

BEFORE THE WEST VIRGINIA BOARD OF SOCIAL WORK

**WEST VIRGINIA BOARD OF SOCIAL
WORK,**

Complainant,

v.

Case No: 101302

**SAMANTHA LEWIS,
Licensed Social Worker
License Number: AP00944114**

Respondent.

CONSENT AGREEMENT AND ORDER

After due investigation of information received regarding possible statutory and rule violations, the West Virginia Board of Social Work Examiners (Board) determined that there was probable cause to believe that Samantha Lewis (Respondent) has exhibited unprofessional and unethical conduct in the practice of social work, in violation of the provisions of W. Va. Code § 30-30-1 *et seq.* and the Rules of the Board, W. Va. Code R. § 25-1-1 *et seq.* The Respondent was provided with written notice of the allegations against her pursuant to the rules of the Board and the laws of this State. Now, in lieu of hearing, the parties have reached an agreement for the resolution of the above-styled matter and the parties agree to entry of the following Order in disposition of this matter.

FINDINGS OF FACT

The Board adopts the following findings in this matter:

1. That Samantha Lewis is a licensee of the Board, License No. AP00944114, and is subject to the license requirements of said Board.

2. The Board is a regulatory board created for the purpose of regulating the social work profession. W. Va. Code § 30-30-1.

3. In order to carry out its regulatory duties, the Board is empowered to suspend, revoke or otherwise discipline an individual's social work license because of authority granted to it by W. Va. Code § 30-30-5.

4. That Respondent was, at all times material hereto, employed as a Social Worker by the West Virginia Department of Health and Human Services.

5. That on October 30, 2013, and on November 22, 2013, the Board received two separate written complaints.

6. That the Board did forward the both complaints to the Respondent for a response to these allegations. Respondent replied in a timely manner on January 13, 2014, with her written response to these allegations via her attorney, Gene W. Bailey, II.

7. That it is alleged that the Respondent sent numerous electronic mails to her former fiancé regarding a copy of a client's mug shot whose child the Respondent had removed during the month of April 2013. This electronic mail contained more than the mug shot as it appeared that the Respondent had shared confidential case information with her former fiancé. Moreover, in July 2013, the Respondent forwarded to her former fiancé another electronic mail containing a list of case names along with another mug shot of a parent whose children the Respondent had removed from the home.

8. That the Board conducted an investigation, during which time the Respondent and other relevant parties were interviewed and various documents relevant to the complaint were obtained and reviewed.

9. That the Board's assigned complaint investigator did review all the information obtained during the investigation and based upon that review, did make a recommendation to the Board for a finding of probable cause.

10. That the Board, by vote at its August 20, 2014, meeting, made a finding of probable cause for a violation of the National Association of Social Workers Code of Ethics.

11. That the Respondent's actions constituted a violation of W. Va. Code § 30-30-26(g)(3) and W. Va. Code R. § 25-1-4, and is grounds for disciplinary action by the Board.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to take disciplinary action against Respondent.

2. That based upon the allegations of unprofessional or unethical conduct set out above in the *Findings of Fact* section, the Board is authorized to suspend, revoke or otherwise restrict the license of the Respondent to practice social work, pursuant to W. Va. Code § 30-30-26.

3. That the Board has adopted, at W. Va. Code R. § 25-1-4, the National Association of Social Workers Code of Ethics.

4. That the Respondent's actions violated W. Va. Code. § 30-30-26(g)(3) and W. Va. Code R. § 25-1-4 which relevant section is 1.07 of the National Association of Social Workers Code of Ethics.

CONSENT OF LICENSEE

I, Samantha Lewis, by affixing my signature hereto, acknowledge the following:

1. That I have had the opportunity to consult with counsel and execute this Consent Agreement voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.

2. That no person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth herein.

3. That I acknowledge that I am aware that I may pursue this matter through appropriate administrative and/or court proceedings, and I am aware of my legal rights regarding this matter, but intelligently, knowingly and voluntarily waive such rights.

4. That I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.

5. That I admit that my actions were a violation of the statute and rules of the Board.
The Respondent, Samantha Lewis, by affixing her signature hereon, agrees to the following:

ORDER

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

1. Respondent is hereby REPRIMANDED for her actions as outlined above.

2. Respondent is hereby placed on supervised probation for a period of eighteen (18) months effective upon the entry date of this *Order* hereto. During this period of supervised probation, the Respondent shall complete the following requirements:

a. Respondent shall complete twelve (12) contact hours of West Virginia Board of Social Work approved continuing education. All of these twelve hours shall be earned by attending in-person seminars. Moreover, these twelve hours are in addition to the hours that each licensee must obtain in order to maintain licensure. Respondent shall provide proof of completion to the Board.

b. Respondent shall reimburse the Board for its administrative and legal expenses in the investigation and disposition of this case up to \$1,500.00.

c. Respondent shall provide quarterly reports to the Board from her supervisor who shall be approved by the Board and shall be a Licensee of this Board. Should the Respondent's employment change during this probation period, the Respondent shall immediately notify the Board. Moreover, for the probationary period to continue the Respondent must submit any new employment along with a new supervisor to the Board for approval.

3. The Board is bound by agreement and by law to report the results of all disciplinary actions, including the instant matter, for posting in the Health Integrity Practitioners Data Bank through the Association of Social Work Boards.

4. Any violation of this agreement or any violation of the Board's governing statute and rules during the probationary period shall be grounds for additional discipline up to and including suspension or revocation of the Respondent's license.

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

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

WEST VIRGINIA BOARD OF SOCIAL WORK

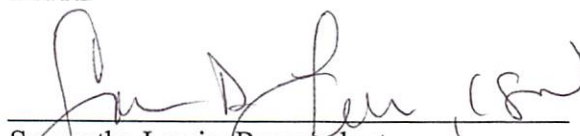
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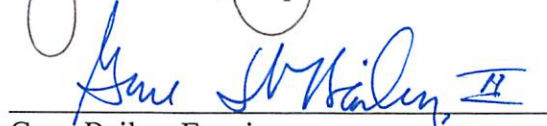

Rita Brown, Chairperson

Entered:

5/21/15
DATE

Agreed to by:


Samantha Lewis, Respondent


Gene Bailey, Esquire
Counsel to Respondent