LOUISIANA STATE BOARD OF
SOCIAL WORK EXAMINERS

IN THE MATTER OF	**FINDINGS OF FACT, CONCLUSIONS**
ANGELIQUE TULLOS	**OF LAW AND SANCTIONS**
LICENSE NO. 10485	**COMPLAINT NO. 2012-147**

This matter came before the Louisiana State Board of Social Work Examiners ("Board") on August 23, 2013 for a hearing due to Angelique Tullos' non-compliance with her Participation Agreement with the Board's Impaired Professional Program ("IPP"). Emalie Boyce, Assistant Attorney General, prosecuted the case on behalf of the state. George Papale, legal counsel for the Board served as the Hearing Officer. Board members, John McBride, LCSW, Robert Showers, RSW, Lisa Lipsey, LCSW, Judith Haspel, LCSW, and Carla Moore, LMSW, served on the hearing panel. The Respondent, Angelique Tullos was not present.

NOTICE OF PENDING ACTION

Emalie Boyce called Emily Efferson, Administrator, to the stand to testify regarding the notice of pending action. Ms. Boyce presented as evidence for Ms. Efferson to identify, the proof of service that R. E. Thompson, Complaint Investigation Officer, served Angelique Tullos the notice of hearing and the administrative complaint on June 15, 2013.

AUTHORITY FOR ADJUDICATION BY DEFAULT

The Louisiana Administrative Procedure Act (LAPA) allows for the disposition of an Administrative Complaint by default under LA R. S. 49:955 (D) unless such action is "precluded by law". No other provision of LAPA or the Social Work Practice Act precludes the adjudication of the captioned complaint by default. The Board, satisfied that the requirements for due process of law had been met, allowed the case to proceed in the absence of the

Respondent.

THE COMPLAINT

The complaint charged that Respondent previously appeared before the Board for a hearing on March 16, 2012 for a violation of the psychotherapy requirement in her IPP Participation Agreement. On May 4, 2012 the Board suspended Angelique Tullos's registration for three years. However, it was not known to the prosecution that two days prior to the hearing being held that Ms. Tullos tested positive for amphetamines and nearly a month after the hearing, but before the decision was handed down by the Board, she ceased checking in with Affinity. This included missing call-ins and testing. The current complaint alleges that the Respondent failed to comply with her IPP Participation Agreement.

THE HEARING

Emalie Boyce, Assistant Attorney General, introduced into evidence, Administrative Complaint #2012-147 against Angelique Tullos, the report from Affinity that shows that Ms. Tullos tested positive for amphetamines on March 14, 2012, the check-in history report for Ms. Tullos from Affinity that shows missed check-ins and missed tests, and the IPP Participation Agreement between Ms. Tullos and the Board. Emily Efferson, Administrator, was called as a witness to testify regarding the authenticity of these exhibits, as well as testify to Ms. Tullos' compliance with the requirements of her Participation Agreement. Ms. Efferson testified that the Respondent is not in compliance with her Participation Agreement.

Lisa Lipsey, LCSW, questioned the witness relative to the Respondent's last contact with the Board. Ms. Lipsey also asked whether or not the Respondent has renewed her license. Ms. Efferson responded that she is not aware of any contact with the Board since 2012 and that Ms. Tullos' registration lapsed in 2012.

SUMMARY OF EVIDENCE AND FACTUAL FINDINGS

The state's evidence presented included the testimony of Emily Efferson, as well the introduction of documentary evidence. Among the pieces of documentary evidence was the Participation Agreement for the Impaired Professional Program. Page two, item numbers 5 through 8, specifically discusses random drug and/or alcohol screening requirements. The Participation Agreement contains the Respondent's acknowledgment of these requirements by her initial beside the requirements. Based on the unrebutted testimony of Ms. Efferson, the Board makes the factual finding that the Respondent failed to comply with the requirements of her Participation Agreement by testing positive for amphetamines, missing check-ins, and by missing tests.

THE LAPSE OF RESPONDENT'S LICENSE

The Administrative Record shows that Respondent allowed her license to lapse on August 31, 2012 and has taken no steps to renew her license within the time limitations provided by La. R.S. 37:2714(C). The Respondent's unilateral decision to not renew her license cannot 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 suspension). Otherwise, social workers could avoid the disciplinary process by allowing their license to lapse, leaving this jurisdiction and applying for licensure in another state. Furthermore, the Board concludes that neither the Practice Act no 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. 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:

By testing positive for amphetamines, not checking-in with Affinity, and by missing tests because of not checking-in with Affinity, Angelique Tullos has failed to adhere to the requirements of a Board order, which is cause for disciplinary action pursuant to La. R.S. 37:2717(A)(5).

SANCTIONS

The Board determines that **revocation** of license is the appropriate sanction.

It is **ORDERED** that Angelique Tullos' social work credential is revoked for four (4) years from the date this Order is signed. Ms. Tullos may reapply for a social work credential in four (4) from the date this Order is signed, and meet all requirements for the credential in which she is applying in accordance with the Louisiana Social Work Practice Act. In addition to meeting the requirements of the social work credential for which she is applying and before her application is approved, Ms. Tullos shall pay the costs of adjudicating Complaint #2012-147 in the amount of $825.00. In the event of reinstatement, the Board reserves the right, in its sole and absolute discretion, to place restrictions on licensee's practice of social work.

October 23, 2013
Date

Lisa L. Lipsey, LCSW
Chairperson