

**LOUISIANA STATE BOARD OF
SOCIAL WORK EXAMINERS (LABSWE)**

**IN THE MATTER OF
JENNIFER M. NISTOR
LICENSE No. 8659**

**LABSWE COMPLAINT
NUMBER 2005-74**

CONSENT AGREEMENT AND ORDER

WHEREAS Jennifer M. Nistor is a credentialed social worker subject to the jurisdiction and rules and regulations of the Louisiana Board of Social Work Examiners (the Board); and

WHEREAS, pursuant to a complaint and an administrative investigation, the social worker, Jennifer M. Nistor, has indicated her desire to resolve this matter through a Consent Agreement and Order as provided for in Rule No. 907 of the Board's Rules, Standards and Procedures and LA R.S. 49:955(D) of the Louisiana Administrative Procedure Act; and

WHEREAS, the social worker, Jennifer M. Nistor, has admitted the following:

1. Jennifer M. Nistor is and at all times pertinent to the facts and matters alleged herein, a GSW credentialed by the Board to engage in the practice of Social Work in the State of Louisiana pursuant to the Social Work Practice Act, LA R.S. 37:2701 et seq., as evidenced by License No. 8659.
2. At all times pertinent hereto, Jennifer M. Nistor was actively engaged in the practice of Social Work as an employee of the Parish of Ascension, Counseling and Abuse Center.

3. On April 6, 2005, during her employment with Ascension Counseling, Jennifer M. Nistor submitted to a urine drug screen at 10:45 am from which she tested positive.
4. Also, at the same time, Jennifer M. Nistor was providing social work services through Ascension Counseling to a client for substance abuse intake on March 8, 2005; for group therapy on March 15 and 17, 2005; and for individual counseling on March 17, 2005.
5. That on April 6, 2005, it was reported by the client to his parole officers that he was living with Ms. Nistor, and gave Ms. Nistor's address and telephone number on his *Monthly Supervision Report* for the Department of Corrections.
6. Jennifer M. Nistor is aware that conduct as mentioned in preceding Paragraphs 3 and 5 constitutes a violation of Board Rules 113 and 117.

WHEREAS, by reporting to work at the Parish of Ascension Counseling & Substance Abuse Center as a social worker during the time period from April 6, 2005, and testing positive on a urine drug screen, Ms. Nistor has violated her professional and ethical duty that a social worker shall not practice while impaired by medication, alcohol, drugs, or other chemicals as set out in Rule 117(A) of the Rules, Standards and Procedures for Louisiana social workers. Such action constitutes unethical conduct and pursuant to Rule 105 is a violation of LA R.S.37:2717 (A)(5) of the Louisiana Social Work Practice Act.

WHEREAS, by permitting a client to live with her and list her address and telephone number with the Department of Corrections as his address, Ms. Nistor

violated her professional and ethical duty that a social worker shall not practice in a manner that is potentially detrimental to a client and is a violation of LA R.S.37:2717(A)(7).

WHEREAS, by the misuse and/or overuse of drugs and/or intoxicating beverages, Ms. Nistor has violated her professional and ethical duty that a social worker shall not use drugs to an extent which affects her professional competence and is a violation of LA R.S. 37:2717(A)(2).

WHEREAS, the above violation of the Rules, Standards and Procedures for Louisiana social workers, constitutes unethical conduct and pursuant to Rule 105 is a violation of LA R.S.37:2717 (A)(5) of the Louisiana Social Work Practice Act.

WHEREAS the undersigned Assistant Attorney General has conducted an interview with the respondent who has indicated her desire to resolve this matter through a Consent Agreement and Order; and

WHEREAS, the credentialed social worker has indicated her desire to resolve this matter through a Consent Agreement and Order;

IT IS HEREBY ORDERED that in consideration of the foregoing and pursuant to the authority vested in the Board by LA R.S. 49:955(D), the Board orders and Jennifer M. Nistor accepts the following administrative action which is a final decision pursuant to the LA R.S. 49:958:

1. That Jennifer M. Nistor shall be on probation for a period of two (2) years, or until all required supervision is completed, whichever is longer, and that the terms of probation are set forth hereinafter.

2. That during the two year probationary period, Ms. Nistor will have her practice supervised by an LCSW-BACS who will specifically address boundary issues along with other issues normally addressed during supervision.
3. That the supervisor must be approved by the Board, and must agree to submit quarterly reports to the Board regarding Ms. Nistor's status and progress.
4. That Ms. Nistor shall arrange, through the Board's Impaired Professional Program Manager, Mr. Randall Griffith, for an evaluation to be performed at Ms. Nistor's expense. Ms. Nistor also agrees to abide by and be subject to all the rules, recommendations, and conditions of said evaluation and program.
5. Ms. Nistor further agrees to complete six (6) hours of Continuing Education regarding boundary issues within one (1) year of the execution of this Consent Agreement and Order in addition to the annual continuing education required to maintain her credential.
6. Ms. Nistor shall implement and follow all recommendations made by the above evaluator(s). The recommendations shall be implemented within two (2) weeks of the respondent receiving the recommendation.
7. Ms. Nistor shall receive weekly clinical supervision of her work from a licensed LCSW pre-approved by the Board for a period of two (2) years commencing when all parties sign this Consent Agreement and Order AND the date she begins to provide clinical services to clients, whichever comes

later. The two-year period shall not include extended time periods in which the licensee does not provide clinical Social Work services to clients on a regular basis. The two year supervised, probationary period will not be utilized in any manner toward qualifying for the LCSW.

8. The supervisor, therapist (if applicable) and substance abuse counselor (if applicable) shall submit quarterly status reports to the Board by the 15th day of the month following the end of the quarter.
9. Ms. Nistor shall assume financial responsibility for all phases of compliance with this Consent Agreement and Order including, but not limited to: evaluation, therapy, supervision and reimbursement to the Board for costs of this investigation.
10. Ms. Nistor will pay the costs of investigation in the amount of \$720.36 in no more than six (6) payments within one (1) year all parties sign this Consent Agreement and Order. There shall be no pre-payment penalty.
11. Ms. Nistor specifically acknowledges that failure to comply with the terms of probation, including any recommended participation in the impaired professional program, may result in a hearing where the Board may impose additional penalties, including but, not limited to, suspension or revocation of her license. The admissions contained herein, will be considered proven and the only issue will be failure to follow the terms of probation.

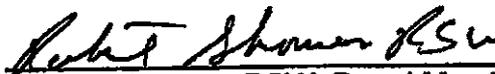
IN WITNESS THEREOF, the Louisiana State Board of Social Work Examiners
has entered into this Consent Order and executed same at Baton Rouge,
Louisiana on this the 19 day of August, 2005.


Joseph Bodenmiller, LCSW, Chair

Jacqueline R. Shellington, LCSW, Vice Chair


E. Taylor Aultman, Jr., LCSW, Board Member

Tina Feldt, LCSW, Board Member


Robert Showers, RSW, Board Member

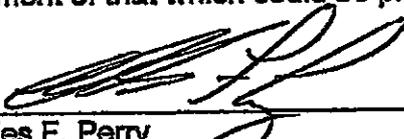

Jeanette Jennings, PhD., GSW, Secretary/Treasurer

I, Jennifer M. Nistor, GSW, do hereby acknowledge, accept and agree to entry of the above Consent Agreement and Order. My signature acknowledges my understanding that this Consent Agreement and Order is a final decision of the Board and is a public record which evidences the resolution of Complaint No. 2005-74. I hereby waive any and all legal, procedural, or judicial remedies, appeals, or relief which might be available under the Administrative Procedures Act, and the statutory and procedural rules of the Louisiana Board of Social Work Examiners.


Jennifer M. Nistor, GSW

8-19-05
Date

I, Charles F. Perry, Assistant Attorney General, do hereby acknowledge negotiation and preparation of this Consent Agreement and Order in order to resolve, with prejudice, all matters for which the social worker, Jennifer M. Nistor, could be charged under Complaint No. 2005-74; and further certify that this Consent Agreement and Order is consistent with the evidence, adequately addresses the complaint and represents a true and correct statement of that which could be proven at a hearing of this matter.


Charles F. Perry
Assistant Attorney General

8/19/05
Date