

BEFORE THE WEST VIRGINIA BOARD OF SOCIAL WORK EXAMINERS

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

Complainant,

v.

Case No: NMCfy11-FEB-02

NIKI A. MILLER-CASDORPH,

Licensed Social Worker

Licensed Number: AP00943480

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 (hereinafter "Board") determined that there was probable cause to believe that Niki A. Miller-Casdorph (hereinafter "Respondent") has exhibited unprofessional and unethical conduct in the practice of social work, in violation of the provisions of W. Va. Code § 30-30-1 *et seq.* and the Rules of the Board, 25 C.S.R. § 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 the Board is a State entity created by W. Va. Code § 30-30-1 *et seq.* and is empowered to regulate the practice of social work.

2. That Niki A. Miller-Casdorph is a licensee of the Board License No. AP00943480 and is subject to the license requirements of said Board.

3. That the Board is empowered to investigate allegations of unprofessional or unethical conduct and to suspend, restrict, revoke or refuse to issue a license to practice social work under the authority granted to it by W. Va. Code § 30-30-1 *et seq.*

4. That Respondent was, at all times material hereto, employed as a Social Worker with Home Base, Inc.

5. That on February 17, 2010, the Board received a written complaint from Home Base Inc.(HBI), against the Respondent alleging fraudulent billing, forging client signatures, and attempting to get a client to lie for the Respondent regarding home visits and services she did not provide.

6. That the Board did forward the complaint to the Respondent for a response to the allegations; however, none was received by the Board. Although, the Board did receive a letter dated February 2, 2011, from the Respondent expressing her desire to resolve this complaint through a Consent Decree and Order.

7. That the complaint alleged that the Respondent did not conduct any home visits for a Jackson County client nor provided any services to her; however, the Respondent told the client that she would complete the documentation in a light favorable to her.

8. That the Respondent had been providing regular progress reports to West Virginia Department of Health and Human Resources (DHHR) regarding this client and as such, DHHR was going to visit the client and to determine if the services could be reduced at this time. However, the

client reported this arrangement on February 2, 2010, to DHHR since she became uncomfortable with this arrangement especially with the pending DHHR visit.

9. That HBI conducted its own investigation and discovered that the night before meeting with the Respondent on February 3, 2010, regarding these allegations she had visited the Jackson County client in order to gain information regarding the case and persuade the client to lie for the Respondent.

10. That again the Respondent promised the client that if she cooperated with her that her case matter would be closed sooner or the case matter may be prolonged with the possibility that her children could be removed from the home.

11. That the client verified that signatures which appeared on the Respondent's monthly visitation summary documents were not her signatures and that she had received any services nor home visits from the Respondent.

12. That HBI terminated the Respondent on February 3, 2010, after completing its investigation and refunded the monies paid by DHHR for services to this client.

13. That when comparing a signature found on a copy of the "Statement of Understanding and Consent" of the client and those signatures found on the Respondent's monthly visitation summary documents that the signatures do not match. Moreover, the "Statement of Understanding and Consent" had been completed by another worker other than the Respondent herself.

14. That the Board, after conducting its own investigation through Jo Dee Gottlieb, MSW, LCSW, by vote at its February 3, 2011, meeting, made a finding of probable cause for violations of the National Association of Social Workers Code of Ethics.

15. That the Respondent's actions constituted violations of W. Va. Code. §§ 30-30-7(a)(3), and (6) and W. Va. Code R. § 25-1-4 which relevant sections are 1.01, 3.04(a), 3.05, 3.09(a), 4.04 and 5.01(a) of the National Association of Social Workers Code of Ethics, and that these violations are 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 § 30-30-7.
3. That the Board has adopted, at W. Va. Code R. § 25-1-4.1, the National Association of Social Workers Code of Ethics.
4. That the Board has grounds for disciplinary action against the Respondent for violations of W. Va. Code. §§ 30-30-7(a)(3), and (6) and W. Va. Code R. § 25-1-4 which relevant sections are 1.01, 3.04(a), 3.05, 3.09(a), 4.04 and 5.01(a) of the National Association of Social Workers Code of Ethics.

CONSENT OF LICENSEE

I, Niki A. Miller-Casdorph, by affixing my signature hereto, acknowledge the following:

1. That I have had the opportunity to consult with counsel and execute this Consent Agreement voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.
2. That no person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth herein.

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

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

5. That I admit that my actions were unprofessional and unethical and a violation of the statute and rules of the Board.

The Respondent, Niki A. Miller-Casdorph, 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's license is hereby suspended for a period of seven (7) years effective upon the entry date of this *Order* hereto.

2. During this seven (7) year period of suspension the Respondent must complete the following requirements:

a. Respondent shall complete ten (10) contact hours of West Virginia Board of Social Work Examiners approved continuing education in the area of ethics, specifically addressing the violations as noted in this *Consent Agreement and Order*, each year of her seven (7) year suspension for a total of seventy (70) contact hours. Respondent shall provide proof of completion to the Board upon the end of each year of suspension.

b. Respondent shall reimburse the Board for all of the administrative and legal expenses incurred by the Board in the investigation and disposition of this case within two (2) years of entry of this *Order*.

3. Should there be any violations of this *Consent Agreement and Order* during this seven year suspension period, then the Board may automatically revoke the Respondent's license without a hearing.

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

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

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

7. The Respondent, Niki A. Miller-Casdorph, shall return all licenses to the Board office within ten days from entry of this *Consent Agreement and Order*.

WEST VIRGINIA BOARD OF
SOCIAL WORK EXAMINERS

By:

Rita Brown
Rita Brown, Chairperson

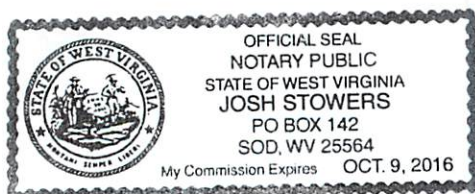
Entered:

4-15-2011
DATE

Agreed to by:

Niki A. Miller-Casdorph
Niki A. Miller-Casdorph, Respondent

Sworn and subscribed before me this 15th day of April, 2011.
My Commission expires: Oct. 9, 2016



Josh Stowers
Notary Public

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