

**LOUISIANA STATE BOARD OF
SOCIAL WORK EXAMINERS**

IN THE MATTER OF

CHARLES W. NETTERVILLE, JR.

ALSO KNOWN AS BILLY NETTERVILLE

LICENSE NO. 7119

FINDINGS OF FACT, CONCLUSIONS

OF LAW AND SANCTIONS

NUMBER 2011-69

This matter came before the Louisiana State Board of Social Work Examiners (“Board”) on June 10, 2011 at or about 9:00 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

The complaint in this case originated with correspondence submitted to the Board by Billy Netterville which correspondence included a disability claim form on which Mr. Netterville’s physician indicated that he cannot perform duties as a social worker due to severe fatigue and confusion. 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. In addition, the Board and the

Assistant Attorney General received information relevant to additional facts concerning the licensee's compliance with participation in the Board's Impaired Professional Program. The Administrative Complaint alleges violations of La. R.S. 37:2717(A)(2), La. R.S. 37:2717(A)(7), and Rules 117(A) and 705 of the Rules, Standards and Procedures. The Complaint alleges that Billy Netterville violated provisions of the Social Work Practice Act and Board Rules, Standards of Practice and Procedures by failing to comply with the Participation Agreement for the Impaired Professional Program, which includes having multiple abnormal, diluted or positive urinary analysis results. It is also not clear from the reports submitted by Mr. Netterville's physician whether his condition permits him to sufficiently perform his duties as a social worker. The Administrative Complaint charges Mr. Netterville 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. Netterville, or otherwise discipline Mr. Netterville.

THE HEARING

The Assistant Attorney General called Dr. Gerald Thomas Arbour, Ms. Sherril Rudd and Mr. Billy Netterville as witnesses and introduced documentary evidence in support of the allegations contained in the Administrative Complaint. 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. Mr. Netterville submitted a copy of a disability claim form for American Heritage Life Insurance Company on February 10, 2011.
2. Such disability claim included a report from an attending physician, Dr. G. Thomas Arbour.
3. The physician documented that due to extreme fatigue and confusion, Mr. Netterville is unable to fulfill the duties of a social worker, including but not limited to, counseling, paperwork and attending meetings.
4. The physician documented that the patient is unable to perform job duties from February 3, 2011 through indefinitely.
5. Since the time Mr. Netterville received notice of the summary suspension of his license, he has obtained a letter from Dr. Arbour, dated May 11, 2011, stating “he is an appropriate candidate for work with continuous reassessment.”
6. Mr. Netterville is a participant in the Board’s Impaired Professional Program (IPP).
7. Pursuant to his participation in the IPP, Mr. Netterville signed a Participation Agreement, including “Other Specific Conditions of Participation,” outlining the terms and condition of his participation in the IPP.
8. Mr. Netterville has had a history of compliance problems with his participation in the IPP.
9. In the Participation Agreement, Mr. Netterville initialed a provision whereby he agreed to totally abstain from any mood altering drugs or substances unless appropriately prescribed by a licensed physician treating an illness or condition requiring such medication.

10. In the Participation Agreement, Mr. Netterville initialed a provision whereby he agreed to immediately notify the IPP and the board of any relapse related to impairment, including, but not limited to any unauthorized use of mood altering drugs.

11. In the Participation Agreement, Mr. Netterville initialed a provision whereby he specifically agreed and acknowledged that any evidence of screenings showing impairment during the monitoring period may form the basis for disciplinary action under La. R.S. 37:2717, which could result in suspension or revocation of Participant's credential.

12. Mr. Netterville has had abnormal, diluted or positive urinary analysis on multiple occasions, including incidents most recently noted in April 2011, March 2011, January 2011, December 2010 and November 2010.

13. Mr. Netterville initialed, as applicable, paragraph 6 of the Terms and Conditions of Participation. This provision required Mr. Netterville to totally abstain from any mood altering drugs or substances unless appropriately prescribed by a licensed physician. Part of paragraph 6 was a handwritten requirement for the participant to provide a letter to the Board from any physicians prescribing mood altering medications, acknowledging the participant's addictive issues, including any drugs with the potential for addiction.

14. Ms. Rudd testified to requesting such physician letters from Mr. Netterville and that Mr. Netterville did not provide them. At the hearing, Mr. Netterville gave the explanation that a physician is unwilling to write the required letter providing information about medications disclosed on the positive urine screens. In response, the Board, during the hearing, obtained from Mr. Netterville the names of all physicians prescribing to him during the relevant period. The Board also offered Mr. Netterville the opportunity to corroborate his explanation by keeping

the hearing open in order to obtain the records of these prescribing physicians through the issuance of a Board subpoena. Although, Mr. Netterville, on the record, tentatively agreed to the Board offer of the subpoena; on June 11, 2011 he sent the Board an email in which he refused to allow the subpoena for his physicians' records. Based on the testimony of Ms. Rudd and Mr. Netterville's refusal of the subpoena, the Board discredits Mr. Netterville's explanation for the positive urine screens.

14. In the document labeled "Other Specific Conditions for Participation" [in the IPP Program], Mr. Netterville initialed a provision whereby he specifically agreed to provide a monthly medication log of all medications ingested by the 15th of each month.

15. Mr. Netterville has not timely submitted such log in February 2011 and October 2010.

16. In the Participation Agreement, Mr. Netterville initialed a provision which indicated that any violation of the conditions agreed upon in the Participation Agreement may result in sanctions by the Board.

CONCLUSIONS OF LAW

The Findings of Fact led the Board to conclude that Billy Netterville's conduct rises to the level of violations of the Social Work Practice Act and the Rules, Standards and Procedures.

Based on the Findings of Fact, the Board concludes:

1. Mr. Netterville's failure to comply with the terms of the Participation Agreement for the Impaired Professional Program, that he agreed to by initialing beside the term, constitutes a violation of Rule 705 of the Rules, Standards and Procedures, which is cause for disciplinary action pursuant to La. R.S. 37:2717(A)(5).

2. Mr. Netterville violated Rule 117(A) with repeated abnormal, diluted or positive urinary analysis and pursuant to Rule 105 is a violation of La. R.S. 37:2717(A)(2) of the Louisiana Social Work Practice Act.

3. Mr. Netterville's testimony provided evidence that he cannot practice social work if he is required to comply with the Participation Agreement for the Impaired Professional Program. Therefore, the board determines that Mr. Netterville's continued ability to practice social work without further assessment could be potentially detrimental to the client, which is cause for discipline pursuant to La. R.S. 37:2717(A)(7).

SANCTIONS

It is ordered that:

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

8-5-11
Date

John E. McBride, LCSW

John McBride, LCSW

Chairperson