

LOUISIANA STATE BOARD OF
SOCIAL WORK EXAMINERS

IN THE MATTER OF
HAROLD KIRBY
LICENSE NO. 7151

COMPLAINT NO. 2023-54

CONSENT AGREEMENT AND ORDER

WHEREAS, Harold Kirby ("Mr. Kirby") is a credentialed social worker subject to the jurisdiction and the rules and regulations of the Louisiana State Board of Social Work Examiners ("Board" or "LABSWE");

WHEREAS, on October 17, 2022, Mr. Kirby filed a self-report with the Board to disclose that on September 6, 2022, he had an acute manic episode and was arrested on felony assault charges;

WHEREAS, pursuant to a complaint and an administrative investigation, Mr. Kirby has indicated his 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. 49:975(D) of the Louisiana Administrative Procedure Act;

WHEREAS, Mr. Kirby has admitted to the following:

1. Mr. Kirby 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 Number 7151.
2. Mr. Kirby had an acute manic episode in September 2022. During the episode, Mr. Kirby attacked an individual and was arrested on felony and misdemeanor assault

Harold Kirby #2023-54

Initial: *(h d b)*

charges. The felony charge has since been dismissed. Mr. Kirby has entered into the Coos County mental health court and will have his misdemeanor charges dismissed after completion of the program.

3. Mr. Kirby was in jail from September 6, 2022, until September 30, 2022. On September 30, 2022, Mr. Kirby went to the emergency room of the Bay Area Hospital in Coos Bay, Oregon. He was then admitted to the Acute Psychiatric Unit and remained there until being discharged on October 14, 2022.
4. Mr. Kirby's wife and sister were affirmed as guardians during his acute manic episode to support him in accessing treatment and attending to personal matters. Since being released from the hospital, Mr. Kirby has lived independently and attends to his own day to day affairs.
5. Mr. Kirby has successfully completed an intensive outpatient program. He continues to implement all treatment recommendations of the program and those of his Mental Health Court team.
6. Mr. Kirby is not currently engaged in the practice of social work and is undergoing treatment.
7. Mr. Kirby's wife and sister are currently serving as his guardians/curators;

WHEREAS, given the admissions above, Mr. Kirby has violated La. R.S. 37:2717(A)(5) and La. Admin Code tit. 46:XXV §117(A);

WHEREAS, undersigned counsel has confirmed Mr. Kirby desires to resolve this matter through a Consent Agreement and Order;

WHEREAS, Mr. Kirby acknowledges that the Board may pursue further disciplinary action in accordance with La. R.S. 37:2717(A)(6) if Mr. Kirby is involved in an incident that raises

concerns about his mental competency, or the Board receives additional information that raises concerns about his mental capacity.

WHEREAS, Mr. Kirby recognizes his right to have an administrative adjudication of the charges outlined in the complaint and notice letter, at which time Mr. Kirby would be entitled to be represented by legal counsel, to call witnesses, and to present witnesses on his behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law in accordance with the Louisiana Administrative Procedure Act. Mr. Kirby nonetheless waives his right to formal adjudication and, pursuant to La. R.S. 49:975(D), consents to the entry of the Consent Agreement and Order set forth hereinafter. Mr. Kirby also acknowledges that he waives any rights to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:951, et seq., or which he otherwise may be afforded by any law, to contest his agreement to, or the force and effect of this Consent Agreement and Order, in any Court or other forum.

IT IS HEREBY ORDERED that in consideration of the foregoing and pursuant to the authority vested in the Board by La. R.S. 49:975(D), the Board orders and Mr. Kirby accepts the following administrative action which is a final decision pursuant to La. R.S. 49:977:

1. Mr. Kirby shall be evaluated by the Louisiana State Board of Social Work Examiners' Impaired Professional Program (IPP) at his expense within 30 days from the date that all parties sign this Consent Agreement and Order. Mr. Kirby shall follow all recommendations of the designated IPP evaluator in a timely manner.
2. The LCSW license of Harold Kirby to be engaged in the practice of social work in the State of Louisiana, as evidenced by LCSW license number 7151 shall be, and is hereby **SUSPENDED** pending the IPP evaluator's determination that Mr. Kirby is fit to

practice and a court's determination that Mr. Kirby is no longer under general guardianship due to incapacity. Accordingly, Mr. Kirby accepts and shall maintain strict compliance with the following terms and conditions.

3. Mr. Kirby must promptly inform the Board of the disposition of any charges against him. Mr. Kirby acknowledges that this Consent Agreement and Order addresses only the allegations that he may not currently be fit to practice social work. Accordingly, the Board reserves the right to further discipline Mr. Kirby based upon the outcome of his criminal case.
4. Mr. Kirby shall reimburse legal costs associated with Complaint No. 2023-54 in the amount of TWO THOUSAND FIFTY-SEVEN DOLLARS AND 50/100 (\$2,057.50) within one (1) year from the date all parties sign this Consent Agreement and Order. The payments shall be made on a quarterly basis with the first payment due within ninety (90) days from the date all parties sign this Consent Agreement and Order. Payment shall be made by credit card, certified check, or money order.
5. Mr. Kirby specifically acknowledges that failure to comply with the terms of this Consent Agreement and Order may result in a denial, revocation, or suspension of any license, certificate, or registration issued by, or applied for, in accordance with La. R.S. 37:2717.
6. Mr. Kirby further acknowledges that failure to reimburse the fees set forth above at Paragraph 4 will require the Board to take further action in collection of this debt. Respondent has twelve (12) months to reimburse the expenses before the debt will be considered final and transferred to the Louisiana Office of Debt Recovery (ODR).

After transfer, the debt is subject to an additional collection fee of up to twenty-five percent (25%) of the total debt liability, as provided for in LA R.S. 47:1676 (E).

7. Mr. Kirby shall report the terms of this Consent Agreement and Order to any board or agency located in the United States with which he is licensed or registered.

8. By agreeing to the terms of this Consent Agreement and Order, Mr. Kirby waives all rights to appeal this adjudication.

Effect of Non-Acceptance of Agreement. Mr. Kirby acknowledges that this Consent Agreement and Order is subject to the approval of the Board. He further acknowledges and agrees that if the Board rejects this Consent Agreement and Order, it will be void, and an Administrative Complaint may be filed relative to the allegations contained herein. If this Consent Agreement and Order is rejected by the Board, it will not constitute a waiver of Mr. Kirby's right to a hearing on the matters alleged in an Administrative Complaint and the admissions contained herein will have no effect. He further agrees that if the Board rejects this Consent Agreement and Order, the members of the Board may decide the matter after a hearing, and their consideration of this Consent Agreement and Order shall not alone be grounds for recusal of any member of the Board, including any claims that the Board is biased against him, 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 in, 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 2023-54, 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: 9/15/23


James Raines
Prosecutor

I, Harold Kirby, have read the 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 revocation or suspension 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. I make these acknowledgements and waivers in support of a final disposition of the pending investigation of Complaint No. 2023-54 by Consent Agreement and Order pursuant to La. R.S. 49:975(D), in lieu of the institution and prosecution of formal administrative proceedings, and accordingly consent to the entirety of the Order set forth above and further waive any right to which I may be entitled under the Louisiana Administrative Procedure Act or any other law to contest, in any court, my agreement to this Order. By my subscription hereto, I also hereby authorize the Prosecutor to present this Order to the LABSWE for its consideration and to disclose to and discuss with the LABSWE the nature and results of the investigation of this matter. I herein waive any objection to such disclosure based on due process of law under either the State or Federal Constitution or under State statutory law,

including La. R.S. 49:977.2. I expressly acknowledge that the disclosure of such information to the LABSWE shall be without prejudice to the Prosecutor's authority to file a formal Administrative Complaint, or the LABSWE's capacity to adjudicate such Administrative Complaint, should the LABSWE decline to approve this Consent Agreement and Order. I further acknowledge my awareness that should the LABSWE approve this Consent Agreement and Order that the Consent Agreement and Order will become a matter of public record.

DATED: 7/24/2023

Harold Kirby
Harold Kirby

ORDER

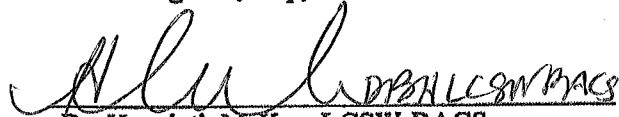
The Louisiana State Board of Social Work Examiners, having examined the Consent Agreement and Order, Case No. 2023-54, adopted the Consent Agreement and Order in this matter.

DATED this 20 day of October, 2023, in Baton Rouge, Louisiana.

**LOUISIANA STATE BOARD OF SOCIAL
WORK EXAMINERS**

Dr. Jamie Barney, LCSW-BACS

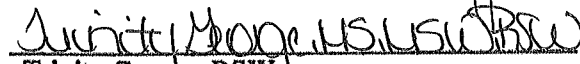
Evan Bergeron, Esq., Consumer Member



Dr. Hyacinth McKee, LCSW-BACS



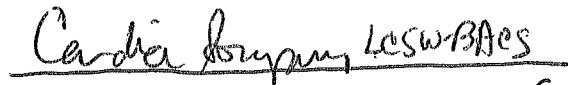
Melissa Smith Haley, LMSW



Trinity George, RSW



Bora Sunseri, LCSW-BACS



Candice Sorapuru, LCSW-BACS