

**LOUISIANA STATE BOARD OF  
SOCIAL WORK EXAMINERS**

REC'D APR 09 2012

**IN THE MATTER OF**

**ELIZABETH OLIVEIRA**

**LICENSE NO. 6362**

**ADMINISTRATIVE COMPLAINT**

**NUMBER: 2012-10**

**DECISION AND ORDER**

This matter came before the Board on February 17, 2012, pursuant to an Administrative Complaint ("Complaint") which charged Respondent, Elizabeth Oliveira, LMSW, (hereinafter "Respondent" or "Ms. Oliveira") with violating the terms of the Consent Agreement and Order ("Agreement") which she entered into with the Board on June 25, 2010 in Complaint Number 2010-59(C). The case was heard before a panel of the Board consisting of John McBride, LCSW, Michael Hickerson, RSW, Carla Moore, LMSW, Judith Haspel, LCSW, and Lisa Lipsey, LCSW. This panel of the Board, after hearing the case, renders the following unanimous decision.

**THE NOTICE TO RESPONDENT**

The Administrative Record shows that Emily Efferson, Administrator, served the Respondent by first class and certified mail the signed Administrative Complaint to which was attached the Agreement entered into in Complaint #2010-59(C) along with the January 5, 2012 formal Notice of the Complaint which notified Respondent of the date, time and place of the hearing on the Complaint allegations. The certified notice was returned by the post office marked unclaimed. Ms. Efferson confirmed that the address used for service was the same address

provided by the Respondent when she renewed her license online on August 31, 2011.

### **THE COMPLAINT**

The Complaint charged that Respondent entered into the June 25, 2010 Agreement with the Board in prior Complaint #2010-59(C) in which she agreed to complete a total of three (3) hours of continuing education on the subject of ethics and provide the board with evidence of such attendance by June 25, 2011 and to pass the board's Open Book Examination on the Social Work Practice Act and the Rules, Standards and Procedures within 90 days of signing the Agreement. Ms. Oliveira failed to submit evidence of completing three (3) hours of continuing education on the subject of ethics and failed to pass the Open Book Examination. 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 adequacy of notice to Respondent.

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

The evidence presented included the testimony of one fact witness, Emily Efferson,

Administrator, as well as the introduction of documentary evidence. Among the pieces of documentary evidence were the Administrative Complaint and the Consent Agreement and Order which resolved Complaint #2010-59(C). Paragraph 4 of the Board's Order of the Agreement in Complaint 2010-59(C) 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, the Board makes the factual finding that the Respondent failed to be compliant with the Consent Agreement and Order by not taking and passing the Board's Open Book Examination and by not submitting evidence of completing three hours of continuing education on the subject of ethics.

#### **CONCLUSIONS OF LAW**

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

1. Respondent, by failing to comply with the requirements of Consent Agreement and Order #2010-59(C) has violated La. R.S. 37:2717(A)(5).

#### **SANCTION**

The Board takes notice of the range of sanctions contained in the Agreement in Complaint 2010-59(C) which Respondent acknowledged could result from her failure to comply with the terms of the Agreement. Considering 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 for two (2) years is the appropriate sanction.

It is **ORDERED** that Elizabeth Oliveira may not apply for any form of license or credential to practice social work in Louisiana for a period of two (2) years from the date of this Order.

**IT IS FURTHER ORDERED**, that any application submitted by Ms. Oliveira for any license or credential to practice social work shall be restricted to the following conditions:

1. With any application submitted to the board, Elizabeth Oliveira must also submit:
  - A. Documentation of completing eight (8) hours of pre-approved continuing education in the area of social work ethics.
  - B. Documentation of a passing score on the Board's Open Book Examination.
  - C. Payment to the Board for the cost of adjudicating Complaint #2012-10 in the amount of \$899.25.

LOUISIANA STATE BOARD OF SOCIAL WORK EXAMINERS

Baton Rouge, Louisiana this 27th day of March, 2012.

  
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John E. McBride, LCSW, Board Chairperson