

**LOUISIANA STATE BOARD OF
SOCIAL WORK EXAMINERS**

**IN THE MATTER OF
CHER BROUSSARD, LMSW
LICENSE NO. 11152**

**COMPLAINT NUMBER:
2018-89 C/W 2018-91**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This matter came before the Louisiana State Board of Social Work Examiners ("Board") for hearing in an executive session before a hearing panel ("Panel") of the Louisiana State Board of Social Work Examiners ("Board") on July 19, 2019, at the Board's office located at 18550 Highland Road, Suite B, Baton Rouge Louisiana pursuant to La. R.S. 37:2717 and L.A.C. 46:XXV.909.

Present were:

Hearing panel members: John Shalett¹, LCSW, BACS Brent Villemarette, LCSW, BACS, Carla Moore, LMSW Robert Showers, RSW and Ruth Weinzettle, LCSW, BACS;

Sheri M. Morris serving as counsel to the hearing panel ("Panel");

Madeline Carbonette, Assistant Attorney General serving as Complaint Counsel; and

Cher Broussard ("Respondent") represented by her attorney Scott D. Wilson.

PRE-HEARING MATTERS

The Panel, after considering the motions, memoranda in support and in opposition to and the arguments of counsel ruled as follows on the pre-hearing motions:

1. Respondent's Exception of Improper Service of Complaint was denied upon a finding that the Administrative Complaint was served upon Respondent's counsel of record who requested the issuance of subpoenas;

¹ John Shalett was present for the hearing through 5:00 p.m. Prior to the deliberations conducted on August 23, 2019, Mr. Shalett reviewed the hearing transcript.

2. Respondent's Motion to Dismiss on grounds of Rule 2717 unconstitutionality and denial of due process was denied upon the Panel's finding that the Board is without authority to decide constitutional challenges;
3. Respondent's Motion to Recuse Complaint Counsel was denied upon the Panel's finding that Complaint Counsel's reference to "investigation" was limited to confirmation of the validity of the statements in the investigator's report to confirm a sufficient factual basis to support the filing of an administrative complaint to discharge her ethical duties and to prepare for the hearing;
4. Complaint Counsel's Motion to Quash Subpoena Duces Tecum to Spectrum Rehab Services ("Spectrum") was denied in part upon the Panel's finding that the subpoena sought some documents which did not include protected health information. Respondent's counsel was permitted to examine the records which did not include protected health information of individuals other than the client at issue during a recess.

Additionally, the record remained open for seven days during which Respondent's Counsel was permitted to present any evidence relevant to matters reflected in the subpoenaed records. In the event Respondent's Counsel presented additional and evidence, Complaint Counsel would have had the opportunity to present such additional relevant evidence deemed necessary. Respondent's Counsel did not submit any evidence within the seven days following the hearing; and

5. Complaint Counsel's Motion to Quash Discovery Subpoena was determined to be moot due to the ruling on the Subpoena Duces Tecum to Spectrum.

At the conclusion of the hearing Counsel were advised that they could submit proposed findings of fact and proposed conclusions of law for consideration by the Panel. Neither party submitted proposed findings of fact or conclusions of law for consideration by the Panel.

FINDINGS OF FACT

The following facts are undisputed:

1. Respondent was licensed by the Board as a Licensed Master Social Worker ("LMSW") 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. 11152, (Administrative Complaint, para. 1 and Respondent's Answer to Complaint, para. 1).
2. At the time of the facts and matters alleged in the Administrative Complaint, Respondent was engaged in the practice of social work through her employment as a mental health professional with Spectrum Rehab Services in Denham Springs, Louisiana, (Administrative Complaint, para. 2 and Respondent's Answer to Complaint, para. 2).

3. While employed at Spectrum Rehab Services from September 28, 2015 to September 15, 2016, Respondent was the primary social worker to the minor client referenced in the Administrative Complaint, (Administrative Complaint, para. 3 and Respondent's Answer to Complaint, para. 3).

The Panel finds the testimony of the minor client, who was a high school student at all times relevant to the facts, credible and corroborated by the testimony of others. Further, the Panel finds Respondent's testimony not credible and therefore, finds the following facts are supported by a preponderance of the evidence and testimony adduced at the hearing:

4. Respondent met with the minor client on multiple occasions during late evening hours at various locations where Respondent and the minor client were alone.
5. Respondent became involved in a personal and physical relationship with the minor client.
6. Respondent planned and facilitated meetings or contacts between Respondent and the minor client social in nature including meals, shopping and meetings at other recreational facilities including at a camp.
7. Respondent planned and facilitated meetings or contacts between the minor client and family members without the consent of the minor client's domiciliary parent.
8. Respondent made requests to the minor client for sexual intimacy.
9. Respondent engaged in or requested sexual intimacy or contact from the minor client.
10. Respondent engaged in behavior which a reasonable person would find sexually stimulating or seductive toward the minor client.
11. Respondent engaged in verbal and nonverbal contact or conduct leading to sexual arousal including sexual touching, kissing, sexual intercourse and other physical contact with the minor client.
12. Respondent used her relationship as a professional social worker to promote or advance Respondent's emotional, sexual or personal needs by inappropriate touching, holding, kissing and physical contact between Respondent and the minor client.
13. Respondent practicing in a manner detrimental or potentially detrimental to the client.
14. Respondent's conduct and actions were deliberate and intentional.
15. Respondent's actions are inconsistent with good moral character.
16. Respondent failed to take necessary protective measures consistent with the best interests of the minor client.

17. Respondent maintained the inappropriate relationship with the minor client until the relationship was reported to Spectrum by the minor client's mother.
18. Following the client's mother's report of Respondent's inappropriate relationship with the minor client to Spectrum, Respondent's employment was terminated in September of 2016.

CONCLUSIONS OF LAW

Respondent actions violated:

1. L.A.C. 46:XXV.107(A) requiring social workers to maintain good moral character.
2. L.A.C. 46:XXV.107(B) requiring social workers to make reasonable efforts to advance the welfare of the best interests of clients.
3. L.A.C. 46:XXV.113(A)(5) prohibiting use of a professional social work relationship to promote or advance the social worker's emotional, sexual or personal needs by encouraging planned social meetings or contacts between the social worker and the client such as meal, recreational events and similar functions.
4. L.A.C. 46:XXV.113(A)(6) prohibiting use of a professional social work relationship to promote or advance the social worker's emotional, sexual or personal needs by inappropriate touching, holding, kissing or physical contact between the social worker and client.
5. L.A.C. 46:XXV.113(B)(1) placing an affirmative duty on social workers to maintain the best interest of clients during the existence of the social worker/client relationship by prohibiting promoting, encouraging or participating in a relationship with a client.
6. L.A.C. 46:XXV.113(B)(3) prohibiting social workers from engaging in or requesting sexual intimacy or contact with a client and prohibiting engaging in any behavior which a reasonable person would find sexually stimulating or seductive with a client.
7. La. R.S. 37:2717(A)(4) authorizes the Board to revoke any license issued to a social worker for willfully or repeatedly violating any of the provisions of the Louisiana Social Work Practice Act.
8. La. R.S. 37:2717(A)(5) authorizes the Board to revoke any license issued to a social worker for violating any rule or regulation adopted by the Board.
9. La. R.S. 37:2717(A)(7) authorizes the Board to revoke any license issued to a social worker for practicing in a manner detrimental or potentially detrimental to the client by act or omission, which act or omission is either the result of deliberate or intentional conduct or negligent conduct.
10. La. R.S. 37:2717(A)(11) authorizes the Board to revoke any license issued to a social worker for unprofessional or unethical conduct as defined in the rules and regulations adopted by the Board.

11. La. R.S. 37:2717(A)(12) authorizes the Board to revoke any license issued to a social worker for conduct which demonstrates the social worker has failed to maintain the qualification of good moral character as required by R.S. 37:2706(A)(1), 2707(A)(1) and 2708(A)(1) and as may be defined by the Board.

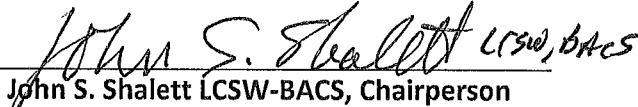
ORDER

IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

1. LMSW License No. 11524 issued to Cher Broussard is revoked.
2. Cher Broussard is ineligible to apply for licensure by the Louisiana State Board of Social Work Examiners for five years from the date of this order and until all costs are paid in accordance with La. R.S. 37:2717(C).
3. Pursuant to La. R.S. 37:2717, Respondent is cast with the costs incurred by the Board for the hearing including but not limited to legal fees, and costs of the stenographer and investigator. Costs shall be paid no later than 30 days after the decision of the Board becomes final by certified check, credit card or money order to the Louisiana State Board of Social Work Examiners, 18550 Highland Road, Suite B, Baton Rouge, LA 70809. Note: Personal checks and cash are not accepted.
4. This Decision and Order is a public record of the Board. The terms shall be published and reported in the LABSWE Newsletter, The Association of Social Work Boards (ASWB), and the National Practitioner Data Bank—Healthcare Integrity and Protection Data Bank (NPDB-HIPDB).

Signed this 16 day of September 2019.

Louisiana State Board of Social Work
Examiners


John S. Shalett LCSW-BACS, Chairperson

Please notify Respondent via Certified Mail:

Cher Broussard
Through counsel of record:
Scott D. Wilson
533 Europe Street
Baton Rouge, LA 70802

Via Fax and/or email:

Cher Broussard
Through counsel of record:
Fax: (225) 344-1200
Email: Sdwilsonlaw@aol.com

STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE

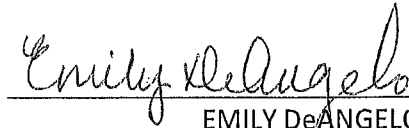
AFFIDAVIT OF COSTS

BEFORE ME, the undersigned Notary Public, in and for the State and Parish aforesaid, personally came and appeared:

EMILY DeANGELO

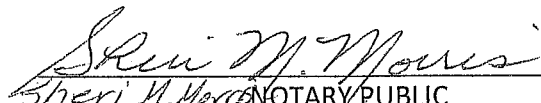
who, after being first duly sworn, did depose and state that she is the Administrator for the City Louisiana State Board of Social Work Examiners and that she has verified the following costs were incurred in connection with the hearing for In the Matter of Cher Broussard, LMSW, License No. 11152, Complaint Number 2018-89 consolidated with Complaint Number 2018-91 through September 13, 2019:

Copy charges for records subpoenaed by Respondent	\$443.50
Stenographer Fees – Baton Rouge Court Reporters	\$3,000.00
Legal Fees for Counsel to Hearing Panel – George Pape for pre-hearing matters	\$1,150.50
Legal Fees for Legal Fees for Special Counsel – LA Department of Justice	\$23,175.00
Legal Fees for Counsel to Hearing Panel – Daigle, Fisse & Kessenich for hearing	\$4,281.00
Fees for Deaf Resources Center for Sign Interpreter	\$756.00
TOTAL COSTS.....	\$32,806.00



EMILY DeANGELO

SWORN TO AND SUBSCRIBED before me, on this 16th day of September, 2019.



Sheri M. Morris NOTARY PUBLIC
Bar Roll / Notary I.D. No. 20937