

**LOUISIANA STATE BOARD OF
SOCIAL WORK EXAMINERS**

IN THE MATTER OF

LABSWE COMPLAINT

LESA SHARKEY

LICENSE NO. 5898

NUMBER 2012-12

CONSENT AGREEMENT AND ORDER

WHEREAS, Lesa Sharkey (Ms. Sharkey) 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. Sharkey, 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. Sharkey, has admitted the following:

1. Respondent, Ms. Sharkey, is a Licensed Clinical Social Worker (LCSW) licensed 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. 5898.
2. Ms. Sharkey had a client who was prescribed a psychoactive medication commonly used to treat anxiety disorders which is only available through prescription. The client had run out of medication.

3. Ms. Sharkey was prescribed the same medication, and offered one or two pills of such medication to the client.

WHEREAS, by offering a client with prescription medication when she was not qualified to provide individuals with prescription medication Ms. Sharkey has practiced in a manner detrimental or potentially detrimental to the client, which is cause for disciplinary action pursuant to La. R.S. 37:2717(A)(7); and Ms. Sharkey has engaged in unprofessional or unethical conduct as defined in the rules and regulations adopted by the board, such conduct which is cause for disciplinary action pursuant to La. R.S. 37:2717(A)(11).

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. Sharkey accepts the following administrative action which is a final decision pursuant to La. R.S. 49:958:

1. Ms. Sharkey'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. Sharkey may request such status be lifted upon completion of the terms described in the Agreement.

2. Except for the limited circumstances specified in this Agreement, Ms. Sharkey shall practice only in an agency setting, and not conduct an independent private clinical practice, for two (2) years from the date all parties sign this Consent Agreement and Order. The Board has agreed for Ms. Sharkey to continue to treat six specified clients with whom Ms. Sharkey currently has an established relationship.

Ms. Sharkey agrees to notify the clients of this Consent Agreement and Order within thirty days.

3. Except for the six clients described above, Ms. Sharkey will have thirty days to provide her remaining clients with reasonable notice of the termination of services, consistent with Rule 111(H).

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4. Ms. Sharkey shall complete two (2) hours of supervision of her social work practice every month for a period of two (2) years by a LCSW-BACS pre-approved by the Board. Ms. Sharkey 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. Sharkey 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. Sharkey is responsible for all costs associated with supervision. At the end of the one year, the supervisor may

submit a letter to the Board recommending termination of the supervision if he or she feels early termination of this requirement is warranted. **The time period of supervision does not begin unless and until Ms. Sharkey is practicing social work.**

5. In courses approved by the Board in advance, Ms. Sharkey shall complete a total of ~~three~~ ^{six 6} (6) 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 LCSW. Ms. Sharkey shall provide the Board with evidence of attendance within ~~one~~ ^{six months} (1) year after all parties sign this Consent Agreement and Order.
6. Ms. Sharkey shall pass the Board's Open Book Examination on the Social Work Practice Act and Rules, Standards & Procedures within ninety (90) days of signing this Consent Agreement and Order, which is accessible through the Board's website at www.labswe.org.
7. Ms. Sharkey shall pay a fine for the above referenced violations in the amount of one thousand dollars (\$1,000) within two (2) years 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.
8. Ms. Sharkey shall pay the investigative and legal costs associated with Complaint 2012-12 in the amount of \$1, 550.10 within two (2) years 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

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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 2012-12, 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: 16 December 2011


Emalie Boyce
Assistant Attorney General
Prosecutor

I, Lesa Sharkey, 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: 12/16/11

Lesa Sharkey, LCSW
Lesa Sharkey, LCSW

SUBSCRIBED AND SWORN TO before me this 16th day or December, 2011, at Baton Rouge, Louisiana.

Deborah M. Henson

Notary Public

Print Name:

My commission expires:

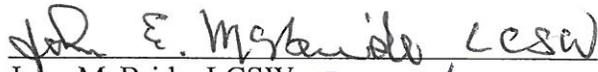
DEBORAH M. HENSON
NOTARY PUBLIC ID# 90299
PARISH OF ORLEANS
STATE OF LOUISIANA
MY COMMISSION IS ISSUED FOR LIFE

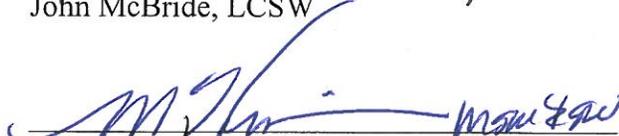
ORDER

The Louisiana State Board of Social Work Examiners, having examined the Consent Agreement and Order, Case No. 2012-12, adopted the Consent Agreement and Order in this matter on DECEMBER 16, 2011.

DATED this 16th day of December, 2011 in Baton Rouge, Louisiana.

LOUISIANA STATE BOARD OF SOCIAL WORK
EXAMINERS

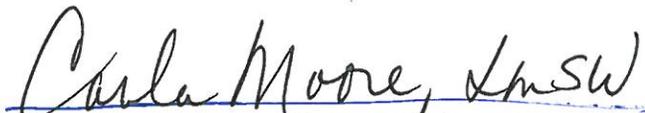

John McBride, LCSW


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