. Code §30-30-26*, *W.Va. Code of Rules §25-6-4*, and the National Association of Social Workers (NASW) Code of Ethics by engaging in a relationship with a patient or former patient. The Board duly served the Respondent by certified mail and by regular mail.

On October 25, 2021, the Board issued an Amended Statement of Charges, which alleged that the Respondent engaged in conduct, practices, or acts constituting professional misconduct, negligence, or a willful departure from accepted professional standards of professional conduct in violation of the provisions of *W.Va. Code §30-30-26*, *W.Va. Code of Rules §25-6-4*, and the NASW Code of Ethics by engaging in social media postings and other behavior deemed unprofessional, threatening, and unethical. The Board alleged that the

Respondent had a personal safety order issued against her for behavior towards the Bateman Hospital Human Resource Director; had a domestic violence protective order issued against her; had criminal charges filed against her for brandishing a deadly weapon and engaging in harassment; made inappropriate social media posts; and engaged in acts of retaliation against witnesses in the matter. The Board served the Respondent by certified mail.

The consolidated Complaints were considered at an administrative hearing on December 13, 2021. The Complainant appeared at the hearing through Vickie James, Executive Director of the West Virginia Board of Social Work, and Mark S. Weiler, Deputy Attorney General, its counsel. The Respondent appeared in person and through her counsel, Todd W. Reed.

Counsel for the Board submitted proposed findings of facts and conclusions of law on February 3, 2022. The Respondent filed her proposed findings of facts and conclusions of law on February 18, 2022.

EXHIBITS

Board Exhibits:

The Board submitted multiple pre-marked exhibits. Those admitted during the hearing are as follows:

1. Amended Statement of Charges & Notice of Hearing (October 25, 2021)
2. NASW Code of Ethics (revised 2017)
3. Bateman Hospital Statement of Complaint (February 25, 2020) & Facebook Posts
4. Lisa Westfall Statement of Complaint (July 17, 2020)
5. Weiler Letter to Attorney Reed re Linda Jenkins' Licensure Status (December 18, 2020)
7. Linda Jenkins' Amended Response to Complaints filed January 19, 2021 (Affidavit of Linda Jenkins)
8. SW Board's Notice of Denial of License Renewal Application (March 26, 2021)
9. Linda Jenkins's Employment Dismissal Letter from Bateman Hospital CEO (September 17, 2020)

10. Bateman Hospital Policy and Procedure Manual - "Professional Relationships With Patients"
 13. Tamara Kuhn's Written Note re Calling Linda Jenkins and APS Notice (February 21, 2020)
 14. Linda Jenkins' OIG Investigation Signed Statement (March 3, 2020)
 15. Keith Davis/ Memorandum/Statement (March 25, 2020)
 16. Erin Conner Memo to TK (March 24, 2020) (Alleging TK and KD Sexual Relationship)
 17. RL's Pre-Suit Notice to DHHR (May 29, 2020)
 18. Linda Jenkins' Facebook Post re Pre-Suit Notice and Trashing RL and BVL
 19. OIG Report (August 24, 2020)
 20. Addison Hamilton Summary of OIG Report (January 8, 2021)
 21. SW Board Email to Linda Jenkins Requesting a response to Lisa Westfall's Complaint and Jenkins' Email Response on August 27, 2020.
 22. Linda Jenkins' Response to Westfall Complaint (August 27, 2020)
 23. RL Treatment Summary Bateman Hospital (November 18, 2019)
 24. Linda Jenkins' Facebook Post (May 2020)
 25. RL Facebook Posts provided by Linda Jenkins
 26. Linda Jenkins Text Messages to RL (June 2020)
 27. Linda Jenkins' Text Messages to RL (July 2020)
 28. Linda Jenkins' Messaging to Becky Lanham
 32. "I'm locked and loaded...." "ghetto baby momma" Facebook Posting - July 16, 2021
 33. Personal Safety Order Following Final Hearing - July 28, 2021 (TK v. Linda Jenkins)
 39. Linda Jenkins' Facebook Posting of Jail Cell & Comment, August 26, 2021
 40. RL's Domestic Violence Protective Order (August 31, 2021)
 48. Bateman Hospital Letter to JR's Estate (April 10, 2020) (Patient Record)
 49. Bateman Hospital Letter to Linda Jenkins (May 12, 2020) (Unpleasant Communications about Ms. Kuhn)
 50. Linda Jenkins' First Response to Bateman Hospital Complaint (March 6, 2020)
 51. SW Board Email with Linda Jenkins - March 6, 2020 (requesting clarification of her response)
 52. Linda Jenkins' 2nd Response to Bateman Hospital Complaint (March 25, 2020) (21 pages)
 53. Linda Jenkins' 3rd Response to Bateman Complaint (March 25, 2020) (4 pages)
 54. Linda Jenkins' 4th Response to Bateman Complaint (March 25, 2020) (17 pages)
 55. Linda Jenkins' 5th Response to Bateman Complaint (March 26, 2020) (wrestling photo)
 56. Linda Jenkins' 6th Response to Bateman Complaint (April 3, 2020)
 57. Linda Jenkins' 7th Response to Bateman Complaint - Email of May 6, 2020
 58. Tamara Kuhn's Email to SW Board re RL (5/27/2020) (RL lying to OIG)
 59. RL's Email to Tamara Kuhn (July 14, 2020) re Linda's Harassment of RL and his family.
 61. Bateman's Notice of Suspension Letter to Linda Jenkins (February 20, 2020)
 62. APS Report February 21, 2020
 63. Photo of RL's Residence
 66. Cover Picture of Purple Folder
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Respondent Exhibits:

1. Text messages between Linda Jenkins and RL

Other Records Considered:

1. Transcript of Hearing of December 13, 2021, and exhibits.
2. *National Association of Social Workers (NASW) Code of Ethics.*
3. *W.Va. Code of State Rules §25-1-4, et. seq.*

WITNESSES

1. Vicki James, Executive Director, West Virginia Board of Social Work.
2. Tracy Curry
3. Becky Verdulla
4. Lisa Westfall
5. Adison Hamilton
6. Tamara Kuhn
7. KD*¹
8. RL*
9. Linda Jenkins

ISSUE

Whether the Respondent engaged in unprofessional or unethical behavior, practices or acts that constituted a willful departure from accepted standards of professional standards and ethical practices in violation of the provisions of *W.Va. Code § 30-30-1, et seq., W.Va. Code of State Rules §25-1-4.3 and §25-6-4*, and the *National Association of Social Workers (NASW) Code of Ethics*.

After a review of the record and the exhibits admitted into evidence, any stipulations entered into by the parties, any matter of which the undersigned took administrative notice during the proceedings, and considering the testimony of witnesses, assessing the credibility of the witnesses, and weighing the evidence in consideration of the same, pursuant to the

¹ In order to maintain confidential information regarding patients or family members of patients at Bateman Hospital, initials have been substituted for names where indicated with *.

provisions of *W.Va. Code* §30-30-27(c), the undersigned Hearing Examiner makes the following findings of fact and conclusions of law and recommendation to the Board:²

FINDINGS OF FACT

1. The West Virginia Board of Social Work (“the Board”) is an administrative board created for the purpose of protecting the public through the regulating the practice of social work in the State of West Virginia. *W.Va. Code* §30-30-1, *et seq.*
2. The Board is empowered to suspend, revoke or otherwise discipline a social work licensee if the person engaged in unprofessional and/or unethical conduct in violation of the applicable statutes, rules or ethical or professional principles or standards. *W.Va. Code* §30-30-5; *W. Va. Code R.* § 25-6-4.
3. Pursuant to the provisions of *W. Va. Code* §30-30-26(g), the Board may 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 professional misconduct or intentional violations of lawful orders or legislative rules of the Board.
4. If, after proper notice and opportunity for hearing, the Board finds that any licensee or permittee is guilty of unprofessional conduct which places the public at risk or intentionally violates legislative rules of the Board, the Board may take such disciplinary action as it deems reasonable. The Board may deny or refuse to renew, suspend, restrict

² To the extent that the testimony of any witness is not in accord with these findings and conclusions, such testimony is not credited. To the extent that these findings of fact and conclusions of law are consistent with any proposed findings of fact and conclusions of law submitted by the parties, the same are adopted by the Administrative Law Judge and to the extent that the same are inconsistent with such proposed findings and conclusions, they are rejected.

or revoke the license or permit of any licensee or permittee, or may impose probationary conditions upon the licensee or permittee.

5. Pursuant to the provisions of *W.Va. Code* § 30-30-5, the Board may refuse to renew a license if the licensee violates applicable statutes or regulations. *W.Va. Code R.* §25-6-4.
6. Pursuant to the provisions of *W.Va. Code* §30-30-19(d), the Board may deny an application for renewal for any reasons that would justify the denial of an original application for license.
7. At all times relevant to this matter, the Respondent, Linda M. Jenkins, was a licensee of the Board, License No. AP00940354, and was a social worker subject to the jurisdiction and authority of the Board and to the applicable licensing requirements.
8. As a licensed social worker in West Virginia, Respondent, at all times, was required to abide by the provisions of the NASW Code of Ethics. *W. Va. Code R.* § 25-1-5.3.
9. The Margaret Mitchell Bateman Hospital (“Bateman Hospital” or “Hospital”) is a 110-bed licensed psychiatric hospital owned and administered by the State of West Virginia under the Department of Health and Human Resources (“DHHR”). The Hospital provides a wide range of services to patients either committed there through the civil commitment process, or, in the case of forensic patients, ordered through the judicial system. (Tr. pp. 113 – 114; Board Exhibit No. 23.)
10. Bateman Hospital has an employee policy that forbids counselors, social workers, and others from developing social relationships with patients outside the hospital setting. MMBH Policy C026 states “Any contact with a patient, former patient or family member of a patient of a personal or intimate nature by any employee of Mildred Mitchell Bateman

Hospital shall be considered as risking an adverse effect on the treatment and prognosis of said patient and shall be viewed as exploitation, which shall call for immediate disciplinary action as severe as dismissal.” (Board Exhibit No. 10; Tr. pp. 124 – 126, 525-528.)

11. The Respondent Linda Jenkins was employed as a licensed social worker at the Margaret Mitchell Bateman Hospital for approximately 23 years. As an employee of the Bateman Hospital, the Respondent was subject to the policies and procedures of the Hospital.

(Board Exhibits No. 7, 9; Tr. p. 115.)

12. As a licensed social worker at Bateman Hospital, the Respondent Linda Jenkins provided supportive counseling, assistance, and services to patients. She was not a licensed clinical social worker, which applies social work theory, methods, assessment, ethics, and the professional use of self to the diagnosis, treatment and prevention of psychological dysfunction, disability, or impairment, including emotional and mental disorders and developmental disabilities. *W. Va. Code* § 30-30-9(2); (Tr. p. 199; Board Exhibits No. 7, 9.)

13. RL was a forensic patient who was admitted to Bateman Hospital in or about October 14, 2019. He was discharged on December 11, 2019. (Board Exhibit No. 3.)

14. The Respondent was employed by Bateman Hospital as a licensed social worker during the period RL was a patient at the Hospital. She was the social worker assigned to his team. (Board Exhibit No. 7; Tr. pp. 115, 294.)

15. On February 12, 2020, Bateman Hospital suspended Respondent from her work pending the outcome of an investigation concerning the discharge of a patient without proper support services in place. (Kuhn, Tr. pp. 118, 167; Board Exhibit No. 61.)

16. On or about February 20, 2020, Bateman Hospital received a report and information alleging that the Respondent may have engaged in an intimate relationship with a patient, or former patient. The report stated that the Respondent had engaged in a sexual relationship with a patient or former patient. Bateman Hospital then issued a second letter of suspension to the Respondent pending investigation into those allegations. (Tr. p.118; Board Exhibit No. 61.)
17. On February 25, 2020, Bateman Hospital filed with the Board a complaint concerning Respondent's behavior with a patient, or former patient, asserting that her actions may have crossed professional boundaries and violated the NASW Code of Ethics. The complaint included a report that the Respondent was in an intimate relationship with RL, who was a former patient who had been assigned to her caseload until his discharge on December 11, 2019. The complaint also included copies of multiple Facebook and social media posts that reflected the relationship between the Respondent and RL. (Board Exhibit No. 3.)
18. By letter dated February 27, 2020, the Board forwarded the Complaint to the Respondent Linda Jenkins for a written response. (Board Exhibit No. 3; James, Tr. p. 220.)
19. Respondent submitted multiple written responses in March, April, and May 2020. (Board Exhibit Nos. 50 – 57; James, Tr. pp 220-222.) Respondent did not directly address whether she had, or was having, an intimate relationship with RL after his discharge from Bateman Hospital. (James, Tr. pp. 221-227.)
20. In March 2020, the DHHR Office of Inspector General received a request to investigate allegations that Respondent Linda Jenkins had maintained a sexual relationship with a former patient, RL. (Hamilton, Tr. p. 91; Board Exhibits No. 19 – 20.)

21. On March 3, 2020, the OIG interviewed the Respondent, and obtained her written statement. The Respondent claimed she and RL were good friends, insisting that they were not in a romantic relationship. (Board Exhibits No. 14, 20; Hamilton, Tr. pp. 91-93.)
22. The OIG initially interviewed the former patient, RL, on March 18, 2020. At that time, he denied having a sexual relationship with Respondent. (Hamilton, Tr. p. 95; RL, Tr. p. 312; Board Exhibit No. 19.)
23. On March 25, 2020, Respondent submitted a handwritten statement to the Board and to OIG Investigator Addison Hamilton. The Respondent stated that RL had Hepatitis C and a long history of incarceration and drug use. She claimed she would never consider having sex with a man that she knew had Hepatitis C, could have Hepatitis C, or a man that has sex with other men. (Board No. Exhibit 52.)
24. RL's legal counsel issued a pre-suit notice to DHHR/Bateman Hospital dated May 29, 2020. The Respondent obtained a copy of the pre-suit notice and posted it on social media. (Tr. pp. 162, 249, 266, 520, 522.)
25. On June 5, 2020, RL contacted the OIG investigators and stated that he was coerced by Respondent into providing false information during his first interview. RL told investigators that he did indeed engage in sexual activities with Respondent on Bateman Hospital property and that their intimate relationship continued after he was discharged from the hospital. (RL, Tr. p. 312; Hamilton, Tr. pp. 95-100; Board Exhibits No. 19, 20.)
26. On July 20, 2020, the Board received a separate complaint from Lisa Westfall, a vocational case manager for RL, alleging unprofessional conduct on the part of Respondent Jenkins. Lisa Westfall was RL's vocational case manager in a workers' compensation claim. She is a

licensed social worker and has a master's degree in counseling. (Board Exhibit No. 4; Westfall, Tr. p. 81.)

27. Ms. Westfall reported to the Board that RL stated he had been dating a woman named "Linda," who was a social worker at Bateman Hospital where he had been hospitalized. RL reported that Linda had been posting about him on social media. He asserted that he and Linda broke up, but she continued to text him. RL further reported to Ms. Westfall that he was separated from his wife and Linda had been contacting his wife. (Board Exhibit No. 4).
28. Ms. Westfall further reported that the Respondent contacted her personally by e-mail on June 16, 2020, stating that she had "fraud" information concerning RL and asking Ms. Westfall to call her. Ms. Westfall did call the Respondent as requested. During various communications with Ms. Westfall, Respondent acknowledged a relationship with RL; indicated that RL was filing court complaints against her; and complained that RL's wife was trying to cause the Respondent problems. (Board Exhibit No. 4). When directly asked, the Respondent confirmed she had a dating relationship with him. (Board Exhibit No. 4; Westfall, Tr. p. 84.)
29. Ms. Westfall considered it ethically necessary to file a complaint with the Board due to her being a licensed social worker and mandated reporter. She reviewed the NASW Code of Ethics before filing the complaint against Respondent. (Westfall, Tr. pp. 85 – 86.)
30. By letter dated July 27, 2020, the Board forwarded the Westfall complaint to the Respondent Linda Jenkins and requested a written response. (James, Tr. ; Board No. Exhibit 21.)

31. The Board sent a follow-up email to the Respondent on August 25, 2020, again seeking a response to the Westfall Complaint. (James, Tr. pp. 217-218; Board Exhibit No. 21.)
32. The Respondent submitted a written response to the Board via email on August 27, 2020. However, she did not address whether she ever had a romantic dating relationship with RL. (James, Tr. pp. 218-219; Board Exhibit No. 22.)
33. On or about August 24, 2020, the OIG issued a report concerning its investigation. The OIG inspectors concluded, in part, that Respondent violated Bateman Hospital's Policy and Procedure Manual, which states that any contact with a patient or former patient of a personal or intimate nature risks an adverse effect on the treatment and prognosis of said patient and will be viewed as exploitation. Such conduct is cause for immediate disciplinary action as severe as dismissal. (Board Exhibit No. 19.)
34. The OIG further concluded that Respondent's romantic and sexual relationship with RL and related activities violated the NASW Code of Ethics. The OIG further stated it would be making a criminal referral to the Prosecuting Attorney of Cabell County. (Board Exhibit No. 19; Hamilton, Tr. p. 100.)
35. By letter dated September 20, 2020, Bateman Hospital dismissed Respondent from her employment as a social worker with an effective date of October 2, 2020. (Board Exhibit No. 9.)
36. The discharge letter from Bateman Hospital noted the primary basis for the dismissal was that Respondent engaged in an improper relationship with a former patient in violation of DHHR Policy Memorandum 2108 concerning employee conduct, Bateman Hospital's policy

concerning professional relationships with patients, NASW Code of Ethics at Sections 1.06(c), 1.06(h), and 1.01. (Board Exhibits No. 9 – 10; Kuhn, Tr. p. 129.)

37. The Bateman Hospital discharge letter further noted that while Respondent was suspended, she permitted a relative to handle a file folder which contained confidential patient information. Consequently, Bateman Hospital was required to notify the family of the patient of the unauthorized access to patient information. (Board Exhibits No. 9, 48, 66; Kuhn, Tr. pp. 145 – 150.)
38. In addition, the Bateman Hospital discharge letter noted that the Respondent told a coworker (KD) that his estranged and adult son had recently been a patient at the hospital. Respondent was not authorized to release this confidential information to the patient's father. (Board Exhibits No. 9, 15; KD, Tr. p. 189-191.)
39. On December 28, 2020, the Board received a license renewal application from the Respondent Linda M. Jenkins. The Respondent's license expired on January 1, 2021.
40. The Board met on January 21, 2021, to consider the Respondent's application for her license renewal. The Board reviewed the Respondent's amended responses to the disciplinary complaints, wherein Respondent admitted she crossed professional boundaries with a former patient, including having a personal intimate and sexual relationship with him. (Exhibit No. 7.)
41. Effective January 1, 2021, the Board denied the Respondent's license renewal application and placed the Respondent's license on delinquent status. A person with a delinquent status may renew their license by submitting continuing education or complying with

other Board requirements. A license may be in delinquent status for up to three years, after which it is considered expired. (Board Exhibit No. 8; James, Tr. pp. 274 – 275.)

42. On March 26, 2021, based upon the complaints against the Respondent and her admissions, the Board made a finding of probable cause to pursue disciplinary action against Respondent Linda Jenkins. (Board Exhibit No. 8.)

43. The Board issued a Statement of Charges and Notice of Hearing on May 20, 2021, which alleged that the Respondent engaged in conduct, practices, or acts constituting professional misconduct, negligence, or a willful departure from accepted professional standards of professional conduct in violation of the provisions of *W.Va. Code* §30-30-26, *W.Va. Code of Rules* §25-6-4, and the National Association of Social Workers (NASW) Code of Ethics by engaging in a relationship with a patient or former patient. The Board duly served the Respondent by certified mail and by regular mail. (Board Exhibit No. 8; James, Tr. pp. 219, 222.)

44. On August 31, 2021, RL obtained a domestic violence protective order against the Respondent from the Kanawha County Family Court. The Family Court issued the order based upon evidence that the Respondent went to the residence of FL and his girlfriend at midnight on July 15, 2021, confronted RL, waived a gun, and threatened him and his girlfriend. (Board Exhibit No. 40; RL, Tr. pp. 339 – 343; Curry, Tr. pp. 27 – 32.)

45. On October 25, 2021, the Board issued an Amended Statement of Charges, which alleged that the Respondent engaged in conduct, practices, or acts constituting professional misconduct, negligence, or a willful departure from accepted professional standards of professional conduct in violation of the provisions of *W.Va. Code* §30-30-26, *W.Va. Code of*

Rules §25-6-4, and the NASW Code of Ethics by engaging in social media postings and other behavior deemed unprofessional, threatening, and unethical. The Board alleged that the Respondent had a personal safety order issued against her for behavior towards the Bateman Hospital Human Resource Director; had a domestic violence protective order issued against her; had criminal charges filed against her for brandishing a deadly weapon and engaging in harassment; made inappropriate social media posts; and engaged in acts of retaliation against witnesses in the matter. The Board served the Respondent by certified mail. (Board Exhibit No. 1; James, Tr. p. 222.)

46. The Respondent was timely and properly served with the Board's Statement of Charges, Amended Statement of Charges, and Notice of Hearing. The Respondent appeared at the hearing, in person and through her counsel, presented testimony and cross-examined the witnesses presented by the Board.

47. The consolidated Complaints were considered at an administrative hearing on December 13, 2021. The Complainant appeared at the hearing through Vickie James, Executive Director of the West Virginia Board of Social Work, and Mark S. Weiler, Deputy Attorney General, its counsel. The Respondent appeared in person and through her counsel, Todd W. Reed.

48. During the course of the two-day hearing, the Board and the Respondent presented multiple exhibits and testimony from Tracy Curry, girlfriend of former Bateman Hospital patient RL; Becky Verdulla, former wife of RL; Lisa Westfall, licensed social worker; Addison Hamilton, OIG Inspector; Tamara Kuhn, Human Resources Director, Bateman Hospital; KD, Security Director, Bateman Hospital; Vicki James, Executive Director of the West Virginia

Board of Social Work; former Bateman patient RL; and the Respondent Lisa Jenkins. The Board and the Respondent had the opportunities to present evidence and witnesses, cross-examine witnesses, and present arguments. The undersigned had ample opportunity to examine the exhibits and to consider the testimony, reliability, and credibility of each witness.

Tracy Curry

49. Tracy Curry testified that she is the girlfriend of RL, who was a former patient at Bateman Hospital. At the time of the hearing, they had been dating eleven months, and he lived with her at her house on Big Tyler Road since February 2021. She is employed at Cracker Barrel, where she has worked for nine years. (Curry, Tr. pp. 25-27.)
50. Ms. Curry testified that in July 2021 she and RL were at her home. Around midnight her dog started barking, so she looked outside. She saw a woman standing outside the fence, waving her arms, and trying to get into the gate. She was inside the area where Ms. Curry had parked her car. (Curry, Tr. p. 29.)
51. Ms. Curry testified she did not know who the woman was, but presumed it was the Respondent Linda Jenkins based on information previously provided to her by RL. The woman kept saying her name over and over, waived a gun, and said that she was going to blow their heads off. The woman kept trying to get into the gate. RL called 911 and then came out onto the patio with her. RL then told her that the woman was the Respondent Linda Jenkins. She confirmed that fact by looking at a picture of the Respondent shown to her by RL. (Curry, Tr. pp. 30-37.)

52. Ms. Curry testified that she and RL obtained a domestic violence protective order against the Respondent. Ms. Jenkins appeared in court in response to the same. (Curry, Tr. p. 32.)

53. The undersigned finds the testimony of Tracy Curry credible and reliable.

Becky Verdulla

54. Becky Verdulla testified that she is a client service navigator for the YWCA in Wheeling, West Virginia, where they serve women in domestic violence relationships. They also have a shelter, recovery program, and homeless program, and assist people facing racism. She has had on-the-job training, and is currently in school working toward degrees in psychology and social work. (Verdulla, Tr. p. 53.)

55. Ms. Verdulla is also the former wife of RL. Ms. Verdulla stated that she knew the Respondent Linda Jenkins because she was her ex-husband's girlfriend. (Verdulla, Tr. p. 43.)

56. Ms. Verdulla testified that at the time RL was admitted to Bateman in late 2019 they were separated, but not divorced. Her husband was a patient at Bateman for a couple of months. He left there and went to another recovery home. He had several mental health disorders, including narcissist personality disorder, bipolar, explosive outburst disorder, schizophrenia, and post-traumatic stress disorder. He also had addiction issues with drugs and alcohol. He received treatment for these issues at Bateman. He continued getting treatment for his mental health issues after being discharged from Bateman. (Verdulla, Tr. pp. 45 – 46, 77 - 78.)

57. Shortly before Valentine's Day in 2020, Ms. Verdulla received text messages from the daughter of the Respondent asking questions about RL and expressing concerns about the

relationship between him and her mother, Linda Jenkins. (Tr. p. 46.) At that time RL was living in the recovery program at a sober living facility and receiving treatment for his mental health issues. (Verdulla, Tr. p. 47.)

58. Ms. Verdulla testified that she told the daughter of Linda Jenkins that she and RL were still married and had never been divorced. The daughter stated that Linda had bought them wedding rings and they were going to be married. (Verdulla, Tr. pp. 48, 73.) They also discussed the criminal history of RL, as well as their history of domestic violence issues. (Tr. Verdulla, pp. 66 - 68.)

59. On February 14, 2021, RL called to talk to their children. He then told Ms. Verdulla that he was going out with Linda Jenkins for Valentine's Day and that they were in a relationship. (Verdulla, Tr. p. 48.)

60. Later, Linda Jenkins called Ms. Verdulla and told her she was in love with RL and that they wanted the children to come stay with them. Ms. Verdulla advised the Respondent it was too early in the relationship for the children to go there. (Verdulla, Tr. p. 49.)

61. Ms. Verdulla identified a collection of text messages between her and Linda Jenkins as Exhibit No. 28. She received the text messages in June 2020. The texts reflected that Linda Jenkins and RL had ended their relationship. The Respondent called Ms. Verdulla a bitch; stated that she needed help; and that RL needed "a full psychological and prison time." (Verdulla, Tr. p. 52; Board Exhibit No. 28.)

62. In June 2020, Respondent sent a text message to Ms. Verdulla and made disparaging unprofessional comments, including the following examples:

Time for a mature woman to woman conversation about all the consequences everyone will be facing ASAP mostly you and your pathologically disturbed estranged husband

Nooo bitch you need help and Robert needs a full psychological and prison time: my help is my lawyer and my law enforcement friends that are about to nail his ass here in cabell then that will nail his ass in Berkeley? Are you smart enough to connect those dots or not?

Worker's compensation fraud is the trouble the crime not me emailing him to say find a different one [chiropractor] you dumb bitch

My daughter and I have talked and now everyone sees just how crazy he is and now how you are so I won't stop until he's out of Huntington

(Board Exhibit No. 28; Verdulla, Tr. pp. 50 – 57.)

63. Ms. Verdulla was familiar with the NASW Code of Ethics, having recently had an assignment regarding them in school. (Verdulla, Tr. pp. 75 - 76.) Based upon her training and education, Ms. Verdulla testified that she knew the Respondent was going to be in trouble because she was a social worker, and what she was doing went against the ethics of social work. "She shouldn't be reaching out to me at all as a family member of" RL, who was her former patient or client. (Verdulla, Tr. p. 54.)

64. Ms. Verdulla testified that the Respondent continued to send text messages to her, which she ignored. The messages ranged from insulting her and RL and accusing him of fraud and perjury regarding a worker's compensation claim. She also sent to Ms. Verdulla a photograph of herself and RL. (Verdulla, Tr. pp. 55 – 61.)

65. At one point the Respondent threatened to call Child Protective Services and report Ms. Verdulla and RL for child abuse. Ms. Verdulla also feared that the Respondent would contact her employer and start problems there. (Verdulla, Tr. p. 61.)

66. Ms. Verdulla testified that she and the children went to visit RL over the July 4 holiday. While there, the Respondent called both her and RL repeatedly. The Respondent insisted that she paid for the hotel in which they were staying and knew where they were. Ms. Verdulla found the actions of the Respondent both annoying and scary. (Verdulla, Tr. pp. 62 – 63.)

67. The undersigned finds the testimony of Becky Verdulla credible and reliable.

Lisa Westfall

68. Lisa Westfall testified that she is a licensed social worker and has a master's degree in counseling. She is a vocational case manager and a life care planner. She has a master's degree in counseling, is a licensed social worker, a licensed professional counselor, a qualified rehabilitation professional, a certified life care planner, and a certified rehabilitation counselor. She is also on the Board of the West Virginia Board of Counseling. (Westfall, Tr. pp. 81 - 82.)

69. Ms. Westfall testified that she knew RL because she was his vocational case manager in a workers' compensation claim. (Westfall, Tr. 81.)

70. On June 16, 2020, Ms. Westfall received an email from the Respondent stating her desire to report she had fraud information concerning RL, and asking Ms. Westfall to call her. Ms. Westfall did call the Respondent and during the conversation asked her if she had a dating relationship with RL. Respondent confirmed she did indeed have a dating relationship with

RL. Coincidentally, RL had just told Ms. Westfall that day that he had been having a relationship with a social worker. (Westfall, Tr. p. 84.)

71. Ms. Westfall considered it ethically necessary to file a complaint with the SW Board due to her being a licensed social worker and mandated reporter. She reviewed the NASW Code of Ethics before filing the complaint against Respondent. (Westfall, Tr. pp. 85 - 86).

72. Ms. Westfall testified Respondent' behavior violates Ethical Standard 1.09, Sexual Relationships. Ms. Westfall noted social workers are taught from the outset having a sexual relationship with a former patient "is the number one thing" social workers are not to do. Social workers are not supposed to create harm. It can be difficult to maintain professional boundaries if a social worker is having a relationship with a client. (Westfall, Tr. p. 87.)

73. Ms. Westfall filed a complaint with the Board, being Board Exhibit No. 4. (Westfall, Tr. p. 83.)

74. The undersigned finds the testimony of Linda Westfall credible and reliable.

Addison Hamilton

75. The Board called as a witness Addison Hamilton, who is a criminal investigator for the West Virginia Department of Health and Human Resources Office of Inspector General ("OIG.") (Hamilton, Tr. pp. 90 - 91.)

76. In March 2020 the OIG received an allegation that the Respondent Linda Jenkins had and inappropriate relationship with a former patient at Bateman Hospital. (Hamilton, Tr. p. 91.)

77. On March 3, 2020, the investigator interviewed the Respondent at the Bateman Hospital. The interview is reflected in the report admitted as Board Exhibit No. 14.

78. The Respondent gave a written statement to Mr. Hamilton. She claimed she had a boyfriend at the time named Buddy Lee. The Respondent further claimed RL was bisexual and that he prefers men. She claimed she does not date those kind of men. (Board Exhibits No. 14, 20.)
79. On March 25, 2020, Respondent submitted a handwritten statement to the OIG and to the Board. She stated that RL had Hepatitis C and a long history of incarceration and drug use. She claimed she would never consider having sex with a man that she knows has Hepatitis C, could have Hepatitis C, or a man that has sex with other men. (Board Exhibit No. 52.)
80. The Respondent claimed she and RL were good friends, and denied having a romantic relationship. (Hamilton, Tr. p. 94, Board Exhibit No. 14.)
81. Mr. Hamilton also interviewed RL, the former patient at Bateman Hospital. RL also denied any sexual relationship with the Respondent. (Hamilton, Tr. p. 95.)
82. RL later called the OIG and stated that he wanted to recant his previous statement. (Hamilton, Tr. p. 98.)
83. Mr. Hamilton then conducted a second interview with RL, who confirmed that he previously gave the OIG a false statement, one that he had rehearsed with Linda Jenkins. The Respondent had dropped him off at the office to meet with Mr. Hamilton for the first interview, and noted they should not be seen together. (Hamilton, Tr. p. 98.)
84. RL reported to Mr. Hamilton that while he was a patient at Bateman the Respondent had given him some contraband; kissed him; performed oral sex on him; and fondled him under the table during a meeting. After his discharge, they had sex for the first time on January 1, 2020, and he would afterwards spend nights at the home of the Respondent. (Hamilton, Tr. p. 99.)

85. RL provided the OIG investigator with copies of documents and texts to support parts of his account of events. He said he had been trying to end the relationship. He also said he and Respondent rehearsed his initial statement to OIG. At the time, he was wearing an ankle monitor and Respondent told him that his bond would be revoked if he did not lie to OIG. He said he felt vulnerable and trapped. He said Respondent was harassing his family and she was trying to get him in trouble with Workers' Compensation and Child Protective Services. He said Respondent threatened him with a handgun. RL sought a restraining order against the Respondent and believed that the situation was stressful on his sobriety. (RL, Tr. pp. 312 – 316; Hamilton, Tr. p. 95; Board Exhibits No. 19 – 20.)

86. After meeting with RL and interviewing other witnesses, Mr. Hamilton determined that it did appear that the Respondent and RL were in a sexual relationship, or they had a relationship at least post-discharge. He was convinced that they had a relationship at the hospital prior to RL's discharge as well. Mr. Hamilton noted that the Respondent admitted to still knowing RL and hanging out with him post-discharge from Bateman. By her own admission in her statement, the Respondent said she would take him to meetings, that she would pick him up, and that they were together. He also noted some Facebook pictures posted after RL's discharge from Bateman that reflected a relationship. (Hamilton, Tr. p. 100.)

87. On or about August 24, 2020, OIG issued a report concerning its investigation. OIG concluded, in part, that Respondent violated Bateman Hospital's Policy and Procedure Manual, which states that any contact with a patient or former patient of a personal or intimate nature risks an adverse effect on the treatment and prognosis of said patient and

will be viewed as exploitation. Such conduct is cause for immediate disciplinary action as severe as dismissal. (Board Exhibit No. 19.)

88. OIG further concluded that Respondent's romantic and sexual relationship with RL and related activities violated the NASW Code of Ethics. (Board Exhibit No. 19.)

89. The OIG also noted it would be making a criminal referral to the Prosecuting Attorney of Cabell County. (Board Exhibit No. 19.)

90. During the hearing of this matter, Mr. Hamilton confirmed his investigations, findings and reports, and opined that the Respondent's conduct was not appropriate and was in violation of Bateman Hospital's policy. (Hamilton, Tr. p. 100.)

91. The undersigned finds the testimony of Addison Hamilton credible and reliable.

Tamara Kuhn

92. The Board then called as a witness Tamara Kuhn, the Human Resources Director at Bateman Hospital. She has worked as such for four years. Her duties include facilitating and communicating all Human Resource functions for approximately 450 employees, benefits, payroll, conflict resolution, grievances, discipline, and enforcing progressive disciplinary policies. (Kuhn, Tr. p. 113.)

93. Ms. Kuhn confirmed that the Respondent Linda Jenkins was employed as a licensed social worker at Bateman Hospital. (Kuhn, Tr. p. 115.)

94. On February 12, 2020, Bateman Hospital suspended Respondent from her work pending the outcome of an investigation concerning discharging of a patient without proper support services in place. (Kuhn, Tr. pp. 118, 167; Board Exhibit No. 61.)

95. Cristal Criswell is the Director of Clinical Services at Bateman. (Tr. p. 114.) On or about February 20, 2020, she received an anonymous telephone call stating that the Respondent was having a sexual relationship with RL, a former patient. Being a mandatory reporter, Ms. Criswell filed a report with Adult Protective Services. (Kuhn, Tr. pp. 117, 123; Board Exhibit No. 62.)
96. Ms. Criswell then notified Ms. Kuhn via e-mail that the APS report had been filed. As a consequence, Ms. Kuhn was required by Bateman policy to suspend the Respondent once again pending the investigation. (Kuhn, Tr. p. 117; Board Exhibit No. 61.)
97. The Office of Human Resource Management then notified Ms. Kuhn that Bateman should file a complaint with the Board of Social Workers. (Kuhn, Tr. p. 119.)
98. On February 25, 2020, Bateman Hospital filed its complaint concerning Respondent's behavior with a patient or former patient, which may have crossed professional boundaries and violated the NASW Code of Ethics. (Board Exhibit No. 3.)
99. The complaint included a number of Facebook pages from the Respondent's page. The posts included pictures of RL and reflected that they were in a personal and/or sexual relationship. (Kuhn, Tr. p. 121; Board Exhibit No. 3.)
100. On February 27, 2020, Michael Campbell, a social worker with Bateman, sent an email to Ms. Kuhn stating that he learned that the Respondent was engaged to a former patient. Ms. Kuhn forwarded this letter to the Board as well. (Kuhn, Tr. pp. 120-121.)
101. Ms. Kuhn reviewed Bateman Hospital Policy C026, which states: "Any contact with a patient, former patient or family member of a patient of a personal or intimate nature by any employee . . . shall be considered as risking an adverse effect on the treatment and

prognosis of said patient and shall be viewed as exploitation, which shall call for immediate disciplinary action as severe as dismissal.” (Kuhn, Tr. p. 125; Board Exhibit No. 10.)

102. Bateman turned the matter over to the OIG for investigation. (Kuhn, Tr. p. 129.)

103. Bateman then received a report that the Respondent had some patient information with her outside of Bateman hospital. The Respondent kept looking for a file folder that included patient information, medical records, diagnoses, and other information. (Kuhn, Tr. p. 146). She requested that the file be mailed to her at her home address. At the time the Respondent was still on suspension. (Kuhn, Tr. p. 151.)

104. The Respondent later drove to the Hospital and had her sister drop the file off to the Bateman advocate. (Kuhn, Tr. p. 145.)

105. Tamara Kuhn testified she reviewed the folder and it contained patient medical information. (Kuhn, Tr. p. 146). The Respondents actions regarding the handling of the file was a breach of confidentiality. Such behavior involving patient information violates the NASW Code of Ethics at Sections 1.07(l) and 1.07(o), which address confidentiality of records. (Board Exhibit No. 9; Kuhn, Tr. p. 148.)

106. Bateman Hospital was required to notify the family of the patient of the unauthorized access to patient information. (Board Exhibit No. 48; Kuhn, Tr. pp. 145 – 150.)

107. While the Respondent was on suspension, she constantly harassed Ms. Kuhn over Facebook. She called the hospital and Ms. Kuhn constantly, to the extent that Ms. Kuhn had to keep changing her telephone number. Ms. Kuhn received reports that the Respondent was allegedly watching her house. It got to the point where Ms. Kuhn had to take out a protective order and missed several weeks of work because of the anxiety and depression.

The Department also sent a letter to the Respondent, asking her to cease and desist her harassment of Ms. Kuhn. (Kuhn Tr. p. 130-132; 164; Board Exhibit No. 49.)

108. Based upon the final report from the OIG, Bateman decided to discharge the Respondent from employment. The decision to discharge Respondent was made at the bureau level. (Kuhn, Tr. p. 129.)

109. By letter dated September 20, 2020, Bateman Hospital dismissed Respondent from her employment as a social worker with an effective date of October 2, 2020. (Board Exhibit No. 9).

110. After the Respondent was discharged from Bateman, her harassment of Ms. Kuhn and other persons continued. Ms. Kuhn testified about Respondent's Facebook posts wherein Respondent calls people "fake dumb bitches." (Board Exhibit No. 24.) Ms. Kuhn testified that such a social media post is unprofessional and tasteless and is not what is desired of a social worker. (Kuhn, Tr. pp. 152 - 153).

111. Tamara Kuhn testified about another Facebook posting of Respondent that was made shortly before Respondent's scheduled Level 3 grievance hearing regarding her suspension. Respondent's post stated: "I'm locked and loaded. Robert, TK, CC, KDD... and his ghetto baby momma!! Stay the hell away." (Board Exhibit No. 32; Kuhn, Tr. p. 156). Respondent was referencing witnesses who were to appear at the grievance hearing, including former patient RL, Tamara Kuhn, Crystal Chiswell, and KD. (Tr. p. 157). Ms. Kuhn felt threatened by the firearm "locked and loaded" language. (Tr. p. 158.) This post was the basis for Ms. Kuhn seeking and obtaining a personal safety order against Respondent. (Board Exhibit No. 32; Kuhn, Tr. p. 155.)

112. The undersigned took judicial notice of the protective order.

113. Tamara Kuhn testified that the Respondent also made social media posts referencing RL and his former wife regarding to a lawsuit that RL intended to file. The Respondent posted a copy of the pre-suit notice to the Hospital on Facebook. Ms. Kuhn testified that it was not appropriate for Respondent to identify the former patient, RL, by name, and his wife, on social media and call them names (i.e., con artists, pieces of shit parents, and psychopaths). (Kuhn, Tr. pp. 162 - 163; Board Exhibit No. 18.)

114. The undersigned finds the testimony of Tamara Kuhn credible and reliable.

KD

115. Mr. KD testified that he has been employed at Bateman Hospital for 20 years. In March 2020 he was the Security Director. (KD, Tr. p. 187.)

116. Mr. D is familiar with the Respondent Linda Jenkins by virtue of her employment at Bateman as a social worker. (KD, Tr. p. 188.)

117. Mr. D testified that in March 2020 he received a call on his work phone from the Respondent stating that his adult son needed to talk to him and that it was an emergency. She specifically named his son and she advised him that he was a patient at Bateman. She also stated that his son was living with her and that she was his social worker. Mr. D did not believe it was his son, and she insisted that it was. (KD, Tr. pp. 189, 192.)

118. At the time, Mr. D did not have a relationship with his son. He did not know he was a patient at Bateman. (KD, Tr. pp. 191 – 192.)

119. During the conversation, the Respondent also stated to Mr. D that Tammy Kuhn was trying to destroy her job. She also insinuated that he and Tammy Kuhn had a romantic relationship. Mr. D denied having a romantic relationship with Ms. Kuhn. (KD, Tr. p. 192.)
120. Mr. D reported the call to Tammy Kuhn. He did not think that it was right for the Respondent to call him on the job and tell him that his son was a patient at the Hospital. Ms. Kuhn had him make a written statement. (KD, Tr. pp. 189-190; Board Exhibit No. 15.)
121. The undersigned finds the testimony of KD credible and reliable.

Vicki James

122. Vickie James, Executive Director of the Social Work Board, testified at the hearing. She is a licensed social worker and has a master's degree in social work. She has been the Executive Director of the Board for almost seven years. (James, Tr. pp. 196-197.)
123. Ms. James confirmed the filing of the complaints against the Respondent, the service of the same upon the Respondent, and the answers and responses submitted by the Respondent and/or her attorney. (James, Tr. pp. 217 – 236.)
124. Ms. James testified at length about the NASW Code of Ethics, which all social workers are required to follow. (James, Tr. pp. 201 – 202; Board Exhibit No. 2.)
125. **NASW Code of Ethics Standard 1.06** – this standard addresses conflicts of interest and dual relationships. A dual relationship occurs when social workers relate to clients in more than one relationship, whether professional, social, or business. Dual or multiple relationships can occur simultaneously or consecutively. (Board Exhibit No. 2.)
126. **NASW Code of Ethics Standard 1.07** - Ms. James testified that when the NASW Code of Ethics was revised in 2017, technology and social media was taken into consideration.

(James, Tr. pp. 208 – 209.) The NASW Code of Ethics at 1.07(r), states that social workers should avoid posting any identifying or confidential information about clients on professional websites or other forms of social media. (James, Tr. pp. 205 – 206; Board Exhibits No. 2, 18.)

127. **NASW Code of Ethics Standard 1.12** - Standard 1.12 of the NASW Code of Ethics requires that social workers must use respectful language in communications about clients. Specifically, it states that social workers should not use derogatory language in their written, verbal, or electronic communications to or about clients. Social workers should use accurate and respectful language in all communications to and about clients. (James, Tr. p. 208; Board Exhibit No. 2.)

128. **NASW Code of Ethics Standard 4.04** – This standard provides that social workers should not participate in, condone, or be associated with dishonesty, fraud, or deception. (James, Tr. p. 217, Board Exhibit No. 2.)

129. Ms. James then testified how the actions of the Respondent Linda Jenkins violated the various provisions of the NASW Code of Ethics.

Standard 1.06

130. Ms. James noted that the Respondent admitted to having a relationship with RL, who was a patient at Bateman Hospital. The Respondent was a social worker who was a part of his treatment unit. Ms. James testified that a social worker sees a client at his or her “most vulnerable state” and has access to the client’s medical information. She explained that the Code of Ethics provides that a social worker cannot be a friend or love interest of a client or former client. A professional relationship must be maintained at all times. A social worker

loses objectivity and effectiveness with a dual relationship. The same problem applies to a social worker having a personal sexual relationship with a discharged patient. (James, Tr. pp. 213 214, 217.)

131. By having any kind of personal relationship with RL, the Respondent violated Standard 1.06 of the NASW Code of Ethics.

132. Ms. James said there is an “imbalanced power dynamic” that does not go away when the patient is discharged. “It’s not like when they’re discharged, that they don’t have the same frailties or the problems that they came to Bateman for.” (James, Tr. pp. 213 – 217.)

133. In RL’s case, Bateman Hospital had a no contact policy in place with its social workers and former patients, a copy of which was admitted as Board Exhibit No. 10. The Respondent’s contact with RL should have stopped at discharge. Having sex with a former patient is “definitely” not within the role of a social worker. (James, Tr. pp. 215 – 216; Board Exhibit No. 10.)

134. Ms. James emphasized that RL was still undergoing mental health counseling and treatment subsequent to his discharge from Bateman Hospital. He was still dealing with addiction issues. (James, Tr. p. 258.)

135. Ms. James testified it would be totally inappropriate and a violation of the NASW Code of Conduct for Respondent to have an ex-patient over to her house, or to have the ex-patient sleep over, exchange gifts, go to church together, or go to dinner together. It does not matter if the ex-patient consented. The ex-patient is the one with issues and problems that resulted in him being admitted to Bateman Hospital. (James, Tr. pp. 216 – 217.)

136. Ms. James reviewed the Facebook posts that the Respondent made regarding her relationship with RL and testified that they violated the NASW Code of Ethics. The posts showed more than just a “platonic” relationship. The posts were romantic in nature. (James, Tr. pp. 253 – 257; Board Exhibit No. 3.)
137. The Facebook posts showed boundary issues. Respondent was RL’s social worker; she was part of RL’s treatment team; and knew his medical history. His medical diagnoses did not go away upon discharge, and he continued to have the same problems. (James, Tr. p. 255.)
138. Ms. James testified that a review of the records, Facebook posts, and other evidence reflected that the Respondent was seeing RL in another capacity and RL had different expectations about their relationship. (James, Tr. p. 255.) RL had expectations that Respondent was his friend and that Respondent noted in one of her responses that RL got mad at her when she said she was not going to help him anymore. Respondent brought it upon herself by crossing professional boundaries to begin with. (James, Tr. p. 256.)
139. Ms. James testified there are no excuses or extraordinary circumstances in this case that would allow Respondent to engage in a personal, sexual, romantic relationship with RL. Social workers are taught from the very beginning that a client’s needs come first. Social workers must put their own values, personal beliefs, and needs aside to help the client. (James, Tr. p. 259.)

Standard 1.07

140. Ms. James reviewed the multiple social media posts submitted into evidence, and testified that the Respondent’s posts were in violation of the provisions of Code of Ethics Standards 1.07. Ms. James testified that Respondent’s social media posting about her

former patient violates NASW Code of Ethics at 1.07(r), which states that social workers should avoid posting any identifying or confidential information about clients on professional websites or other forms of social media. (James, Tr. pp. 205 – 206; Board Exhibits No. 2, 18.)

141. Ms. James testified that when a social worker is blowing off steam on Facebook, the social worker is making his or her interests primary, not the client. (James, Tr. p. 207.)

142. Ms. James specifically addressed Respondent's "locked and loaded" Facebook post directed at Respondent's former patient RL and others that were scheduled to be called as witnesses in upcoming hearings, copies of which were admitted as Board Exhibit No. 32. She testified that the posting dismayed her and was not professional. Social workers have a commitment not only to clients, but a commitment to colleagues and to the profession to act in a professional manner. The social media post violates the NASW Code of Ethics. (James, Tr. pp. 208 – 209.)

143. Ms. James testified that Respondent did not represent herself well as a social worker. Social workers have a responsibility to the profession to have high standards and to promote the values and ethics of the profession. Having a social worker trashing a former patient on social media is not representing the profession well. (James, Tr. pp. 212 – 213.)

Standard 1.12

144. Ms. James was asked whether it was appropriate for social workers to use derogatory language when posting or communicating about patients or former patients, and she replied that such behavior is problematic. (James, Tr. pp. 208 – 209.)

145. Making disparaging remarks about a former patient and their family violates Standard 1.12 of the NASW Code of Ethics. A social worker's primary responsibility is to promote the well-being of clients. Social workers are required to use respectful language. (James, Tr. pp. 206 – 207; Board Exhibit No. 2.)
146. The Respondent did not use respectful language concerning her former patient RL. (James, Tr. pp. 206 – 207; Board Exhibit No. 2.)
147. Vickie James testified after Respondent's relationship with RL ended, Respondent's behavior became "very scorched earth." (James, Tr. p. 260.)
148. Ms. James opined that the Respondent did not represent RL's best interest. Respondent also harassed the HR Director at Bateman Hospital; sent very derogatory emails to RL's ex-wife; and engaged in a pattern of bullying other people to back off. Respondent lost her job because of the relationship. Two witnesses had to go to court to get protective orders against her. (James, Tr. pp. 261 - 262; Board Exhibits No. 31, 33, 40.)

Standard 4.04

149. Ms. James also testified about the NASW Code of Ethics Standard 4.04, Dishonesty, Fraud and Deception. Based upon all of the responses Respondent submitted concerning the complaints against her and her subsequent admission in her affidavit, she was not being straightforward with the Board during the investigation. Ms. James emphasized that after almost a year of denying the sexual relationship with RL, the Respondent ultimately did admit to it. (James, Tr. pp. 217, 238, 258.)
150. Ms. James reviewed the Respondent's affidavit submitted in response to the complaints filed with the Board. She noted that the affidavit stated that toward the beginning of March

2020, the Respondent believed it was possible to have a loving relationship with RL. Ms. James testified that the Respondent did not contact the Board seeking advice about the codes of ethics and whether or not she could enter into a relationship with a former patient. (Board Exhibit No. 7; James, Tr. pp. 257 -260.)

151. Vickie James further testified she really has not seen evidence Respondent has accepted responsibility for her behavior. The Respondent lacks awareness; is impulsive, and shows poor judgment. These are not attributes that the Board wants to see in a social worker. The Respondent furthermore lashes “out at people that don’t agree with her or don’t go her way.” (James, Tr. pp. 262, 267.)

152. Ms. James summarized the relationship between the Respondent as a social worker and RL as a client and former client created a conflict of interest. There was a dual relationship that should not have occurred and that was a violation of Bateman Hospital policy. There were boundary concerns. The sexual relationship with RL set up an expectation. (James, Tr. p. 270.)

153. Ms. James specifically noted that the Respondent denied the sexual relationship with RL for a year. There was evidence of derogatory attacks that the Respondent made against RL and other witnesses; and she used derogatory language in social media postings and emails. Altogether, the Respondent engaged in behavior unbecoming a social worker. She violated the NASW Code of Ethics standards relating to technology. Respondent’s behavior resulted in her losing her job and witnesses having to get protective orders against her. Moreover, the Respondent did not take any responsibility for why the disciplinary hearing was actually

taking place. There was no insight on her part as to why the Board proceeded with a disciplinary hearing. (James, Tr. pp. 217 – 272.)

154. The undersigned finds the testimony of Vicki James credible and reliable.

RL

155. RL appeared as a witness for the Board. He testified that he was admitted to Bateman Hospital as a forensic patient on or about October 14, 2019. Prior to that he was in a recovery program in Bluefield, West Virginia. While in the recovery program, RL was treated for opiate addiction. He also has a history of ADHD and anxiety. (RL, Tr. p. 290.)

156. RL testified that he was subsequently transferred to Bateman Hospital, and the Circuit Court ordered that he undergo a psychological evaluation while he was there. (RL, Tr. pp. 289 – 290.) His evaluation unit team at Bateman Hospital consisted of a psychologist, therapist, and social worker. (RL, Tr. 291 – 292.)

157. The Bateman psychiatrist diagnosed RL as being manic depressant, with mania, anxiety, ADHD, and PTSD. He received treatment for his mental illnesses while at Bateman with medication and counseling. (RL, Tr. pp. 292- 293.)

158. RL's Treatment Summary at Bateman Hospital noted the following: RL was admitted to Bateman Hospital after being civilly committed to treatment for suicidal ideation; homicidal ideation; complaints of insomnia, anxiety, and tension; racing thoughts, and impulsivity. He has been attending Narcotics Anonymous meetings. His substance abuse history included opioids, heroin, and alcohol. While at Bateman Hospital he demonstrated manic behavior and anxiety. (Board Exhibit No. 23.)

159. RL's Treatment Summary further noted he participated in psychology groups to develop non-harmful coping strategies. He attended nursing education groups focused on mental health/illness management. He attended co-occurring disorders programming focused on topics related to substance use, including anger management and self-esteem. He attended individual therapy with psychology staff focused on developing coping strategies for anxiety related to his history of PTSD, emotion regulation strategies, cognitive reframing, and stress management skills. (Board Exhibit No. 23.)
160. RL testified that the Respondent Linda Jenkins was a social worker at Bateman. She was a part of his treatment team and was there every time he had a treatment team meeting. She would also take him to and from court hearings. (RL, Tr. pp. 294 – 295.)
161. RL testified that he had a sexual relationship with Linda Jenkins that began while he was a patient at Bateman Hospital. The Respondent told him he looked like her "ex" and they began to kiss. In November 2019, the Respondent arranged for them to go into a side room where there were no cameras. There, she performed oral sex on him. Afterwards, during hearings or meetings the Respondent fondled him under the table. (RL, Tr. pp. 299 – 300, 356 -359.)
162. RL testified that the relationship with the Respondent was not planned. He had no family. She made herself available to him and it felt good to him. The relationship "just happened" and it was consensual. (RL, Tr. pp. 302, 360 - 361).
163. RL was discharged from Bateman in December 2019. At that time, he was still being treated for PTSD, anxiety, manic depressant, bipolar, and ADHD. He was discharged to a Christian-based residential recovery program called The Ark in Huntington, West Virginia.

He attended AA and narcotics anonymous meetings at the Ark. Employment and church attendance were both mandatory. He also continued with mental health treatment and counseling at the Presteria Center. This treatment has been ongoing since his discharge from Bateman Hospital. He takes various prescription medications to help with his mental health diagnoses. (RL, Tr. pp. 297 – 299.)

164. The sexual relationship between RL and the Respondent continued after his discharge.

Two weeks after he was released, she picked him up on January 1, 2020, and took him to a hotel, where they had intercourse. (RL, Tr. p. 301.) Afterwards, she would show up at The Ark and take him to Presteria. RL described their relationship as a “boyfriend and girlfriend type thing.” He obtained day passes and night passes and stayed at her house several times, where they were intimate. (RL, Tr. p. 301.)

165. The Respondent’s son arranged for RL to get a job with a construction company. In

January 2020 RL fell off a 15-foot ladder and lacerated his chin, and injured his back and left arm, requiring surgery. He was admitted to Cabell Huntington Hospital. The Respondent came to the hospital and stayed with him overnight. RL confirmed that the Facebook posts made by the Respondent reflected him, his injuries, and the fact that she stayed with him overnight at the hospital. (RL, Tr. pp. 302 – 305.)

166. RL testified that the Respondent’s Facebook posting of photographs of him at the hospital stated the following:

“I will always take care of him, can’t get his bleeding to stop...❤️❤️”

“We walk the line...because you’re mine! 😊😊 [2 smiley face/heart emojis]

(RL, Tr. pp. 302 - 304; Board Exhibit No. 3.)

167. RL also confirmed Respondent's Facebook posting dated February 8, 2020. He is in the photograph. Respondent posted:

Linda Michelle Jenkins is 😊 [smiley face/heart emoji] feeling in love at Home Sweet Home❤️

This man of mine...never have to open a door to get in or out of the car, he makes sure the gas tank is full, air in my tires, makes sure I'm the center of his world, prays over every meal we have, and makes sure no person ever doubts how much we meant to each other! Yes good men still exist!

(RL, Tr. p. 308; Board Exhibit No. 3.)

168. RL testified that the Respondent wanted him to wear a ring to let it be known he was "taken." She took him to the jewelry store and picked them out. He confirmed that pictures posted on the Respondent's social media pages reflected their hands and the rings. The Respondent posted the photo of their hands (with rings) on Facebook and said:

We have our "taken" rings and we couldn't be any happier with the ones we picked out! 💋💋

(RL, Tr. pp. 306 - 307, 384-385; Board Exhibit No. 3.)

169. RL confirmed that in February 2020 he was having a sexual relationship with the Respondent. (RL, Tr. p. 311.)

170. RL testified that In March 2020 the OIG requested a meeting with him regarding his relationship with Ms. Jenkins. The Respondent had already given them her statement. The Respondent and RL sat in a park, went over her statement, and rehearsed the meeting RL would have with the OIG. The Respondent told him what to say. RL testified that he complied with her demands because she told him that if OIG found out about their

relationship in would be a violation of his bond conditions and he would go back to jail. (RL, Tr. p.p. 312- 313, 361, 371.)

171. The OIG interviewed RL on March 18, 2020. The Respondent drove him to the meeting, coaching him all the way. She dropped him off about a mile from the OIG office so they would not be seen together. (RL, Tr. p. 313.)

172. During the meeting with the OIG, RL denied having a sexual relationship with Respondent. RL testified that the investigator told him that his statement was “pretty much word-for-word” the same as the Respondent’s statement.” (RL, Tr. p. 312.)

173. RL testified that after talking with his attorney and others, he was confronted with Facebook posts and additional evidence that made it clear he was in a relationship with the Respondent and that he had not been truthful with the OIG. (RL, Tr. pp. 368 – 370.)

174. RL later called the OIG investigator and told him that he wanted to recant his first statement. At the second meeting, RL told Addison Hamilton, the investigator, that he was coerced by Respondent into providing false information during his first interview. (RL, Tr. p. 312; Board Exhibit No. 19.)

175. RL testified that he told the investigators that he engaged in sexual activities with Respondent on Bateman Hospital property and that their intimate relationship continued after he was discharged from the hospital. (RL, Tr. p. 316; Board Exhibits No. 19, 20.)

176. RL provided investigators with copies of documents and texts to support parts of his account of events. He said he had been trying to end the relationship with the Respondent. He also said he and Respondent rehearsed his initial statement to OIG. At the time, he was wearing an ankle monitor and Respondent told him that his bond would be revoked if he

did not lie to OIG. He said he felt vulnerable and trapped. The Respondent was harassing his family and she was trying to get him in trouble with Workers' Compensation and Child Protective Services. He said Respondent threatened him with a handgun and he sought a restraining order. He said the situation was stressful on his sobriety. (RL, Tr. pp. 312 - 316; Board Exhibits No. 19, 20.)

177. RL testified that the Respondent told him he would be in violation of his bond conditions, and he would go back to jail if OIG found out they were in a sexual relationship. (RL, Tr. pp. 311, 312, 371).

178. During the hearing, RL confirmed the statements he made to the OIG during the second interview. (RL, Tr. p. 316.)

179. RL testified the relationship with Respondent became a nightmare after he provided the second statement during the OIG investigation. (RL, Tr. p. 317).

180. RL testified Respondent would show up at The Ark and would not leave. The director told RL she was not welcome and said he would call the police if she did not leave. (RL, Tr. pp. 317, 320). RL pleaded with Bateman Hospital and OIG investigators to make her stop. (RL, Tr. p. 323; Board Exhibit No. 25.)

181. RL testified Respondent showed up at his appointments; contacted his mother; showed up at his place of employment; and became obsessive. (RL, Tr. pp. 318 - 320, 337 - 338). The Respondent harassed him through the phone, sending text messages and forcing him to block her. (RL, Tr. p. 324 - 333; Board Exhibits No. 26, 27).

182. The Respondent also referenced RL's estranged wife (Becky) in the messaging:

So I promise ya if you allow the bitch to keep messing with me and you keep trying to call work and go recant your statement, which you told the truth the first time!! You will both pay too....

(Board Exhibit No. 27.)

183. RL considered Respondent's messaging to be a threat. (RL, Tr. p. 327.)

184. Respondent also attempted to interfere with RL's workers' compensation claim; and contacted the prosecuting attorney and his probation officer in Berkeley County, attempting to get his bond revoked. (RL, Tr. p. 331.) She contacted his wife and told her that they were having a sexual relationship, which resulted in his wife filing for divorce. (RL, Tr. pp. 333, 338, 351; Board Exhibit No. 28.)

185. RL confirmed the testimony of his girlfriend, Tracy Curry. He testified that the Respondent went to the residence of RL and his girlfriend at midnight on July 15, 2021; confronted RL; waived a gun; and threatened RL and Ms. Curry. (RL, Tr. pp. 339 - 343).

186. RL was able to obtain a domestic violence protective order against Respondent in Kanawha County Family Court on August 31, 2021. (Board Exhibit No. 40.) During the hearing on the matter, the Respondent admitted to being at RL's residence, but claimed she was there only to taunt him. (RL, Tr. p. 343.)

187. The Order of Protection³ was issued for six months. The Family Court concluded that Respondent placed RL and Tracy Curry in reasonable apprehension of physical harm and that Respondent created fear of physical harm by harassment, stalking, psychological abuse, or threatening acts. (Board Exhibit No. 40.)

³ This Administrative Law Judge takes administrative notice of the Order of Protection.

188. RL testified that Respondent's conduct toward him has made him "unstable." He can't sleep. It has had a negative impact on his relationship with his girlfriend. He says he is always looking over his shoulder. He's become paranoid. He admitted himself to CAMC General Hospital for mental health treatment. (RL, Tr. pp. 350 – 352.)
189. RL testified he was attempting to focus on his recovery and "get mentally stable." He stated, "This just tore me up. I mean I can't even explain how bad this affected me." RL maintained that if not for his counselor and nurse practitioner at the Pretera Center, he did not know what would have happened to him. It became unhealthy for him to be around Respondent. (RL, Tr. pp. 330-335, 380.)
190. The undersigned finds the testimony of RL is supported by independent testimony, exhibits, and other evidence, and is thus credible and reliable.

Linda Jenkins

191. The Respondent Linda Jenkins testified on her own behalf. She confirmed that she started working as a social worker at Bateman Hospital on November 16, 2009. She was dismissed on September 17, 2020. (Jenkins, Tr. p. 394.)
192. Bateman Hospital suspended the Respondent on February 12, 2020. While the Respondent was out on that suspension, the Hospital suspended her again on February 20, 2020. (Jenkins, Tr. pp. 394-395.)
193. The Respondent testified that RL was admitted to Bateman as a patient on October 14, 2019. She was assigned to him as his social worker, and worked with him until his discharge on December 11, 2019. (Jenkins, Tr. p. 397, 399.) She described their relationship as completely professional. (Jenkins, Tr. p. 407.)

194. Respondent was fully aware of the issues and problems facing RL while he was a patient at Bateman Hospital. She affixed her signature to the Treatment Summary. She testified as to her knowledge of RL's issues and problems. (Jenkins, Tr. pp. 566 – 570; Board Exhibit No. 23.)
195. Respondent admitted that Bateman has a policy that forbids employed social workers from developing social relationships with patients both inside as well as outside the hospital setting. (Jenkins, Tr. pp. 525-528.)
196. The Respondent denied the allegations by RL that they had sexual encounters while he was a patient at Bateman. Jenkins, Tr. p. 411.)
197. The Respondent also denied staying with RL in a hotel on New Year's Day. (Jenkins, Tr. p. 413.)
198. The Respondent testified that the relationship between them changed around December 23, 2019, when she was taking RL and others to church. On that day he started flattering her. (Jenkins, Tr. p. 419.) She then started going to church, meetings and other places with him. They then started discussing having a relationship. (Jenkins, Tr. p. 427.)
199. The Respondent also stated that RL was the one who pursued her and sought a romantic and sexual relationship with her. (Board Exhibit No. 7; Jenkins Tr. pp. 417- 421.)
200. The Respondent insisted that there was no dual relationship because their professional relationship was over on December 11, 2019. They also later discovered they were related by their cousins. (Jenkins, Tr. p. 428.)
201. The Respondent testified that on Valentine's Day she picked RL up and took him to dinner. (Jenkins, Tr. p. 433.) By March they had entered into a sexual relationship, and he would

come to her house for dinner and visits. She admitted that she called RL “baby” and that he wrote a devotion to her about their love for each other. (Jenkins, Tr. pp. 435, 437, 490, 540 - 541, 553.)

202. The Respondent confirmed that on February 14, 2020, she posted on her Facebook page a note written by RL. She commented:

My baby let me sleep in today, while he wrote this beautiful devotion to me, and our love! I always keep asking, who’s the lucky one?? Him or me...💜💋

(Board Exhibit No. 3; Jenkins, Tr. p. 541.)

203. The Respondent testified that she met with the inspectors at OIG on March 3. She stated that the information she provided to them was accurate. (Jenkins, Tr. p. 462.)

204. The Respondent confirmed that her sexual relationship with RL occurred after March 3, 2020. (Jenkins, Tr. p. 462.) However, she admitted that she was in love with him on February 8, 2020. (Jenkins, Tr. p. 545.)

205. The Respondent confirmed the Facebook posts of RL being in the hospital and their rings. (Jenkins, Tr. pp. 448, 451, 534.) She testified that she used the word “taken” in the post in a religious context, that “we were reserving ourselves like for religious stuff. . .” (Jenkins, Tr. p. 452.) She admitted to a Facebook posts which stated: “We walk the line because you’re mine” and “Feeling in love, this man of mine.” (Board Exhibit No. 1, Jenkins, Tr. pp. 536, 545.)

206. The Respondent testified that she ended the relationship around April 9, 2020, because she felt he had become controlling, jealous and overbearing. (Jenkins, Tr. p. 441.) She got together with him again from April 24 through May 21. The Respondent testified she

thought it would be okay to be in a sexual relationship with RL because she was already being accused of it. (Jenkins, Tr. p. 443.)

207. The Respondent testified that she finally broke off with RL on May 21, 2020, because he would not respect her boundaries. (Jenkins, Tr. pp. 455, 514.)

208. The Respondent testified that the pre-suit notice issued by the attorney for RL was posted on her backup Facebook account and sent to friends. Her backup account had about 100 friends on it. (Jenkins, Tr. pp. 485 - 486.) With this posting, she disclosed RL's name and the name of his wife. She said:

Thissss is one of the 999 reasons that R***** L** L***** and B**** V***** L***** are con artists and pieces of shit parents!! Always looking to be the new victims and the next lawsuit!!! Good luck psycho paths!⁴

(Board Exhibit No. 18; Jenkins Tr. pp. 528–529.)

209. The Respondent agreed during the hearing that it was totally inappropriate to refer to former patients as pieces of shit. It was also totally inappropriate to refer to a patient's wife as a psychopath. (Jenkins, Tr. p. 531.)

210. One month after ending the relationship with RL, the Respondent attempted to report him to Workers Compensation for fraud. (Jenkins, Tr. pp. 514 – 515, 517.)

211. While on suspension from Bateman, the Respondent acknowledged that she attempted to transfer certain documents from one location within Bateman to another through the help of her sister and a co-worker. (Jenkins, Tr. pp. 494 – 498, 509 – 514.)

⁴ Names are replaced with **** in order to protect the privacy of former patient and his wife.

212. Respondent contacted a co-worker and asked the co-worker to bring a certain file folder, otherwise known as the “purple folder” out to the Bateman parking lot. The folder allegedly contained exoneration evidence relative to the Respondent’s February 12, 2020, suspension. (Jenkins, Tr. p. 498.)
213. Respondent said she obtained the file by calling a Bateman Hospital employee and having the employee bring the file to her where she and a relative were parked in a vehicle just outside hospital grounds. Respondent wrote a note on the folder that she wanted the folder copied and the contents provided to her. (Jenkins, Tr. pp. 498 – 500, 510.)
214. At her request, the Respondent’s co-worker brought the purple folder to Bateman’s parking lot and handed it to Respondent’s sister. (Jenkins, Tr. pp. 492 – 498.) The Respondent’s sister then carried the purple folder a few yards and handed it to a security guard at Bateman’s guard shack and asked that it be delivered to an investigator working on the matter with the Respondent. (Linda Jenkins, pp. 495 – 498.)
215. Respondent stated that she never touched the purple folder during the transfer and that her sister never opened the folder while carrying it from the Bateman parking lot to the Bateman guard shack. (Jenkins, Tr. pp. 494 – 498.)
216. The Board and Bateman alleged that the few-minute transfer of the purple folder by Respondent’s sister constituted a HIPAA breach by Respondent. (Board Exhibit No. 1.)
217. On January 19, 2021, Respondent directly replied to the Board’s initial complaint by way of an Affidavit. In her affidavit, Respondent admitted having a sexual relationship with RL but that it was fully consensual, did not exploit RL and did not violate Rule 1.09 of the National Association of Social Workers Code of Ethics. [Exhibit 7].

218. The Respondent confirmed the information contained in the affidavit she submitted to the Board. (Jenkins, Tr. p. 465; Board Exhibit No. 7.)
219. The Respondent testified that she has read the NASW Code of Ethics and understood it. (Jenkins, Tr. p. 499.)
220. The Respondent testified that her relationship with RL fell under the purview of Standard 1.06(c), but felt that there were extraordinary circumstances that applied to her situation that permitted the relationship. The Respondent never clearly articulated what, exactly, those extraordinary circumstances were. (Jenkins, Tr. pp. 500 – 505.)
221. The Respondent admitted that she violated the Bateman Hospital's policies regarding contacts and relationships with patients, prior patients, or family members of patients. (Jenkins, Tr. Op. 526, 528.)
222. The undersigned finds that the testimony of the Respondent Linda Jenkins is contrary to the credible testimony of other witnesses; contrary to the exhibits and documents submitted in this matter; erratic and inconsistent; and hence lacks credibility and reliability.

DISCUSSION

The provisions of *W.Va. Code* §30-30-1, *et seq.* and the *W.Va. Code of State Rules* §25-1-1, *et seq.* permit the West Virginia Board of Social Work to discipline any licensed social worker when it finds probable cause to believe that the licensee has engaged in unprofessional and/or unethical conduct in violation of applicable statutes, rules or ethical principles or standards. The Board may discipline a licensee only upon satisfactory proof that the social worker engaged in the questionable activity. Disciplinary action against a licensee of the Board must be predicated upon a preponderance of the evidence. *Orr v. Crowder*, 315 S.E.2d 593 (W.Va. 1983.)

The underlying facts that formed the basis for the initial investigation of this matter and the subsequent discharge of the Respondent are not in dispute. The Respondent Linda Jenkins was a social worker at Bateman Hospital. The witness RL was a patient at Bateman Hospital during the period of her employment there.

RL contends that they began a sexual relationship while he was a patient, and the Respondent disputes that. However, they are both in agreement that they had a sexual relationship after his discharge from Bateman. The Respondent acknowledged during the hearing on this matter that such a relationship with a prior patient was a violation of both Bateman policies, and the NASW Code of Ethics.

The Respondent maintains, however, that her relationship with RL was not in violation of the applicable NASW Code of Ethics because she was not an employee at the time the relationship commenced. In her written proposed findings of fact and conclusions of law, the Respondent states that her actions fall within the exception provision of Rule 1.09(c) of the *NASW Code of Ethics* because the sexual relationship with RL started after RL's discharge, after Respondent was no longer a defined "employee" and without coercion, manipulation or exploitation of RL. The Respondent argues, in essence, that because she was on suspension from Bateman from February 12, 2020, through the time she was fired on September 20, 2020, she was not an employee of the Hospital and therefore was not subject to the applicable Code of Ethics.

The Respondent's position fails for several reasons. First, she was an employee of Bateman at all times relevant hereto up until her discharge on September 20, 2022. She was an employee in November and December, when the first sexual contact was made with a patient.

She was an employee from February through May 2020, when she admitted to having an intimate relationship with a former patient, RL. The Respondent was suspended without pay from her employment, which is a disciplinary action taken by Bateman, but that did not mean she was fired. She remained an employee until then, and remained subject to the Hospital's policies until her termination.

Moreover, regardless of whether the Respondent was an employee in the technical sense, as she claim, she was always a social worker, bound by the NASW Code of Ethics. The Standards applied to her in November and December of 2019 when she worked at Bateman and began a relationship – of any kind – with RL. They applied to her during the period of the admitted sexual relationship, February through May of 2020. The Standards applied to the Respondent during the time she submitted statements, affidavits, and other information to the OIG and to the Board pending the various investigations. In fact, the Standards continue to apply to the Respondent until such time as the Board determines what to do with her license.

The fact that the Respondent admitted to a relationship with a prior patient should make the decision in this matter simple. However, the contradictory and elusive statements of the Respondent and her insistence that she was an exception to the rule resulted in a protracted two-day hearing with multiple witnesses and over sixty exhibits.

The witnesses presented by the Board were credible. The Respondent argues that the testimony of RL should be excluded because it was based upon retaliation and because he changed his story to the OIG. She attempted to make much of the background of RL, including his criminal history, substance abuse, mental illnesses, and other factors. Unfortunately, those are the exact factors that should have precluded the relationship in the first place. The

Respondent knew all about RL, knew his vulnerabilities and history, and should have known not to begin any kind of relationship with him.

RL did change his story to the OIG, one time. Otherwise, he was consistent in his statements and testimony. Other witnesses corroborated his testimony, as did the Respondent to some extent. Moreover, the exhibits presented by the Board speak for themselves and establish that the Respondent and RL did indeed have a relationship. Regardless of whether it was before or after his discharge from Bateman, the relationship was prohibited by Hospital policy and the NASW Code of Ethics.

The exhibits further establish the erratic behavior and vindictiveness of the Respondent, and greatly outweigh the rather unbelievable explanations offered by her at the hearing. Her deceptive, false statements to OIG and Board investigators are not supported by any other witness, nor any of the evidence presented by either party. The undersigned finds the Respondent completely lacking in credibility.

The evidence also establishes that the Respondent failed to act in a professional manner and failed to maintain the integrity and high standards of a social worker. Her postings and foul language in public social media were far from professional. The fact that RL, his girlfriend, and employees at Bateman were so harassed by her that they had to obtain protective orders speaks volumes about the Respondent's erratic behavior and lack of professionalism. The Respondent had no regard for confidentiality, and obviously was more concerned about her own private interests rather than the best interests of her patients, or even her position as a social worker.

The uncontroverted evidence established by the Board shows that the Respondent did indeed engage in an intimate relationship with a former inpatient client, creating a conflict of interest; that she disclosed confidential information; that she used derogatory language in written, verbal and electronic communications to or about clients; and that she engaged in dishonest, fraudulent, and deceptive activities.

The Respondent failed to prove extraordinary circumstances were present that would allow her to engage in the conduct of which the Board and other persons complained. The Respondent is not a clinical social worker. She cannot decide on her own whether having a personal intimate and sexual relationship with a former patient would be beneficial to the former patient. Respondent clearly was risking an adverse impact on RL's treatment and prognosis. Thus, her behavior must be viewed as exploitive in nature and clearly in violation of Bateman Hospital Policy (Professional Relationships with Patients) and the *NASW Code of Ethics*.

The evidence is clear RL was harmed by the relationship. RL testified at length concerning the negative impact the relationship had on his mental health, which ultimately led to voluntarily admission to CAMC for further psychiatric treatment. Also, RL believed it necessary to obtain a domestic violence protective order after Respondent showed up at his residence at midnight brandishing a gun and making threats. After the breakup, it is clear Respondent attempted to interfere with RL's livelihood and his freedom.

Respondent's decision to engage in a personal intimate and sexual relationship with RL showed extremely poor judgment for a social worker. She was fired from her job. Her social work license was not renewed and was placed on delinquent status. She was arrested and put in jail

for showing up at RL's residence at midnight and making threats. It is clear Respondent has not proven that RL was not exploited, coerced, or manipulated, intentionally or unintentionally.

Respondent admitted to having a sexual relationship with a former patient, but the timeline she offered at the hearing regarding when the sexual relationship began is not credible. She has stated that her sexual relationship with RL did not start until after she was interviewed by OIG Investigators. It is not credible for Respondent to declare that her sexual relationship with RL did not start until after she was suspended pending investigation from work for allegedly engaging in such a relationship. It is not credible for Respondent to claim that her sexual relationship with RL did not start until after she was interviewed by OIG investigators. Her assertion that since everyone already thought she was involved with RL so she may as well go ahead and start a sexual relationship, especially while on suspension and under investigation by the OIG, totally lacks in credibility.

The testimony of RL, RL's former spouse, and the Respondent's own testimony and Facebook posts clearly show that Respondent was indeed having a personal intimate and sexual relationship with RL beginning in January 2020. The Respondent was not being truthful with the Board during its investigation, and she was not truthful with OIG during OIG's investigation.

Respondent was being dishonest or deceptive with OIG when on March 3, 2020, she denied or failed to disclose that she was in a personal intimate and sexual relationship with RL. In support of her denial, Respondent told the Board that RL has Hepatitis C, a long history of incarceration and drug use, and that she would never have sex with such a person. She later admitted that she did have a sexual relationship with RL. As such, the Respondent gave conflicting statements and explanations and acted contrary to her own assertions.

This Administrative Law Judge further finds and concludes that Respondent engaged in sexual contact with RL while he was still a patient at Bateman Hospital. The testimony of RL was more credible than the testimony of the Respondent with respect to the nature of their relationship and when it started. RL was direct and straightforward. He did not deflect, and his testimony was corroborated by other testimony and evidence. Overall, RL's demeanor and comportment at the hearing was authentic and genuine. He was emotional where expected.

Although Respondent denies having any type of sexual contact with RL while RL was still a patient at Bateman Hospital, her denial is not credible. Respondent was untruthful with the Board and with the OIG about having a personal intimate and sexual relationship with RL after his discharge. Thus, it is difficult to believe her claim there was no sexual contact with RL while he was still a patient at Bateman Hospital

The evidence as a whole established that the Respondent and RL did indeed engage in a boyfriend/girlfriend relationship after his discharge from Bateman. The testimony of RL is confirmed by Respondent's Facebook posts and her own statements. The actions of the Respondent and her social media posts are clearly public expressions of her love and devotion to RL in just a few short weeks after RL's discharge. The Respondent's explanation of the posts, the rings, and her perceived justification for her statements, allegations, and actions, are not credible.

The social medial posts made by the Respondent not only confirmed her relationship with RL, but they also demonstrated her pattern of lashing out to him, his family, and other employees of Bateman Hospital in a threatening, derogatory, and often discriminatory manner. The Respondent clearly made a threatening and racial post on Facebook concerning a Bateman

Hospital employee and witness in this matter, referring to being “locked and loaded;” specifying RL and Bateman employees by name or initials; and referring to one person’s “ghetto baby momma.” That particular public social media post was disparaging and racial in nature. The Respondent admitted making the various social media posts that contained disparaging remarks about a prior patient and his family; that publicized confidential information; and that were dishonest or deceptive.

The evidence established, and the Respondent also admitted, that the Respondent went through several convoluted procedures to obtain a file folder from Bateman that contained confidential patient information. The fact that she used her sister as an intermediary and involved several co-workers, including a security guard who had no clearance to handle confidential information, speaks of dishonesty and deceptiveness, and is an obvious violation of federal and state laws, as well as Hospital policies and procedures. As such, the HIPAA violation also constitutes a violation of the NASW Code of Ethics.

Vicki James, Executive Director of the Board, testified about her interactions and experience with the respondent. Ms. James noted that the Respondent lacks awareness; is impulsive, and shows poor judgment. The Respondent’s behavior during the administrative hearing of this matter supported the observations made by Ms. James. The Respondent offered contradictory statements; was evasive and duplicitous in answering questions; and often would not directly answer questions at all. She would deflect, change subjects, wander off topic, and was often extremely argumentative and nonsensical. The Respondent clearly blamed others for her behavior; attributed her actions to a multitude of emotional or health factors; and insisted that she was exempt from the requirements of the applicable rules, Code of Ethics, and Hospital

policies. The Respondent had difficulty admitting to the obvious, including the content of her Facebook posts or that she violated Bateman Hospital policies. The Respondent appeared lacking in honesty and credibility.

The Respondent's actions are clearly grounds for disciplinary action pursuant to the provisions of *W.Va. Code §30-30-1, et seq.*; are in violation of the provisions of the *National Association of Social Workers Code of Ethics*, *W.Va. Code of State Rules §25-1-4* and other applicable statutes, rules and policies.

CONCLUSIONS OF LAW

1. The West Virginia Board of Social Work ("the Board") is a state entity created pursuant to the provisions of *W.Va. Code §30-30-1, et seq.* and is charged with regulating the practice of social work in West Virginia.
2. The Board is empowered to suspend or revoke the license of a social worker, or to otherwise discipline a licensee if the person engaged in unprofessional and/or unethical conduct in violation of the applicable statutes, rules or ethical principles or standards related to social work. *W.Va. Code §30-30-5.*
3. At all times relevant to this matter, the Respondent, Linda M. Jenkins, was a licensed social worker in the State of West Virginia, holding License No. AP00940354. As such, the Respondent is subject to the jurisdiction and authority of the Board and all applicable licensing requirements, regulations, and discipline by the Board. *W.Va. Code §30-30-5* and *W.Va. Code R. §25-6-4.*
4. Pursuant to the provisions of *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 any licensee or permittee who engages in unprofessional conduct which places the public at risk or intentionally violates legislative rules of the Board. The Board may also impose probationary conditions upon the licensee or permittee or take such disciplinary action as the Board deems necessary and reasonable.

5. The Board properly and timely served the Respondent with the Statement of Charges, Amended Statement of Charges, and Notice of Hearing by both certified mail and regular mail. The Respondent filed written responses to the Board's filings and appeared in person and through her counsel at the administrative hearing regarding this matter.
6. Pursuant to statute, the Board may designate an Administrative Law Judge to conduct hearings. *W. Va. Code* § 30-30-27. The undersigned Administrative Law Judge is a licensed attorney, and was so designated in this case by the Board and without objection from the Respondent. The hearing for this matter was conducted pursuant to the applicable provisions of the *West Virginia Code* and the Board's legislative and procedural rules. *W. Va. Code* §29A-5-1, *et seq.*; *W. Va. Code* § 30-30-27 ; *W. Va. Code R.* § 25-6-1 *et seq.* (2013).
7. Credibility may be determined by an Administrative Law Judge in administrative cases, based upon thorough evaluation of witness testimony. *Darby v. Kanawha County Board of Education*, 227 W. Va. 525, 711 S.E.2nd 595 (2011.) The Administrative law Judge is uniquely situated to make such determinations and such determinations are binding unless patently without basis in the record. *Martin v. Randolph County Board of Education*, 195 W. Va. 297, 304, 456 S.E.2d 399, 405 (1995.) Administrative agencies such as the West Virginia Public Employees Grievance Board have applied the following factors to assess a witness's testimony: 1) demeanor; 2) opportunity or capacity to perceive and

communicate; 3) reputation for honesty; 4) attitude toward the action; and 5) admission of untruthfulness. Additionally, the administrative law judge should consider 1) the presence or absence of bias, interest, or motive; 2) the consistency of prior statements; 3) the existence or nonexistence of any fact testified to by the witness; and 4) the plausibility of the witness's information. *See, Holmes v. Bd. of Directors/W.Va. State College*, Docket No. 99-BOD-216 (Dec. 28, 1999.)

8. The undersigned Administrative Law Judge finds the testimony of RL, Vickie James, Becky Verdulla, Lisa Westfall, KD, Tracy Curry, and Tamara Kuhn to be credible and consistent with the documentary evidence admitted in this matter.
9. To the extent that Respondent asserted that her sexual relationship with RL did not begin until after she was interviewed by OIG on March 3, 2020, such testimony was not credible nor supported by other persuasive evidence.
10. RL's testimony acknowledging that he and Respondent engaged in sexual contact while he was still a patient at Bateman Hospital was credible and consistent with the evidence presented by the SW Board.
11. The Board has adopted the *NASW Code of Ethics*, and it may take disciplinary action against a licensee who fails to comply with this *Code of Ethics*. *W. Va. Code R. §25-7-2*.
12. A licensee must abide by the provisions of the *NASW Code of Ethics*. *W. Va. Code R. § 25-1-5.3*.
13. Pursuant to the *NASW Code of Ethics*, social workers are supposed to elevate service to others above self-interest. *NASW Code of Ethics – Ethical Principles*.

14. A social worker's primary responsibility is to promote the well-being of clients. *NASW Code of Ethics Standard 1.01 – Commitment to Clients.*
15. Social workers should be alert and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment. Social workers should not take unfair advantage of any professional relationship or exploit others to further their personal interests. *NASW Code of Ethics Standard 1.06 – Conflicts of Interest.*
16. Social workers should not engage in dual or multiple relationships with clients or former clients in which there is a risk of exploitation or potential harm to the client. *NASW Code of Ethics Standard 1.06(c) – Conflicts of Interest.*
17. Social workers should protect the confidentiality of clients' written and electronic records and other sensitive information. Social workers should take reasonable steps to ensure that clients' records are not available to others who are not authorized to have access. *NASW Code of Ethics at 1.07 (l) – Privacy and Confidentiality.*
18. In the event of unauthorized access to client records or information, social workers should inform clients of such disclosures, consistent with applicable laws and professional standards. *NASW Code of Ethics at 1.07(o) – Privacy and Confidentiality.*
19. Social workers should avoid posting any identifying or confidential information about clients on forms of social media. *NASW Code of Ethics at 1.07(r) – Privacy and Confidentiality.*
20. 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 – Sexual Relationships.*

21. Social workers should not use derogatory language in written, verbal, or electronic communications to or about clients. *NASW Code of Ethics at 1.12 – Derogatory Language.*
22. 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 – Private Conduct.*
23. Social workers should not participate in, condone, or be associated with dishonesty, fraud, or deception. *NASW Code of Ethics Standard 4.04 – Dishonesty, Fraud, and Deception.*
24. 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.*
25. The evidence and testimony presented by the Board established by a preponderance of the evidence that the Respondent engaged in unprofessional or unethical conduct, practices and acts and has failed to comply with the applicable laws, rules, regulations, or codes of conduct pertaining to licensed social workers in West Virginia.
26. The totality of evidence and testimony presented established by a preponderance of the evidence that Respondent violated *NASW Code of Ethics* Standard 1.01, which states that promotion of the well-being of clients is a social worker’s primary responsibility. *NASW Code of Ethics* Standard 1.01 – Commitment to Clients.
27. The evidence and testimony presented established by a preponderance of the evidence that Respondent violated *NASW Code of Ethics* Standard 1.06 – Conflicts of Interest, in that by having a personal intimate and sexual relationship with RL, Respondent purposely did not avoid conflicts of interest that interfere with the exercise of professional

discretion and impartial judgment. Respondent took unfair advantage of her professional relationship with RL to further her personal romantic and sexual interests. (NASW Code of Ethics Standard 1.06 – Conflicts of Interest).

28. The evidence and testimony presented established by a preponderance of the evidence that Respondent engaged in a dual relationship and crossed professional boundaries by having sexual contact with a patient at Bateman Hospital, and having a personal, intimate sexual relationship with this same patient upon his discharge from the hospital in violation of *NASW Code of Ethics Standard 1.06(c)(Conflicts of Interest)* and *NASW Code of Ethics Standard 1.09 (Sexual Relationships)*. Having a sexual relationship with a former patient is prohibited because of the potential for harm to the client.
29. The evidence and testimony presented established by a preponderance of the evidence that Respondent's social media post about her former patient violated *NASW Code of Ethics* at 1.07(r), which states that social workers should avoid posting any identifying or confidential information about clients on professional websites or other forms of social media. Respondent disclosed the name of her former patient and his wife on her public Facebook page.
30. The evidence and testimony presented established by a preponderance of the evidence that Respondent violated *NASW Code of Ethics* at 1.07 – Privacy and Confidentiality, in that she permitted her sister, an unauthorized person, to handle confidential patient records.
31. The evidence and testimony presented established by a preponderance of the evidence that Respondent violated *NASW Code of Ethics* at 1.07 – Privacy and Confidentiality, in

that she disclosed to a Bateman Hospital coworker that his estranged adult son had recently been a patient at the hospital. Respondent was not authorized to release this confidential patient information.

32. The evidence and testimony presented established by a preponderance of the evidence that Respondent's social media posts and texts involving her former patient violates *NASW Code of Ethics* Standard 1.12, in that she incorporated derogatory language in such posts. Social workers should use respectful language in all communications to and about clients. Respondent identified RL on Facebook and called him a con artist and piece of shit parent. She also incorporated derogatory language when she messaged RL and referred to RL in a derogatory manner when messaging with his spouse.

33. The evidence and testimony presented established by a preponderance of the evidence that Respondent violated *NASW Code of Ethics* Standard 4.03, which provides that social workers are supposed to treat each person in a caring and respectful fashion, mindful of individual differences and culture and ethnic diversity. The Respondent made a threatening, disparaging, and racial post on Facebook concerning a Bateman Hospital employee and witness. This is contrary to Standard 4.03, which provides that social workers should not practice, condone, facilitate, or collaborate with any form of discriminatory treatment on the basis of race. *NASW Code of Ethics* Standard 4.03 – Discrimination.

34. The evidence and testimony presented established by a preponderance of the evidence that the Respondent violated *NASW Code of Ethics* Standard 4.03, which provides that social workers should not permit their private conduct to interfere with their ability to

fulfill their professional responsibilities. The Respondent's conduct with RL resulted in her losing her job and having her license renewal application denied. Her conduct resulted in several people obtaining protective orders to keep her away from them and causing them harm. The Respondent showing up at the home of RL and his girlfriend at midnight, waving a gun, and threatening them was a clear deviation from professional standards.

35. The evidence and testimony presented established by a preponderance of the evidence that Respondent violated *NASW Code of Ethics* Standard 4.04 – Dishonesty, Fraud, and Deception, in that she engaged in dishonesty or deception with OIG and the Board concerning the nature of her relationship with her former patient RL.

36. The evidence and testimony presented also established by a preponderance of the evidence that the Respondent violated *NASW Code of Ethics* Standard 5.01, which requires all social workers to maintain and promote high standards of practice. The totality of the evidence clearly established that the Respondent's actions in regard to RL, from the beginning of the relationship at Bateman, to the admitted sexual relationship, to the retaliatory actions, posts, and false statements made after the end of the relationship, could not, by any interpretation, be considered high standards of practice, and did nothing to promote the integrity of her profession.

37. The totality of evidence and testimony presented established by a preponderance of the evidence that Respondent failed to comply with applicable laws, regulations, and code of ethics 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, *W. Va. Code R.* § 25-7-2, and *W. Va. Code R.* § 25-6-4.

38. The totality of evidence and testimony presented established that Respondent engaged in conduct, practices, or acts constituting professional misconduct, negligence, or a willful departure from accepted standards of professional conduct in violation of *W. Va. Code* §30-30-26, *W. Va. Code R.* § 25-6-4, and the *NASW Code of Ethics*.
39. The evidence and testimony presented established by a preponderance of the evidence that during the Board's investigation of the disciplinary complaints filed against Respondent, she submitted a license renewal application for consideration. Respondent's license was set to expire January 1, 2021. The Board subsequently voted to deny Respondent's license renewal application after she submitted an amended response to the disciplinary complaints acknowledging professional misconduct in that she crossed boundaries RL, which included having a personal intimate and sexual relationship.
40. The Board acted properly and within its authority in that a license renewal application can be denied if the applicant has engaged in professional misconduct, conduct that does not show good moral character, or conduct that violates the *NASW Code of Ethics*. *W. Va. Code* §30-30-14; *W. Va. Code R.* §25-1-4.
41. Respondent failed to prove extraordinary circumstances were present allowing her to engage in such conduct.
42. The conduct of the Respondent constitutes grounds for disciplinary action pursuant to the provisions of *W. Va. Code* § 30-1-8, *W. Va. Code* § 30-30-26; *W. Va. Code R.* §25-1-4-3, *W. Va. Code R.* §25-6-1, *et seq.*, *W. Va. Code R.* §25-7-2 and *NASW Code of Ethics*.
43. The Board has met its burden of proof in this matter by a preponderance of the evidence and shall discipline the Respondent accordingly.

44. The Board may seek reimbursement for all administrative costs generated in the investigation and disposition of this matter, including, but not limited to, the cost of the Hearing Examiner, court reporter and Hearing transcript.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, and on the basis of the evidence, the undersigned Hearing Examiner finds that the Respondent Linda Jenkins violated multiple provisions of the *W.Va. Code*, the *W.Va. Code of Rules*, the *NASW Code of Ethics*, and policies and procedures of her employer, Bateman Hospital.

Therefore, the undersigned recommends that the Board of Social Work take such disciplinary action against the Respondent, Linda M. Jenkins, and her license as is deemed reasonable and just under the circumstances. Such action may include the suspension, restriction, or indefinite revocation of her license; the imposition of probationary conditions upon the license of the Respondent; or such other disciplinary action permitted by law. The undersigned recommends that the Respondent's license be indefinitely revoked.

The undersigned further recommends that the Respondent be assessed the costs of the Board's investigation and the administrative hearing, the court reporter, the hearing transcript, and the costs of your undersigned administrative law judge.

Respectfully submitted April 10, 2022.

Jennifer Narog Taylor

Jennifer Narog Taylor, WVSB 4612
Hearing Examiner
1118 Kanawha Boulevard, East
Charleston, WV 25301
(304) 342 - 1887