

**LOUISIANA STATE BOARD OF
SOCIAL WORK EXAMINERS**

IN THE MATTER OF

COMPLAINT NO. 2019-272

TANYA SMITH

REGISTRATION NO. 11107


CONSENT AGREEMENT AND ORDER

WHEREAS, Tanya Smith ("Ms. Smith") is a credentialed social worker subject to the jurisdiction and rules and regulations of the Louisiana State Board of Social Work Examiners (the "Board"); and

WHEREAS, pursuant to a complaint and an administrative investigation, Ms. Smith has indicated her 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. 49:955(D) of the Louisiana Administrative Procedure Act; and

WHEREAS, Ms. Smith has admitted the following:

1. Ms. Smith is a Registered Social Worker ("RSW"), 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 Registration No. 11107.
2. From approximately March 22, 2017 until April 22, 2019, Ms. Smith was engaged in the practice of social work at Family Preservation Services located in New Orleans, Louisiana.
3. Ms. Smith was responsible for providing services to clients and completion of documentation of client files.
4. Ms. Smith had a caseload of eleven active clients.

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Initial 

5. Family Preservation Services conducted an internal investigation of Ms. Smith's caseload after being informed that services were not being provided to clients.
6. According to the internal investigation conducted by Family Preservation Services, Ms. Smith documented and billed for a total of 69 services to clients which were not provided to the clients.
7. Ms. Smith did not complete services for clients on the dates and times documented by Ms. Smith.
8. Ms. Smith falsified client records.
9. Ms. Smith billed for the services she did not provide for these clients.
10. Ms. Smith resigned from her employment at Family Preservation Services on April 11, 2019.
11. Upon receipt of the complaint filed against Ms. Smith, the Board sent to the complaint for investigation.
12. The Board's Complaint Officer contacted Ms. Smith a total of 5 times from July 25, 2019 to August 28, 2019. To date, Ms. Smith has not responded to the complaint and has failed to cooperate in the investigation.

WHEREAS, By falsifying client records, failing to provide services and billing for services she did not provide, Tanya Smith violated Rules 111(G)(1), 111(G)(5) and 121(B) which is cause for disciplinary action pursuant to La. R.S. 37:2717(A)(5).

WHEREAS, By falsifying client records, failing to provide services and billing for services she did not provide, Tanya Smith's actions were detrimental or potentially detrimental to clients, which is cause for disciplinary action pursuant to La. R.S. 37:2717(A)(7).

WHEREAS, Tanya Smith's actions in falsifying client records, failing to provide services and billing for services she did not provide is cause for disciplinary action pursuant to La. R.S. 37:2717(A)(10).

WHEREAS, By falsifying client records, failing to provide services and billing for services she did not provide, Tanya Smith's conduct was unprofessional and unethical conduct as defined in the rules and regulations adopted by the Board, which is cause for disciplinary action pursuant to La. R.S. 37:2717(11).

WHEREAS, By failing to cooperate with the Board's investigation, Ms. Smith violated Rule 117(C) which is cause for disciplinary action pursuant to La. R.S. 37:2717(A)(5);

WHEREAS, Ms. Smith has indicated her desire to resolve this matter through a Consent Agreement and Order;

WHEREAS, the undersigned Assistant Attorney General has confirmed the respondent's desire to resolve this matter through a Consent Agreement and Order;

IT IS HEREBY ORDERED that in consideration of the foregoing and pursuant to the authority vested in the Board by La. R.S. 49:955(D), the Board orders and Ms. Bowman accepts the following administrative action which is a final decision pursuant to La. R.S. 49:958:

1. Ms. Smith's license shall be on probation for one (1) year from the date that parties sign this Consent Agreement and Order.
2. Ms. Smith shall complete one (1) hour of supervision of her social work practice twice a month during her one (1) year of probation by a LCSW-BACS pre-approved by the Board. Ms. Smith shall submit to the Board the name of the potential supervisor and his/her resume within fifteen (15) days. The potential supervisor shall submit a letter stating his/her acceptance of the provision of said supervision and stating he/she is not,

nor has previously been, professionally or personally affiliated with Ms. Smith 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. Smith shall be responsible for all costs associated with supervision.

3. Ms. Smith shall pass the Board's Open Book Examination on the Social Work Practice Act and Rules, Standards & Procedures within ninety (90) days after the date that all parties sign this Consent Agreement and Order.
4. Ms. Smith shall complete a total of six (6) hours of continuing education on the subject of ethics. These hours are to be pre-approved by the Board prior to completion. This continuing education is in addition to the annual hours of continuing education required to maintain her RSW. Ms. Smith shall provide the Board with evidence of attendance within one (1) year after all parties sign this Consent Agreement and Order.
5. Ms. Smith shall pay a fine in the amount of \$250.00 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, cashier's check or money order. Cash and personal checks are not accepted. There shall be no pre-payment penalty.
6. Ms. Smith shall pay all investigative costs associated with Complaint 2019-272 in the amount of FIVE HUNDRED DOLLARS AND 00/100 (\$500.00) 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, cashier's check or money order. Cash and personal checks are not accepted. There shall be no pre-payment penalty.

7. Ms. Smith shall pay all legal costs associated with Complaint No. 2019-272 to be provided by an itemized statement sent by certified mail to Ms. Smith and her attorney. Payment shall be complete 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, cashier's check or money order. Cash and personal checks are not accepted. There shall be no pre-payment penalty.
8. Ms. Smith 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.

Waiver of Rights. Licensee is aware that she has the right to consult with an attorney of her choice and understands she has the right to an administrative hearing on the facts in this case. She understands and agrees that by signing this Agreement, she is waiving her rights to a hearing. Further, she understands and agrees that she is relieving the prosecutor of any burden it has of proving the facts admitted above. Licensee further understands and agrees that by signing this Agreement she is voluntarily and knowingly giving up her right to present oral and documentary evidence, to present rebuttal evidence, to cross-examine witnesses against her, and to appeal the Board's decision.

Effect of Non Acceptance of Agreement. Licensee and the prosecutor agree that this Consent Agreement and Order is subject to the approval of the Board. They agree that, if the Board rejects this agreement, it will be void, and an Administrative Complaint may be filed. If this agreement is rejected by the Board it will not constitute a waiver of licensee's right to a hearing on the matters alleged in an administrative complaint and the admissions contained herein will have no effect. Licensee agrees that, if the Board rejects this agreement, the Board may decide the matter after a hearing, and its consideration of this agreement shall not alone be grounds for claiming that the Board is biased against him/her, 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, 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).

Specifically reserved and excluded from the scope of this disciplinary action before the Board as to any entity or person (including Licensee) are the following:

- a. Any criminal, civil, or administrative claims arising under Title 26 U.S. Code (Internal Revenue Code);
- b. Any criminal liability; and

c. Any administrative liability, including mandatory exclusion from Federal health care programs.

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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 2019-272 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: 4/6/20

Madeline Carbonette
Madeline Carbonette
Assistant Attorney General
Prosecutor

I, Tanya Smith 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.

DATED: 11/6/2020

Tanya Smith
Tanya Smith

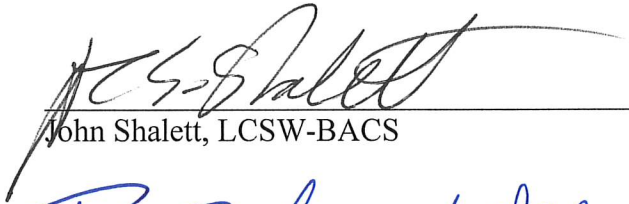
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ORDER

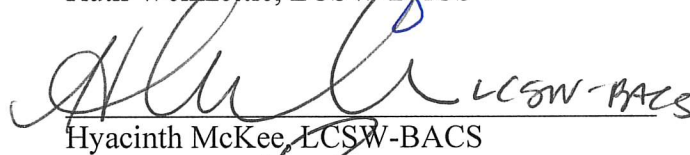
The Louisiana State Board of Social Work Examiners, having examined the Consent Agreement and Order, Case No. 2019-272 adopted the Consent Agreement and Order in this matter.

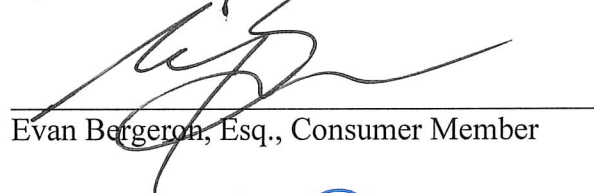
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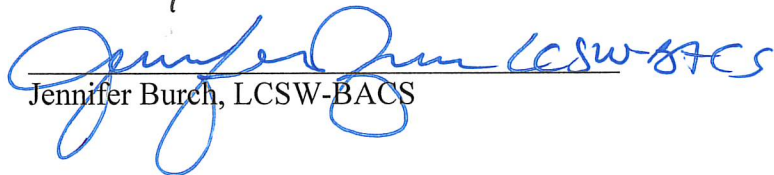
LOUISIANA STATE BOARD OF SOCIAL WORK EXAMINERS


John Shalett, LCSW-BACS


Ruth Weinzettle, LCSW-BACS


Hyacinth McKee, LCSW-BACS


Evan Bergeron, Esq., Consumer Member


Jennifer Burch, LCSW-BACS

Itemized Statement of Expenses
In the Matter of Tanya Smith, RSW#11107
Complaint #2019-272

I certify the following costs were incurred:

Copy fees for documents requested by respondent.....	\$561.00
Stenographer fees – Baton Rouge Court Reporters.....	\$126.30
Legal fees for Counsel to hearing panel – Daigle Fisse & Kessenich.....	\$157.50
Legal fees for Special Counsel – Department of Justice.....	\$1,563.75
Mileage reimbursement – witness – Chenise Taylor.....	\$184.68
TOTAL as of November 6, 2020.....	\$2,593.23



Emily DeAngelo, Administrator
Louisiana State Board of Social Work Examiners