

**LOUISIANA STATE BOARD OF
SOCIAL WORK EXAMINERS****IN THE MATTER OF****FINDINGS OF FACT, CONCLUSIONS****GARY CANTRELL****OF LAW AND SANCTIONS****LICENSE NO. 8248****NUMBER 2011-86**

This matter came before the Louisiana State Board of Social Work Examiners ("Board") on June 10, 2011 at or about 11:30 a.m. for a hearing on an Administrative Complaint filed with the Board by the Assistant Attorney General and docketed in the captioned proceedings following an Order of Summary Suspension issued by the Board on April 29, 2011. Board members, John McBride, LCSW, Lisa Lipsey, LCSW, Hope Himel-Benson, LCSW, Evelyn Jenkins, LCSW, and Naaman Stewart, LMSW, 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 Impaired Professional Program Manager advising that Gary Cantrell is not compliant with the Participation Agreement for the Impaired Professional Program. Mr. Cantrell was not compliant by not checking in with Affinity, the program that selects participants randomly for urinalysis, in 2010 on December 19, December 22 through December 31, and in 2011 on January 1 through 2, January 7 through January 14, January 21 through January 23, March 4, March 18, April 7 and April 16. By not checking in with Affinity, Gary Cantrell did not submit to a urinalysis in 2010 on December 27 and December 29, and in 2011 on January 11 and March 18, which were dates

he was randomly selected for screening. Gary Cantrell also violated his Participation Agreement when results from his urinalysis were abnormal in 2011 on January 27 and February 14. When the Board considered this correspondence on April 29, 2011 it found that the health, safety, or welfare of the public required emergency action, an Order of Summary Suspension was issued consistent with the Board's authority under La. R.S. 49:961(C) and Rule 911(B) of the Rules, Standards and Procedures.

The Order of Summary Suspension was delivered to Gary Cantrell by personal service on May 13, 2011 at 9:05 a.m. The Order of Summary Suspension noticed Mr. Cantrell that the matter was set for hearing on June 10, 2011. Accordingly, the Administrative Complaint in the captioned proceedings was filed by the Assistant Attorney General with the Board and Mr. Cantrell.

The Complaint alleges that Mr. Cantrell failed to comply with the terms of the Consent Agreement and Order entered into with the Board on October 8, 2010 by failing to comply with the Participation Agreement for the Impaired Professional Program. Consistent with the Consent Agreement and Order signed by Mr. Cantrell on October 8, 2010, Mr. Cantrell specifically acknowledged that failure to comply with the terms of the Consent Agreement and Order may result in suspension or revocation of his license and that the admissions contained in such Consent Agreement would be considered proven and that the only issue would be failure to comply with the terms of the Consent Agreement.

RESPONDENT'S FAILURE TO APPEAR

At the time the case was called, Respondent, Gary Cantrell was not present. The Board was provided with a copy of the Order of Summary Suspension which documents it was personally served to Mr. Cantrell on May 13, 2011 at 9:05 a.m. The Board also received a copy of the return receipt documenting that the Administrative Complaint was received by certified mail at the address on record with the Board for Mr. Cantrell.

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. In addition, Rule 941(B) of the Rules, Standards and Procedures authorizes the Board and its designated hearing panel to proceed with the adjudication, notwithstanding the social worker's absence, where the social worker receives due notice of the hearing, fails to appear and participate and does not notify the Board of good cause for the social worker's absence. Respondent did not notify the Board of good cause for his absence. The Board, satisfied that the requirements for due process of law had been met, allowed the case to proceed in the absence of the Respondent.

THE HEARING

The Assistant Attorney General called Ms. Sherril Rudd as a witness 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 hearing panel also questioned the witness 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. Mr. Cantrell previously appeared before the Board on October 8, 2010, and entered into a Consent Agreement and Order (Consent Agreement) resolving Complaint Number 2010-20 for failure to comply with the terms of a Participation Agreement.
2. In this Consent Agreement, Mr. Cantrell specifically acknowledged that “failure to comply with the terms of the Consent Agreement and Order, and more specifically, failure to comply with the requirements of the IPP, may result in a suspension or revocation of his license” and further acknowledged that “[a]ny noncompliance with the Participation Agreement without the Board’s consent is cause for disciplinary action.”
3. Mr. Cantrell has failed to be compliant with the Participation Agreement, including but not limited to, missing required check-ins with Affinity, missing required urinalysis screens, and having abnormal test results from urinalysis screens, thereby failing to comply with the terms of the Consent Agreement previously entered into.

4. Mr. Cantrell met with the IPP Program Manager on November 29, 2010 to discuss the terms of the Participation Agreement.
5. At this meeting, Mr. Cantrell agreed to sign an Addendum to his Participation Agreement, which extended the length of time for required compliance with his Participation Agreement.
6. In such Addendum, Mr. Cantrell acknowledged that if, at any time, he was noncompliant with the requirements of the Participation Agreement, he would cease the practice of social work until receiving permission from the Board to resume practice.
7. On January 24, 2011, Mr. Cantrell received notice from the IPP Program Manager that he was noncompliant with the terms of his Participation Agreement.
8. Since such time, Mr. Cantrell has continued to practice social work through his employment with Community Solutions, Inc., providing home-based social work services.

CONCLUSIONS OF LAW

The Findings of Fact led the Board to conclude that Gary Cantrell'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. Cantrell'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. Cantrell's noncompliance with the Participation Agreement for the Impaired Professional Program constitutes potential detriment to the client, which is a violation as established by La. R.S. 37:2717(A)(7).

SANCTIONS

It is ordered that:

1. Gary Cantrell's license is revoked for five years from the date of this order.
2. Any application submitted by Mr. Cantrell after the period of revocation shall be treated as a new application, and Mr. Cantrell shall be subject to the licensing requirements in effect at the time of application.
3. As part of the application process, Mr. Cantrell shall demonstrate that he can safely practice social work.

3-5-11

Date

John E. McBride, LCSW

John McBride, LCSW

Chairperson