

BEFORE THE WEST VIRGINIA BOARD OF SOCIAL WORK EXAMINERS

WEST VIRGINIA BOARD OF SOCIAL
WORK EXAMINERS,

Complainant,

v.

Case No: AL-0630-2012

AMY LAYTON,
Licensed Certified Social Worker
Licensed Number: CP00943439
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 Amy Layton (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 Amy Layton is a licensee of the Board, License No. CP00943439, 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 the Clinical Director of Pathways Transitional Living facility operated by Burlington United Methodist Family Services, Inc. (BUMFS).

5. That on March 16, 2012, the Board received a written complaint from BUMFS, now Salem Children's Trust, against the Respondent alleging inappropriate relationships with clients and former clients, and family members of both clients and former clients.

6. That the Board did forward the complaint to the Respondent for a response to these allegations. Respondent replied in a timely manner on May 1, 2012, with her response to these allegations.

7. That the complaint alleged that the Respondent permitted a member of a client's family to live at her house for a period of time in the beginning of 2012.

8. That the Respondent admits that she allowed a client's brother to live in her house during January 2012 through late February 2012, and a portion of March 2012.

9. That the Respondent during a telephone interview conducted by the Board's Investigator the Respondent admitted that she had developed friendships with former clients and their respective girlfriends. Moreover, that Respondent stated during this telephone interview her behavior in developing these relationships is entirely appropriate given the nature of the residential work.

10. That the Respondent resigned from her position at BUMFS in February 2012.

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

12. 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.

13. That the Board, by vote at its June 3, 2013, meeting, made a finding of probable cause for violations of the National Association of Social Workers Code of Ethics.

18. That the Respondent's actions constituted violations of W. Va. Code. §§ 30-30-26(g)(3) and W. Va. Code R. § 25-1-4 which relevant sections are 1.06© and 5.01(a) and (b) 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 § 30-30-26.

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 Board has grounds for disciplinary action against the Respondent for violations of W. Va. Code. §§ 30-30-26(g)(3) and W. Va. Code R. § 25-1-4 which relevant sections are 1.06© and 5.01(a) and (b) of the National Association of Social Workers Code of Ethics.

CONSENT OF LICENSEE

I, Amy Layton, 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, Amy Layton, 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 six (6) months effective upon the entry date of this *Order* hereto.
2. During this six (6) month period of suspension the Respondent shall complete the following requirements:
 - a. Respondent shall complete six (6) 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*. Respondent shall provide proof of completion to the Board.
 - 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.
3. Upon completion of the six (6) month suspension period and said requirements, the Respondent shall have her license to practice social work reinstated, and shall be placed on probation for a period of six (6) months effective upon the reinstatement of her license.
4. During this period of probation the Respondent shall complete the following requirements:
 - a. Respondent shall report to the Board her place of employment, and the Respondent shall report any changes of her employment to the Board.

b. Respondent shall complete six (6) 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*. These contact hours shall not be in the same ethics area as the Respondent completed for the suspension period of this *Consent Agreement and Order*. Respondent shall provide proof of completion to the Board.

5. 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.

6. For any violation of this agreement, the Board may extend the suspension and/or probationary periods without a hearing.

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

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

9. The Respondent, Amy Layton, 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, Chairperson

Entered:

8-28-13
DATE

Agreed to by: Amy Layton
Amy Layton, Respondent

Sworn and subscribed before me this _____ day of _____, 2013.
My Commission expires: _____

Notary Public