

**LOUISIANA STATE BOARD OF
SOCIAL WORK EXAMINERS**

IN THE MATTER OF

JACKLYN SPENCE

ADMINISTRATIVE COMPLAINT

LICENSE NO. 10199

NUMBER: 2012-07

DECISION AND ORDER

This matter came before the Board on March 16, 2012, pursuant to an Administrative Complaint (“Complaint”) which charged Respondent, Jacklyn Spence, LMSW, (hereinafter “Respondent” or “Ms. Spence”) with violating the terms of the Consent Agreement and Order (“Agreement”) which she entered into with the Board on March 18, 2011 in Complaint Number 2010-170. 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 #2010-170 along with the January 24, 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 used for

for mailing the draft administrative complaint certified, which was signed for by the Respondent on November 9, 2011.

THE COMPLAINT

The Complaint charged that Respondent entered into the March 18, 2011 Agreement with the Board in prior Complaint #2010-170 in which she agreed to pay the investigative and legal costs associated with Complaint #2010-170 in the amount of \$987.04 within one (1) year from the date all parties signed the Agreement. Payments were to be made on a quarterly basis, with the first payment being due thirty days from the date all parties signed the Agreement. Ms. Spence was required to make her first payment on April 18, 2011. A reminder was sent to Ms. Spence on April 26, 2011. As of July 15, 2011, Ms. Spence had failed to make such payment. 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 #2010-170. Paragraph 5 of the Board's Order of the Agreement in Complaint 2010-170 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 making quarterly payments towards the \$987.04 owed in investigative and legal costs.

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 #2010-170 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 2010-170 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 three (3) years is the appropriate sanction.

It is **ORDERED** that Jacklyn Spence may not apply for any form of license or credential to

practice social work in Louisiana for a period of three (3) years from the date of this Order.

IT IS FURTHER ORDERED, that

1. With any application submitted to the board, Jacklyn Spence must also submit:
 - a. Documentation of completing three (3) hours of pre-approved continuing education in the area of social work ethics.
 - b. Payment to the Board for the cost of adjudicating Complaint #2010-170 in the amount of \$987.04.
 - c. Payment to the Board a fine of \$1,000.00, as authorized by §2717(B)(5).
2. Once Jacklyn Spence is credentialed and returns to the practice of social work, she shall complete one (1) hour of supervision of her social work practice every month for a period of one (1) year by a LCSW-BACS pre-approved by the Board. Ms. Spence shall submit to the Board the name of the potential supervisor and his/her resume within fifteen (15) days of all parties signing this Consent Agreement and Order. 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 currently, been professionally or personally affiliated with Ms. Spence 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. Spence is responsible for all costs associated with supervision. The supervision does not have to be met in a continuous year. Should Ms. Spence stop practicing social work, she shall notify the Board in writing within two weeks, and her supervision requirement shall be temporarily placed on hold. When Ms. Spence once again resumes practicing social work, she shall notify the Board in writing within two weeks and her supervision requirement shall resume, until she fulfills the requirement of

requirement of having twelve months of supervised social work practice.

LOUISIANA STATE BOARD OF SOCIAL WORK EXAMINERS

Baton Rouge, Louisiana this 14th day of May, 2012.


John E. McBride, LCSW, Board Chairperson