

**LOUISIANA STATE BOARD OF  
SOCIAL WORK EXAMINERS**

**IN THE MATTER OF**

**LABSWE COMPLAINT**

**DIANE SWAYZER SMITH**

**LICENSE NO. 6675**

**NUMBER 2012-42**

**CONSENT AGREEMENT AND ORDER**

**WHEREAS**, Diane Swayzer Smith (Ms. Swayzer Smith) 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 an administrative investigation, the social worker, Ms. Swayzer Smith, has indicated her 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, Ms. Swayzer Smith, has admitted the following:

1. Respondent, Ms. Swayzer Smith, is a Registered Social Worker (RSW) credentialed by the Board to engage in the practice of social work in the State of Louisiana pursuant to the Social Work Practice Act, La. R.S. 37:2701 et seq., as evidenced by License No. 6675.
2. At the times pertinent to the facts of this complaint, Ms. Swayzer Smith provided social work service while employed as a Family Preservation Therapist with Family Service of Greater Baton Rouge. She has since retired from this position.

3. While employed with Family Service of Greater Baton Rouge, Ms. Swayzer Smith saw clients, and maintained paperwork to verify that service and time of visit was provided as indicated.
4. In one particular case, the signatures of the youth and mother were investigated for accuracy. Although the documents purportedly contained the mother's signature, the mother confirmed that such was not her signature.

**WHEREAS**, by submitting paperwork which had to be <sup>signed</sup> required by the mother in a particular case, and such signature did not belong to the mother, Ms. Swayzer Smith has submitted deceptive reports regarding services provided to a client, such conduct which is cause for disciplinary action pursuant to La. R.S. 37:2717(A)(10), Rule 111(G)(5) and La. R.S. 37:2717(A)(5).

**WHEREAS**, the credentialed social worker has indicated her desire to resolve this matter through a Consent Agreement and Order;

**WHEREAS**, the undersigned Assistant Attorney General has conducted an interview with the respondent who has indicated her desire to resolve this matter through a 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 Ms. Swayzer Smith accepts the following administrative action which is a final decision pursuant to La. R.S. 49:958:

1. Ms. Swayzer Smith's license shall be on probationary status until the Board determines that all terms of this Agreement have been met. The Board may lift the probationary status on its own or Ms. Swayzer Smith may request such status be lifted upon completion of the terms described in the Agreement.
2. Ms. Swayzer Smith shall complete one (1) hour of supervision of her social work practice every month for a period of twelve months by a LCSW-BACS pre-approved by the Board. Ms. Swayzer Smith shall submit to the Board the name of the potential supervisor and his/her resume within fifteen (15) days of resuming the practice of social work. The potential supervisor shall submit a letter to the Board stating his/her acceptance of the provision of said supervision and a statement that he/she has not previously, nor is currently professionally or personally affiliated with Ms. Swayzer Smith 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. Swayzer Smith is responsible for all costs associated with supervision. **The time period of supervision does not begin unless and until Ms. Swayzer Smith is practicing social work.**
3. In courses approved by the Board in advance, Ms. Swayzer Smith 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 to maintain her RSW. Ms. Swayzer Smith shall provide the Board with evidence of attendance within one (1) year after all parties sign this Consent Agreement and Order.

4. Ms. Swayzer Smith shall pay a fine for the above referenced violations in the amount of one thousand dollars (\$1,000) within one (1) year of the date all parties sign this Consent Agreement and Order. Such fine is authorized by La. R.S. 37:2717(B)(5). Installment payments by certified check, money order or credit card are allowable.
5. Ms. Swayzer Smith shall pay the investigative and legal costs associated with Complaint 2012-42 in the amount of \$324.00 within one (1) year that all parties sign this Consent Agreement and Order. The payments shall be made on a quarterly basis with the first payment due within thirty days from the date all parties sign this Consent Agreement and Order. There shall be no pre-payment penalty.

**Waiver of Rights.** Licensee is aware that he/she has the right to consult with an attorney of his/her choice and understands he/she has the right to an administrative hearing on the facts in this case. He/she understands and agrees that by signing this Agreement, he/she is waiving his/her rights to a hearing. Further, he/she understands and agrees that he/she is relieving the prosecutor of any burden it has of proving the facts admitted above. Licensee further understands and agrees that by signing this Agreement he/she is voluntarily and knowingly giving up her right to present oral and documentary evidence, to present rebuttal evidence, to cross-examine witnesses against him/her, and to appeal the Board's decision.

**Effect of Non Acceptance of Agreement.** Licensee and the prosecutor agree that this Consent Agreement and Order is subject to the approval of the Board. They agree

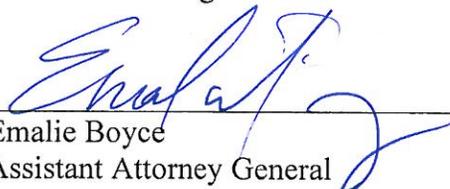
that, if the Board rejects this agreement, it will be void, and an Administrative Complaint may be filed. If this agreement is rejected by the Board it will not constitute a waiver of licensee's right to a hearing on the matters alleged in an administrative complaint and the admissions contained herein will have no effect. Licensee agrees that, if the Board rejects this agreement, the Board may decide the matter after a hearing, and its consideration of this agreement shall not alone be grounds for claiming that the Board is biased against him/her, that it cannot fairly decide the case, or that it has received ex parte communication.

**Address of Board.** All payments ordered and any reports required by this Consent Agreement and Order shall be addressed to: Louisiana State Board of Social Work Examiners, 18550 Highland Road, Suite B, Baton Rouge, Louisiana 70809.

**IT IS HEREBY FURTHER ORDERED** that this Consent Agreement and Order shall take effect immediately upon its adoption by the Board and is a public record of the Board. The terms of this Consent Agreement and Order may 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 prosecutor acknowledges negotiation and preparation of this Consent Agreement and Order in order to resolve, with prejudice, all matters for which the social worker could be charged under Complaint 2012-42, and further certifies 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.

DATED: 12-16-2011

  
Emalie Boyce  
Assistant Attorney General  
Prosecutor

I, Diane Swayzer Smith, have read that Consent Agreement and Order, understand it, and agree to be bound by its terms and conditions. I specifically acknowledge that failure to comply with the terms of the Consent Agreement and Order may result in a suspension or revocation of my license. The admissions contained herein will be considered proven and the only issue will be failure to follow the terms of the Consent Agreement and Order.

DATED: 12-14-2011

  
Diane Swayzer Smith, RSW

SUBSCRIBED AND SWORN TO before me this 14th day or  
December 2011, at Baton Rouge Louisiana.

  
Notary Public  
Print Name: Jacqueline A. Nash  
My commission expires: lifetime

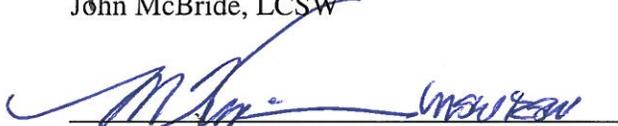
**ORDER**

The Louisiana State Board of Social Work Examiners, having examined the Consent Agreement and Order, Case No. 2012-42, adopted the Consent Agreement and Order in this matter on **DECEMBER 16, 2011.**

DATED this 16<sup>th</sup> day of December, 2011 in Baton Rouge, Louisiana.

LOUISIANA STATE BOARD OF SOCIAL WORK EXAMINERS

  
John McBride, LCSW

  
Michael Hickerson, RSW

  
Hope Himel-Benson, LCSW

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Evelyn Jenkins, LCSW

  
Lisa Lipsey, LCSW

  
Carla Moore LMSW