

**LOUISIANA STATE BOARD OF  
SOCIAL WORK EXAMINERS**

**IN THE MATTER OF  
BRIAN KEITH BAKER  
LICENSE NO. 4517**

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND SANCTIONS  
NUMBER 2008-160**

This matter came before the Louisiana State Board of Social Work Examiners ("Board") on October 23, 2009 at 9:30 a.m. for a hearing on an Administrative Complaint filed with the Board by the Assistant Attorney General and docketed in the captioned proceedings on June 19, 2009. Board members, Wade Tyler, LCSW, Michael Hickerson, RSW, Hope Himel-Benson, LCSW, Evelyn Jenkins, LCSW, and John McBride, LCSW, served on the hearing panel.

**Complaint History and Pre-Hearing Issues**

The complaint in this case originated with correspondence submitted to the Board by the Department of Health and Hospitals' (DHH) Bureau of Internal Audit which correspondence included its audit report of the 4-Bee's Agency, Inc., a corporation owned and operated by Brian Keith Baker, LCSW. The findings of the audit indicated that Brian Keith Baker defrauded the Access to Recovery Program (ATR) by billing ATR for services which were being provided and funded by the Drug Rehabilitation Program of the Concordia Parish Sheriff's Office while Mr. Baker also was employed by the Sheriff's office.

Because the services provided were within the field of social work practice, the Board, on January 25, 2008, voted to send a request to the Attorney General's office to draft an Administrative Complaint alleging violations of Rules 107A, 113A, 121B and 121C(2) of the

Rules, Standards and Procedures. The Assistant Attorney General prepared a draft administrative complaint and this draft complaint was served on Mr. Baker by certified mail, return receipt requested on May 7, 2008.

Mr. Baker responded to the draft administrative complaint. The response was reviewed by the Board member assigned to the case, the Board's Administrator and the Assistant Attorney General. The response did not demonstrate that the social worker was in compliance with the Louisiana Social Work Practice Act and the Rules, Standards and Procedures. The Assistant Attorney General was asked to file an Administrative Complaint.

Accordingly, the Administrative Complaint in the captioned proceedings was filed with the Board and the Board set the matter for hearing at 9:30 a.m. on September 18, 2009.

The Complaint alleges that Respondent violated provisions of the Social Work Practice Act and Board Rules, Standards of Practice and Procedures by defrauding the Access to Recovery (ATR) Program by billing for services provided to clients who received their treatment through the Drug Rehabilitation Program operated by the Concordia Parish Sheriff's Office. The Complaint also alleges that Mr. Baker was an employee of the Sheriff's Office and the substance abuse services billed to the ATR program were funded by the Sheriff's Office and were not eligible for reimbursement under the ATR program. The Complaint further alleges that the DHH audit shows that 4-Bee's Agency billed the ATR program \$281,029.00 for services provided between April 15, 2005 and June 30, 2006 and, of that amount, Mr. Baker received \$235,624.00, and the remaining \$45,405.00 is being withheld due to questions about billing and documentation for services provided. In addition, the Complaint alleges that the DHH report indicates that Mr. Baker violated the terms of his enrollment with the ATR program by allowing

employees from 4-Bee's Agency to provide services for the program, when those persons had not been authorized by the ATR program to provide services.

Based on the above alleged facts, the Administrative Complaint charges Mr. Baker with violations of an order, rule or regulation adopted by the Board and, as established by La. R.S. 37:2717(A)(5), such conduct serves as just cause for the Board to deny, revoke, or suspend the license of Mr. Baker, or otherwise discipline Mr. Baker. The Complaint includes violations of the following Rules of the Rules, Standards and Procedures for Louisiana Social Workers:

1. Violation of his professional and ethical duty to maintain good moral character, as set out in Rule 107(A).
2. Violation of his professional and ethical duty to advance the best interests and welfare of clients and supervisees with whom Mr. Baker has a professional social work relationship, as set out in Rule 113(A).
3. Violation of his professional and ethical duty to bill only for services which he has provided, as set out in Rule 121(B).
4. Violation of his professional and ethical duty to not solicit remuneration for providing services to clients who are entitled to such services through the social worker's employer or agency without the agency or employer's approval, as set out in Rule 121(C)(2).
5. Violation of his professional and ethical duty as set forth in the Louisiana Social Work Practice Act at La. R.S. 37:2717(A)(10), which prohibits the submission of false or deceptive reports or claims for the purpose of obtaining payment.
6. The Complaint further charges that each of the above violations of the Rules 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.

A request for a continuance was submitted by the Assistant Attorney General. The request was granted and the matter was continued to 9:30 a.m. on October 23, 2009.

#### **RESPONDENT'S FAILURE TO APPEAR**

At the time the case was called, Respondent, Brian Keith Baker was not present. The Board was provided with a copy of a letter dated October 10, 2009 from Mr. Baker to Emily Efferson, Administrator, advising that he would not participate in the hearing.

#### **AUTHORITY FOR ADJUDICATION BY DEFAULT**

The Louisiana Administrative Procedure Act (LAPA) allows for the 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. Before proceeding with any evidence against the Respondent, the Board heard testimony from the Board's Administrator, Emily Efferson, concerning Respondent's timely notice of the Administrative Complaint and the date and the time set for the hearing as well as the Respondent's written communication to the Board (received nine days before the hearing) in which he stated he refused to participate. The Board, satisfied that the requirements for due process of law had been met, Board allowed the case to proceed in the absence of the Respondent.

#### **THE HEARING**

The Assistant Attorney General called Ms. Emily Efferson, Ms. Charlene Gradney and Ms. Gwen Johnson as witnesses and introduced documentary evidence in support of the

allegations contained in the Administrative Complaint. Because the Respondent had elected not to appear for the hearing, the testimony and the documents offered by the Assistant Attorney General were admitted into evidence without objection. Members of the Board panel also questioned witnesses and reviewed documents which were admitted into evidence. In this adjudication the Board has required proof by a preponderance of evidence relative to each of the allegations contained in the Administrative Complaint. At the close of the presentation of evidence the Board took the matter under deliberation and, after through review of all of the evidence, unanimously made the following Findings of Fact, Conclusions of Law and Sanctions.

#### **FINDINGS OF FACT**

1. Brian Keith Baker is a Licensed Clinical Social Worker (LCSW), number 4517, since November 2, 1999.
2. Mr. Baker defrauded the Access to Recovery (ATR) Program by billing for services provided to clients who received their treatment through the Drug Rehabilitation Program operated by the Concordia Parish Sheriff's Office as evidenced by the testimony of Charlene Gradney. Ms. Gradney is the Project Manager for the Access to Recovery project.
3. Mr. Baker was an employee of the Concordia Parish Sheriff's Office, and the substance abuse services billed to the ATR program were funded by the Sheriff's Office, and not eligible for reimbursement under the ATR program as evidenced by testimony provided by Gwen Johnson. Ms. Johnson is the Audit Director for the Department of Health and Hospitals.
4. Mr. Baker's agency, 4-Bee's Agency, Inc., billed the ATR program \$281,029.00 for services provided between April 15, 2005 and June 30, 2006 as evidenced by the audit report submitted by the Department of Health and Hospitals' Bureau of Internal Audit.

5. Mr. Baker received \$235,624.00 from the ATR program for said services as evidenced by the audit report submitted by the Department of Health and Hospitals' Bureau of Internal Audit.

6. Mr. Baker violated the terms of his enrollment with the ATR program by allowing employees from 4-Bee's Agency, Inc. to provide services for the program, when those persons had not been authorized by the ATR program to provide services as evidenced by the audit report submitted by the Department of Health and Hospitals' Bureau of Internal Audit.

#### CONCLUSIONS OF LAW

The Findings of Fact led the Board to conclude that Brian Keith Baker's conduct was unprofessional and unethical, rising to the level of violations of the Social Work Practice Act. Based on the Findings of Fact, the Board concludes:

1. Mr. Baker's conduct constitutes a violation of an order, rule or regulation adopted by the Board and, as established by La. R.S. 37:2717(A)(5).
2. Mr. Baker failed to maintain good moral character as set out in Rule 107(A) of the Rules, Standards and Procedures and pursuant to Rule 105 is a violation of La. R.S. 37:2717(A)(5) of the Louisiana Social Work Practice Act.
3. Mr. Baker failed to advance the best interests and welfare of clients and supervisees with whom he has a professional social work relationship as set out in Rule 113(A) of the Rules, Standards and Procedures.
4. Mr. Baker violated Rule 121(B) of the Rules, Standards and Procedures by billing for services which he has not provided.

5. Mr. Baker violated Rule 121(C)(2) of the Rules, Standards and Procedures by soliciting remuneration for providing services to clients who are entitled to such services through the social worker's employer or agency without the agency or employer's approval.
6. Mr. Baker violated La. R.S. 37:2717(A)(10) by submitting false or deceptive reports or claims for the purpose of obtaining payment.

**SANCTIONS**

It is ordered that:

1. Brian Keith Baker's LCSW license #4517 is permanently revoked.
2. Brian Keith Baker shall pay a \$5,000.00 fine.
3. Brian Keith Baker shall reimburse the Board its legal costs in the amount of \$3,619.10.

December 11, 2009

Date

Wade M. Tyler, PhD, LCSW *Wj*

Wade M. Tyler, PhD, LCSW

Chairperson