

IN THE MATTER OF

FINDING OF FACTS, CONCLUSIONS OF

TONYA AARON

LAW AND SANCTIONS

LICENSE NUMBER 10091

NUMBER 2017-31

This matter came before the Louisiana State Board of Social Work Examiners ("Board") on July 13, 2018, for a hearing on Administrative Complaint #2017-31, filed with the Board by Madeline Carbonette, Assistant Attorney General, who presented evidence in support of the complaint. Board members John Shalett, LCSW-BACS, Brent Villemarette, LCSW-BACS, Carla Moore, LMSW, Ruth Weinzettle, LCSW-BACS, and Evan Bergeron, Esq., Public Member, served on the hearing panel. George Papale served the hearing panel as the Board's Independent Legal Counsel.

The hearing panel, after considering all of the evidence, renders the following unanimous decision.

COMPLAINT HISTORY

Administrative Complaint Number 2017-31 alleges that Tonya Aaron, a Licensed Clinical Social Worker, License Number 10091, in September 2016, that Ms. Aaron appeared to be impaired while practicing social work and when drug tested by her employer, tested positive for amphetamines and methamphetamines. The complaint further alleged that by practicing social work while impaired by medication, alcohol, drugs, or other chemicals, Ms. Aaron violated Rule 117(A), which is cause for disciplinary action pursuant to La R.S. 37:2717(A)(2). The Board, consistent with its authority and duty to safeguard the public under La R.S. 37:2701, et. seq., authorized the filing of this Administrative Complaint and the convening of a formal adjudicatory hearing under the authority of La R.S. 37:2717 and Rule 909 of its Rules, Standards and Procedures.

RESPONDENT'S FAILURE TO APPEAR

When the case was called for a hearing at the designated time, Ms. Aaron was not present and Ms. Aaron had not notified the Board of good cause for her absence. Accordingly, the Board, pursuant

to Rule 941(B), proceeded with the adjudication, notwithstanding Ms. Aaron's absence and failure to participate. The Board maintained the standard of proof by preponderance of the evidence as a prerequisite to making findings of fact, including the adequacy of notice to Ms. Aaron.

AUTHORITY OF ADJUDICATION BY DEFAULT

The Louisiana Administrative Procedure Act (LAPA) allows for disposition of an Administrative Complaint by default under La R.S. 49:955(D) unless such action is "precluded by law." No other provision of LAPA or the Social Work Practice Act precludes the adjudication of the captioned complaint by default. The Board, satisfied that the requirements for due process of law have been met, allowed the case to proceed in the absence of Ms. Aaron.

THE HEARING

The hearing was held on July 13, 2018. Tonya Aaron was not present for the hearing. The Board's attorney, George Papale, presided as Hearing Officer, and Madeline Carbonette, who represents the Attorney General's office, presented witnesses and documentary evidence to establish that Ms. Aaron was engaged in the practice of social work while impaired. This evidence, as alleged in the Administrative Complaint, included evidence that Ms. Aaron tested positive for amphetamines and methamphetamine during a random drug test conducted by her employer on September 14, 2016.

The first witness called by Madeline Carbonette was Emily DeAngelo, the Board's Administrator, who testified that her duties include the oversight of complaints filed against social workers and that she does have a file on Tonya Aaron. Ms. DeAngelo testified regarding the following documents, which Ms. Carbonette introduced as exhibits.

SWB1 – Ms. DeAngelo identified this exhibit as the official complaint was filed against Ms. Aaron on September 21, 2016.

SWB2 – Ms. DeAngelo identified this exhibit as the letter from her to Ms. Carbonette indicating that Ms. Aaron had not responded to Complaint Number 2017-31 and requesting that Ms. Carbonette prepare a draft administrative complaint against Tonya Aaron.

SWB3 – Ms. DeAngelo identified this exhibit as a letter received from Ms. Carbonette indicating that two originals of the draft administrative complaint against Tonya Aaron were enclosed in the mailing.

SWB4 – Ms. DeAngelo identified this exhibit as a copy of the Draft Administrative Complaint Number 2017-31 in the matter of Tonya Aaron, LCSW Number 10091.

SWB5 – Ms. DeAngelo identified this exhibit as a copy of the August 1, 2017, letter to Ms. Aaron regarding Draft Administrative Complaint Number 2017-31. She indicated that this letter was sent by certified mail, return receipt requested. She further indicated the letter was returned marked “unclaimed”, so it was mailed again by first class mail.

SWB6 – Ms. DeAngelo identified this exhibit as a copy of a letter sent by her to Ms. Carbonette requesting that two Administrative Complaints against Ms. Aaron be delivered to the Board office because Ms. Aaron had not responded to the draft administrative complaint sent by certified mail and by first class mail.

SWB7 – Ms. DeAngelo identified this exhibit as a copy of a letter received from Ms. Carbonette indicating that two originals of the Administrative Complaint against Tonya Aaron were enclosed in the mailing.

SWB8 – Ms. DeAngelo identified this exhibit as a copy of the Administrative Complaint Number 2017-31 in the matter of Tonya Aaron, License Number 10091.

SWB9 – Ms. DeAngelo identified this exhibit as a copy of a letter sent to Ms. Aaron notifying her that the Administrative Hearing will be conducted on Friday, June 8, 2018, in the conference room at the Board office. Ms. DeAngelo further testified that this letter was sent via certified mail, return receipt requested and by first class mail.

SWB10 – Ms. DeAngelo identified this exhibit as a copy of a mailing to Ms. Aaron. Stamped on the envelope was “return to sender, not deliverable as addressed, unable to forward”.

SWB11 – Ms. DeAngelo identified this exhibit as a copy of a mailing to Ms. Aaron. Stamped on the envelope was “return to sender, refused, unable to forward”.

SWB12 – Ms. DeAngelo identified this exhibit as an email sent on April 26, 2018, regarding Administrative Complaint Number 2017-31. The email requested confirmation that Ms. Aaron received notification of the Hearing and the Administrative Complaint. The email included the date, time, and location of the hearing.

SWB13 – Ms. DeAngelo identified this exhibit as a Motion and Order for Continuance. A continuance was requested due to a witness’s inability to testify at a hearing on June 8, 2018; however, available on July 13, 2018. The Order indicates that the hearing is continued to 9:00 a.m. on July 13, 2018.

SWB14 – Ms. DeAngelo identified this exhibit as an email to Ms. Aaron indicating that the hearing date is continued to July 13, 2018.

SWB15 – Ms. DeAngelo identified this exhibit as the confirmation received from Microsoft Outlook after sending the notice of the new hearing date of July 13, 2018. The email from Microsoft Outlook reads, “Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server.”

Madeline Carbonette called her next witness, Tiffany Smith, LCSW, who identified herself as the Clinic Manager of Caring Choices in Leesville, Louisiana. Ms. Carbonette requested that Ms. Smith identify exhibit SWB1. Ms. Smith identified the exhibit as the complaint that she filed with the Board against Tonya Aaron in September, 2016.

Madeline Carbonette called her next witness, Crystal Hurt, who identified herself as the Human Resource Director for Central Louisiana Human Services District.

SWB15 – Ms. Hurt identified this exhibit as a collection of documents, which included a number of specific items regarding Tonya Aaron’s employment and subsequent voluntary resignation from Central Louisiana Human Services District. Specifically, this evidence included the Medical Review Officer’s determination of Ms. Aaron’s drug test of September 14, 2016, as positive for amphetamines and methamphetamine.

In summation, Ms. Carbonette stated that the evidence established by a preponderance of evidence that Tonya Aaron engaged in the practice of social work in violation of Rule 117(A), which is cause for disciplinary action pursuant to La R.S. 37:2717(A)(2).

FINDING OF FACTS

1. Tonya Aaron was at all times pertinent to the facts and matters, a Licensed Clinical Social Worker licensed by the Board to engage in the practice of social work in the State of Louisiana pursuant to the Louisiana Social Work Practice Act, La R.S. 37:2701 et seq., as evidenced by License Number 10091.
2. Exhibit SWB15 documents MRO Verification Report dated September 20, 2016, indicating that Ms. Aaron tested positive for amphetamines and methamphetamine.
3. The un rebutted witness testimony and the documentary evidence presented supports this Board’s finding that Ms. Aaron was engaged in the practice of social work on September 14, 2016, while she was impaired and under the influence of amphetamines and methamphetamine.

CONCLUSIONS OF LAW

1. By practicing social work while impaired by medication and drugs, Tonya Aaron violated Rule 117(A), which is cause for disciplinary action pursuant to La R.S. 37:2717(A)(2).
2. Ms. Aaron has demonstrated a disregard of the Administrative Complaint process and her responsibilities of the social work profession.

SANCTIONS

Considering the above violation, the Board determined that the following sanctions are appropriate and, accordingly, IT IS ORDERED that:

1. Tonya Aaron's LCSW License Number 10091 has lapsed; however, the Board ordered that Ms. Aaron may not reapply for a social work license for a period of five (5) years from the date of this Order.
2. In the event that Ms. Aaron should apply for a social work license, she shall be referred to the Board's Impaired Professional Program for a complete and thorough psychological and substance abuse evaluation to demonstrate that Ms. Aaron is free from any addiction or impairment to alcohol or controlled substances.
3. In the event that Ms. Aaron should apply for a social work license, she shall take and pass the Board's Open Book Examination.
4. In the event that Ms. Aaron should apply for and be issued a social work license, she shall be supervised by a LCSW-BACS two hours a month for twenty-four (24) months. The LCSW-BACS shall be pre-approved by the Board.
5. Ms. Aaron shall reimburse the costs to adjudicate this matter in the amount of \$4,183.50 within twelve (12) months from the date this Order is signed. Payments can be made by certified check, credit card, or money order. Personal checks and cash are not accepted. All payments shall be addressed to the Louisiana State Board of Social Work Examiners, 18550 Highland Road, Suite B, Baton Rouge, Louisiana 70809. In the event that payments are not made within the time required, the Board may deny any future application made for a social work credential.
6. This Decision and Order is a public record of the Board. The terms shall be published and reported, including but not limited to, the LABSWE Newsletter, the Association of Social Work

Boards (ASWB), and the National Practitioner Data Bank-Healthcare Integrity and Protection
Data Bank (NPDB-HIPDB).

Louisiana State Board of Social Work Examiners
Baton Rouge, Louisiana
August 17, 2018



John S. Shalett, LCSW
Chairperson

