

LOUISIANA STATE BOARD OF
SOCIAL WORK EXAMINERS

IN THE MATTER OF
DESTINY GARY
LICENSE NO. 16379

COMPLAINT NO. 2023-90

CONSENT AGREEMENT AND ORDER

WHEREAS, Destiny Gary ("Ms. Gary") is a licensed 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 January 17, 2023, the Board received a complaint by an employee of Victory Addiction Recovery Center ("VARC") which alleged that Ms. Gary was involved in an inappropriate romantic relationship with a patient while employed at VARC. Ms. Gary and the patient moved in together after the patient left VARC;

WHEREAS, on or around February 2, 2023, the Board notified Ms. Gary of the complaint filed against her, provided Ms. Gary with a summary of the nature of the complaint, and advised that the complaint was sent to Matthew Thomassee with Integrated Security and Investigative Specialists for investigation;

WHEREAS, on or around March 22, 2023, Board Investigator Matthew Thomassee made contact with Ms. Gary and notified her of the receipt of the complaint and requested a statement from Ms. Gary. Ms. Gary provided a statement to Investigator Thomassee;

WHEREAS, pursuant to a complaint and an administrative investigation, Ms. Gary has indicated her desire to resolve this matter through a Consent Agreement and Order as provided for

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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;

HEREAS, Ms. Gary has admitted to the following:

1. Ms. Gary is a Licensed Master's Social Worker ("LMSW") 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 16379.
2. The complainant is an employee of VARC.
3. While working at VARC, Ms. Gary entered into an inappropriate romantic relationship with a patient of VARC. The two eventually moved in together.

WHEREAS, by engaging in an inappropriate relationship with a patient, Ms. Gary violated La. R.S. 37:2717(A)(5), (7), (11), and (12), La. Admin Code tit. 46:XXV §107(A) and (B), and §113(A)(1), (5), and (6), §113(B)(1), (2), (3), (4), and (9).

WHEREAS, undersigned counsel has confirmed Ms. Gary's desire to resolve this matter through a Consent Agreement and Order;

WHEREAS, Ms. Gary agrees not to repeat the misconduct mentioned in this Consent Agreement and Order, and acknowledges that any further misconduct mentioned in this Consent Agreement and Order will be considered a violation of the terms of this Consent Agreement and Order and shall be cause for further disciplinary action;

WHEREAS, Ms. Gary recognizes her right to have an administrative adjudication of the charges outlined in the complaint and notice letter, at which time Ms. Gary would be entitled to be represented by legal counsel, to call witnesses, and to present witnesses on her 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

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Act. Ms. Gary nonetheless waives her 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. Ms. Gary also acknowledges that she waives any rights to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:951, et seq., or which she otherwise may be afforded by any law, to contest her 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 Ms. Gary accepts the following administrative action which is a final decision pursuant to La. R.S. 49:977:

1. The LMSW license of Destiny Gary to be engaged in the practice of social work in the State of Louisiana, as evidenced by license number 16379 shall be, and is hereby REVOKED for a period of five years. Accordingly, Ms. Gary accepts and shall maintain strict compliance with the following terms and conditions.
2. Ms. Gary shall pay a fine in the amount of ONE THOUSAND DOLLARS AND 00/100 (\$1000.00) 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, certified check, or money order.
3. Ms. Gary shall reimburse legal costs associated with Complaint No. 2023-90 in the amount of ONE THOUSAND ONE HUNDRED SEVENTY DOLLARS AND 50/100 (\$1,170.50) 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

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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.

4. Ms. Gary shall not re-apply for licensure until the completion of the revocation. At that time Ms. Gary may submit a reinstatement application, complete twenty hours of approved social work continuing education, and complete the board exam on the Louisiana Social Work Practice Act and Rules, Standards, and Procedures in accordance with La. R.S. 37:2714 for recertification.
5. Ms. Gary 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. Ms. Gary further acknowledges that failure to reimburse the fees set forth above at Paragraphs 2 and 3 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. Ms. Gary shall report the terms of this Consent Agreement and Order to any board or agency with which she is licensed or registered.
8. By agreeing to the terms of this Consent Agreement and Order, Ms. Gary waives all rights to appeal this adjudication.

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
Effect of Non-Acceptance of Agreement. Ms. Gary acknowledges that this Consent Agreement and Order is subject to the approval of the Board. She 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 Ms. Gary's right to a hearing on the matters alleged in an Administrative Complaint and the admissions contained herein will have no effect. She 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 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 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 2023-90, and further certifies that this Consent Agreement and Order is

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
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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: 3/7/24

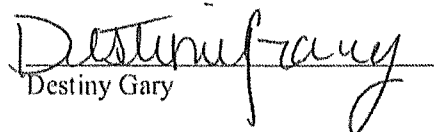

James Raines
Prosecutor

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I, Destiny Gary, 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. 2023-90 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: 3/4/24


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ORDER


The Louisiana State Board of Social Work Examiners, having examined the Consent Agreement and Order, Case No. 2023-90, adopted the Consent Agreement and Order in this matter.


DATED this 8th day of March, 2024, in Baton Rouge, Louisiana.

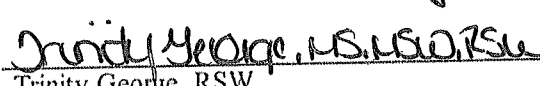
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