

**LOUISIANA STATE BOARD OF  
SOCIAL WORK EXAMINERS**

**IN THE MATTER OF**

**SHANNON MCDANIEL**

**LICENSE NO. ~~5209~~ 8915**

**ADMINISTRATIVE COMPLAINT**

**NUMBER: 2011-25**

**DECISION AND ORDER**

This matter came before the Board on April 29, 2011, pursuant to an Administrative Complaint (“Complaint”) which charged Respondent, Shannon McDaniel, GSW<sup>1</sup> (hereinafter “Respondent” or “Ms. McDaniel”) with violating the terms of the Consent Agreement and Order (“Agreement”) which she entered into with the Board on April 16, 2010 in Complaint Number 2010-58. The case was heard before a panel of the Board consisting of John McBride, LCSW, Michael Hickerson, RSW, Hope Himel-Benson, LCSW, Evelyn Jenkins, LCSW, and Naaman Stewart, LMSW. This panel of the Board, after hearing the case, renders the following unanimous decision.

**THE NOTICE TO RESPONDENT**

The Administrative Record shows that Respondent was served by certified and regular mail with the signed Administrative Complaint to which was attached the Agreement entered into in Complaint #2010-58 along with the March 2, 2011 formal Notice of the Complaint which notified Respondent of the date, time and place of the hearing on the Complaint allegations.

## **THE COMPLAINT**

The Complaint charged that Respondent entered into the April 16, 2010 Agreement with the Board in prior Complaint #2010-58 in which she agreed to be placed on one year probation, subject to probationary conditions which, among others, included: that Ms. McDaniel be evaluated by the Louisiana State Board of Social Work Examiners' Impaired Professional Program (IPP) at her expense within 30 days from the date of the Agreement and to follow all recommendations of the designated IPP evaluator; that Ms. McDaniel pay the investigative and legal costs associated with Complaint #2010-58 in the amount of \$958.88 within 90 days of the Agreement; and that Ms. McDaniel pass the Board's Open Book Examination on the Social Work Practice Act and the Rules, Standards and Procedures within 90 days from the date the parties signed the Agreement. The current complaint alleges that the Respondent failed to be evaluated by the IPP and failed to make payments of the investigative and legal costs. The current complaint also charges that the Agreement contained Respondent's signed acknowledgment that failure to comply with the terms of the Agreement may result in a suspension or revocation of her license and that the admissions contained in such Agreement would be considered proven and that the only issue would be the failure to comply with the terms of the Agreement..

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

When the case was called for a hearing at the designated time, Respondent was not present and Respondent had not notified the Board of good cause for her absence. Accordingly, the Board, pursuant to Rule §941(B), proceeded with the adjudication, notwithstanding Respondent's absence. Without regard to Respondent's failure to participate, the Board maintained a standard of proof by a preponderance of the evidence as a prerequisite to making any finding of fact, including the

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<sup>1</sup> Under the current Practice Act, the title GSW is replaced with LMSW (Licensed Master Social Worker).

adequacy of notice to Respondent.

### **SUMMARY OF EVIDENCE AND FACTUAL FINDINGS**

The evidence presented included the testimony of two fact witnesses, Emily J. Efferson, the Board's Administrator and Sherril Rudd, manager of the Board's IPP, as well as the introduction of documentary evidence. Among the pieces of documentary evidence was the Administrative Complaint and the attached Agreement in Complaint 2010-58. Paragraph 8 of the Board's Order of the Agreement in Complaint 2010-58 contains the Respondent's acknowledgment that her admissions contained in the Agreement will be considered proven and the only issue will be her failure to follow the terms of the Agreement. Based on the unrebutted testimony of Ms. Efferson and Ms. Rudd, the Board makes the factual finding that the Respondent failed to comply with the instructions and recommendations of the Board's IPP, failed to make payment of the investigative and legal costs associated with Complaint 2010-58, and failed to take and pass the Board's Open Book Examination as alleged in the captioned complaint.

Based on these factual findings, the Board further finds that the Respondent's admissions contained in the Agreement are proven as established facts. Accordingly, the Board finds that while Ms. McDaniel was actively engaged in the practice of social work, her urine samples tested positive for the use of THC marijuana and Oxazepam, a benzodiazepine, and that Ms. McDaniel did not inform her previous employer, the complainant, of her use and treatment for opiates. In addition, the Board finds that Ms. McDaniel received "Corrective Action Notification" from her previous employer and that written documentation by her previous employer reported Respondent's slurred speech, not remembering recent discussions, not following through with orders and failure to see clients as soon as possible when requested. The Board also finds that

Respondent answered “no” to questions on her 2009 and 2010 renewal applications that asked if she had practiced while impaired by chemicals and if she participated in a drug treatment or rehabilitation program and that she certified those responses to the Board as “true and correct”.

### **THE LAPSE OF RESPONDENT’S LICENSE**

The Administrative Record further shows that Respondent allowed her license to lapse on August 31, 2010 and has taken no steps to renew her license within the time limitations provided by La. R.S 37:2714(C). Accordingly, by law, Ms. McDaniel can no longer practice social work in Louisiana unless she applies for licensure as a new applicant and is granted same. However, the Respondent’s unilateral decision not to renew her license can not control the Board’s right to adjudicate a pending disciplinary action relating to Respondent’s conduct which occurred while her license was active (although under probation). Otherwise, social workers could avoid the disciplinary process by allowing their licenses to lapse, leaving this jurisdiction and applying for licensure in another state. Furthermore, the Board concludes that neither the Practice Act nor the Louisiana Administrative Procedure Act requires the Board to wait an indefinite period of time until Respondent applies for licensure before it can adjudicate a pending complaint. Such a delay would permit a social worker to avail themselves of the possibility of faded memories of witnesses, witnesses who move, die or cannot be located, lost evidence, and changes in Board member composition. The Board can discern no useful public purpose or benefit in suspending the disciplinary process awaiting a future license application that may never occur. In fact, Board rules and statutory law require the Board to adjudicate pending complaints expeditiously, consistent with the due process rights of the Respondent. Under the above circumstances, the Board has concluded that its jurisdiction to adjudicate the pending complaint is continuing, notwithstanding

Respondent's lapsed license.

### CONCLUSIONS OF LAW

Based on the preceding factual findings, the Board makes the following conclusions of law:

1. Respondent, by using drugs to an extent which affected her professional competence and by testing positive for the use of marijuana and Oxazepam, Ms. McDaniel has violated La. R.S. 37:2717(A)(2) and (A)(7) and Rule §117(A) of the Board's Rules, Standards and Procedures.
2. Respondent, by submitting false statements on her 2009 and 2010 renewal applications, has violated La. R.S. 2717(A)(9), (A)(11), and (A)(12) and Rules §107(A) and §111(G)(5) of the Board's Rules, Standards and Procedures.

### SANCTION

The Board takes notice of the range of sanctions contained in the Agreement in Complaint 2010-58 which Respondent acknowledged could result from her failure to comply with the terms of the Agreement. Considering Respondent's proven conduct of practicing social work while impaired through the use of controlled substances and other narcotics as well as her falsification about such impairment on renewal applications to the Board in 2009 and 2010, as well as Respondent's disregard for the terms and conditions of the Agreement, the Board finds no basis to deviate from the suggested sanctions contained in the Agreement. Accordingly, the Board determines that **REVOCATION** of license is the appropriate sanction.

Because Respondent is currently unable to practice social work in the state of Louisiana as a result of the lapse of her license, it is **ORDERED** that Shannon McDaniel may not apply for any form of license or credential to practice social work in Louisiana for a period of two years from the

date of this Order. **IT IS FURTHER ORDERED**, that any application submitted by Shannon McDaniel for any license or credential to practice social work shall be restricted to the following conditions:

1. With any application submitted to the board, Shannon McDaniel must also submit:
  - A. Credible documentation, to the Board's satisfaction, of her successful completion of a comprehensive drug rehabilitation program;
  - B. Credible documentation, to the Board's satisfaction that she has totally abstained from any mood altering substances, including controlled dangerous substances and alcohol for a period of at least 18 consecutive months immediately prior to her application to the Board;
  - C. Payment to the Board of the amount due for the investigative and legal costs associated with Complaint 2010-58 in the amount of \$958.88 in addition to the amount of \$ 595.00 for the investigative and legal costs associated with Complaint 2011-25.
2. Any social work license or credential issued to Shannon McDaniel by the Board shall be under **PROBATION** for a period of three years from the date of issuance, subject to the following additional conditions:
  - A. Ms. McDaniel shall contact the Louisiana State Board of Social Work Examiners' Impaired Professional Program (IPP) within five (5) days of the issuance of any social work license or credential, and shall be evaluated by an IPP-approved evaluator, at her expense within 30 days from the date of contact with the IPP manager and follow all recommendations of the designated IPP evaluator;

- B. Ms. McDaniel shall complete two (2) hours of supervision of her social work practice per month for each year of her probation by a Board Approved Clinical Supervisor (BACS) pre-approved by the Board. Ms. McDaniel shall submit to the Board the name of the proposed supervisor (with resume) within fifteen (15) days of the issuance of any license or credential. At the same time the proposed supervisor shall submit a letter to the Board stating his/her acceptance of the supervision and stating that he/she is not, or previously has not been, professionally or personally affiliated with Ms. McDaniel prior to this request for supervision. The supervisor shall submit quarterly supervision reports to the Board documenting dates met for supervision, topics addressed and progress made in supervision. Ms. McDaniel will be responsible for all costs associated with supervision.
- C. Ms. McDaniel, under the direction and approval of her supervisor, shall complete a total of three (3) hours of continuing education on the subject of ethics. This continuing education is in addition to the annual twenty (20) hours of continuing education required for the maintenance of her social work credential. Ms. McDaniel shall provide to the Board evidence of her attendance within the first year of the probation.
- D. Ms. McDaniel, at her expense, shall pass the Board's Open Book Examination on the Social Work Practice Act and Rules, Standards & Procedures within thirty (30) days of the issuance of any social work license or credential.
- E. Failure by Ms. McDaniel to strictly adhere to any of the conditions of probation shall be grounds for the immediate suspension or revocation of her social work

credential.

**LOUISIANA STATE BOARD OF SOCIAL WORK EXAMINERS**

Baton Rouge, Louisiana this 20<sup>th</sup> day of June, 2011.

John E. McBride LCSW  
By: John McBride, LCSW, Board Chairperson