

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

IN THE MATTER OF

LABSWE COMPLAINT

HENRY "HANK" C. DeFELICE

NUMBER 2009-155

CREDENTIAL No. 3610

CONSENT AGREEMENT AND ORDER

WHEREAS, Henry "Hank" C. DeFelice is a credentialed social worker subject to the jurisdiction and rules and regulations of the Louisiana State Board of Social Work Examiners (the Board); and

WHEREAS, pursuant to a complaint and administrative investigation, the social worker, Henry DeFelice, has indicated his 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, Henry DeFelice, has admitted the following:

1. Mr. DeFelice is, and at all times pertinent to the facts and matters alleged herein, a Licensed Clinical Social Worker (LCSW) credentialed 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 No. 3610.
2. At all times pertinent hereto, Mr. DeFelice was actively engaged in the practice of social work as a clinician/psychotherapist.

3. That during the time period from January 2008 through June 2009, Mr. DeFelice worked at his private practice, Rescripting, L.L.C., and conducted counseling/psychotherapy.
4. That Mr. DeFelice admitted to Craig Meier and Gloria Meier, complaint investigation officers for the Board, and further admits to this Board that he requested a former client to ask her (former client's) friend if the friend would be willing to exchange deep muscle "body work" for a massage for personal/non-client usage.
5. That Mr. DeFelice admitted he did not document a treatment plan on the identified client.
6. That Mr. DeFelice admitted he did not display his Social Work credential in his office(s).

WHEREAS, by requesting a clinical client to request/coordinate personal services for the respondent, Mr. DeFelice has violated his professional and ethical duty that a social worker shall not use the professional relationship to promote or advance the social worker's emotional, financial, sexual or personal needs as set out in Rule 113(A) of the Rules, Standards and Procedures for Louisiana social workers, which action does constitute 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 not identifying and documenting a treatment plan, Mr. DeFelice has violated his professional and ethical duty that a social worker shall develop and document a (treatment) plan, as set out in Rules 111(C) and

111(G)(1) of the Rules, Standards and Procedures for Louisiana social workers, which failure does constitute 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 not displaying his Social Work credential/license in a conspicuous place in his office, Mr. DeFelice has violated his professional and ethical duty as set out in the Louisiana Social Work Practice Act LA R.S. 37:2709 and Rule 119(D) of the Rules, Standards and Procedures for Louisiana social workers, which action does constitute 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 credentialed social worker has indicated his desire to resolve this matter through this Consent Agreement and Order;

WHEREAS, the undersigned Attorney handling the prosecution of this Complaint has conducted an interview with the respondent who has indicated his desire to resolve this matter through this Consent Agreement and Order; and;

WHEREAS, the credentialed social worker agrees not to repeat the misconduct mentioned in this Consent Agreement and Order, and acknowledges such repeated misconduct will be considered a violation of the terms of this 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 Henry "Hank" DeFelice accepts the following administrative action which is a final decision pursuant to the LA R.S. 49:958:

1. That Mr. DeFelice shall complete a total of six (6) hours of continuing education on the subject of Social Work relationships and ethics and six (6) hours of continuing education on the subject of documentation and record keeping within one (1) year from the date that all parties sign this Consent Agreement and Order. This continuing education is to be pre-approved by the Board and shall be in addition to the annual twenty (20) hours of continuing education required to maintain his LCSW. Mr. DeFelice shall provide the Board with evidence of attendance within one (1) year from the date that all parties sign this Consent Agreement and Order.
2. That Mr. DeFelice shall receive one hour of monthly consultation, at his expense, for six (6) months, from the date all parties sign this Consent Agreement and Order from a Licensed Clinical Social Worker pre-approved by the Board. The consultation shall specifically address the issues of avoiding exploitation and the promotion of client well-being and welfare; termination; documentation and record keeping. The consultant shall submit a report to the Board at the end of the six (6) month period indicating the dates of consultation and the topics/issues addressed in each consultation session. Mr. DeFelice shall submit to the Board the name of the potential consultant and his/her resume within fifteen (15) days of all parties signing this Agreement. The potential consultant shall

submit a letter to the Board stating his/her acceptance of the provision of said consultation and stating he/she is not, or previously has not been, professionally or personally affiliated with Henry "Hank" DeFelice prior to this request for consultation.

3. That Mr. DeFelice, at his expense, shall take and pass the Board's Open-Book Examination on The Louisiana Social Work Practice Act and the Rules, Standards and Procedures within ninety (90) days after the date that all parties sign this Consent Agreement and Order.
4. That Mr. DeFelice shall pay the investigative and legal costs of the investigation in the amount of one thousand seven hundred thirty and 46/100 dollars (\$1,730.46) on or before one (1) year after the date that all parties sign this Consent Agreement and Order. The payments shall be made on a quarterly basis and there shall be no pre-payment penalty.
5. That Mr. DeFelice specifically acknowledges that failure to comply with the terms of this Consent Agreement and Order may result in a suspension or revocation of his LCSW. The admissions contained herein, will be considered proven and the only issue will be failure to follow the terms of this Consent Agreement and Order.
6. By agreeing to the terms of this Consent Agreement and Order, Mr. DeFelice waives all rights to appeal this adjudication.

THIS CONSENT AGREEMENT AND ORDER is a matter of public record for violation of the above referenced sections of the Louisiana Social Work Practice Act and the Rules, Standards and Procedures. The terms of this

Consent Agreement and Order 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).

THE ADMISSIONS AND FINDINGS CONTAINED HEREIN are intended solely for the purpose of resolving the case at hand or in connection with other matters before the Board involving Respondent.

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IN WITNESS THEREOF, the Louisiana State Board of Social Work
Examiners has entered into this Consent Agreement and Order and executed
same at Baton Rouge, Louisiana on this the 23rd day of
October, 2009.

Wade Tyler, PhD, LCSW
Wade Tyler, PhD, LCSW, Chair

Michael Hickerson, MSW, RSW
Michael Hickerson, MSW, RSW, Vice-Chair

Roslyn Richardson, PhD, GSW
Roslyn Richardson, PhD., GSW, Secretary/Treasurer

Evelyn Jenkins, LCSW
Evelyn Jenkins, LCSW Board Member

Hope Hibel-Benson, LCSW
Hope Hibel-Benson, LCSW, Board Member

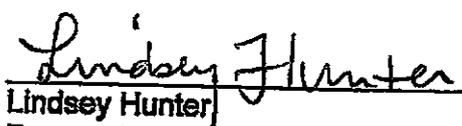
John McBride, LCSW
John McBride, LCSW, Board Member

I, Henry "Hank" C. DeFelice, LCSW, make these acknowledgments and waivers in support of a final disposition of the pending investigation of Complaint #2009-155 by Consent Agreement and Order (Order) pursuant to LA. R.S. §49:955 D, in lieu of the institution and prosecution of formal administrative proceedings, and accordingly consent to the entirety of the Order set forth hereinbefore and further waive any right to which I may be entitled under the Louisiana Administrative Procedure Act or any other law to contest, in any court, my agreement to this Order. By my subscription hereto, I also hereby authorize Roslyn Richardson designated by the Board with respect hereto, as well as the legal counsel assisting her, to present this Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation of this matter. I herein waive any objection to such disclosure based on due process of law under either the State or Federal Constitution or under State statutory law, including LA.R.S. §49:960. I expressly acknowledge that the disclosure of such information to the Board by Roslyn Richardson or her legal counsel shall be without prejudice to the Assistant Attorney General's authority to file a formal Administrative Complaint, or the Board's capacity to adjudicate such Administrative Complaint, should the Board decline to approve this Consent Agreement and Order. I further acknowledge my awareness that should the Board approve this Consent Agreement and Order that the Order will become a matter of public record.


Henry "Hank" C. DeFelice, LCSW

10.9.09
Date

I, Lindsey Hunter, Prosecutor, 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, Henry "Hank" C. DeFelice, could be charged under Complaint No. 2009-155; 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.


Lindsey Hunter
Prosecutor

10/9/09
Date