



KENTUCKY BOARD OF SOCIAL WORK

125 Holmes Street, Suite 310
Frankfort, Kentucky 40601
(502) 564-2350

Andy Beshear
Governor

Florence Huffman
Executive Director

February 3, 2020

Hon. J. Brannon Dupree
Schaefer & Dupree
112 N. Mulberry Street
Elizabethtown, Kentucky 42701

RE: Agreed Order
Amy Martin, KBSW 18-19

Dear Mr. Dupree,

Enclosed for your record is a copy of the final Agreed Order for your client Amy Martin in KBSW Case No.18-19, signed and entered on January 29, 2020.

Please contact me if you have questions at 502-564-2350, or by email at florence.huffman@ky.gov.

Sincerely,

Florence S. Huffman
Executive Director

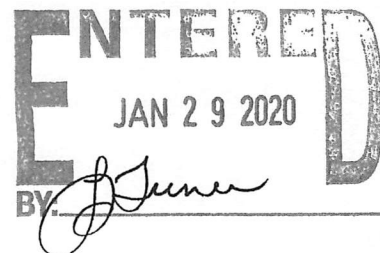
cc. Nicole Bearse, Board Attorney
File

Enclosure

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COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF SOCIAL WORK
CASE NO. 2018-19



**IN RE: THE LICENSE TO PRACTICE SOCIAL WORK IN THE COMMONWEALTH OF KENTUCKY
HELD BY AMY NICOLE (MARTIN) JOHNSON, LCSW, LICENSE NO. 4073**

AGREED ORDER

Come the parties, the Kentucky Board of Social Work (the "Board") and Amy Nicole Martin, LCSW ("Licensee"), by and through the undersigned counsel, and both having been fully informed regarding the matters set forth herein and desiring to settle this matter without the necessity of a hearing on the merits, do hereby agree as follows:

STIPULATION OF FACTS

The parties stipulate the following facts, which serve as the factual bases for this Agreed Order:

1. Amy Nicole (Martin) Johnson was licensed by the Board as a licensed clinical social worker (LCSW) to practice clinical social work within the Commonwealth of Kentucky on June 6, 2015.
2. On or about June 27, 2018, the Board received a complaint from Recovery Works – Pinnacle Treatment Centers ("Recovery Works") stating that the Licensee was employed as a therapist and alleging that the Licensee had violated 201 KAR 23:080, Sections 1, 2, 3 and 11 by engaging in an intimate dual relationship with a client ("Client 1"). The complaint alleged that the Licensee had been terminated by her employer, "Recovery Works," due to this relationship. The complaint further stated that the Licensee was now living with Client 1, that Client 1 had been a patient at "Recovery Works" in November of 2016 and that the Licensee had provided group therapy to Client 1 during

his in-patient treatment. The complaint further stated that the biological brother of Client 1 was also a client of Recovery Works and Licensee provided direct services to him in June 2017 (referred hereafter to as "Client 2").

3. The Licensee filed a response, through counsel, on August 7, 2018. The Licensee admits that she had a romantic relationship with Client 1, beginning in December of 2017. She further admits that she provided direct services to the Client 2 in June of 2017, but states that she asked to be removed from providing said services to Client 2 when she realized the relationship between the two men.
4. The Licensee responds that she was unaware that Client 1 with whom she now has an intimate relationship and residing in the same residence had been a prior client until an investigation ensued, but states that she was aware that his brother was a current client of the facility at the time of her termination.
5. The Licensee responds that she did sign documents entitled "Group Therapy Notes" for sessions that Client 1 attended in November of 2016 on two occasions, but states that she does not recall him being in those sessions.
6. The Board's complaint committee reviewed the case file and assigned an investigator to the case. During the course of the investigation, the board's investigator determined that the Licensee had been less than candid during her first interview regarding these allegations. Upon being re-interviewed, Licensee admitted to the investigator that she provided false statements in her prior interview, which she now regrets. She admitted to knowingly providing social work services to Client 1, that she became aware in June 2017 that Client 1 was an immediate relative of Client 2, that she entered into a sexual

relationship with Client 1 in December 2017, began cohabitating in March 2018, and she and Client 1 were married in January 2019.

7. The Board's complaint committee recommended an agreed order to resolve this matter, in lieu of the issuance of a formal complaint and notice of evidentiary hearing. The Board approved the terms of the agreed order by unanimous vote.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order:

1. The Licensee's Kentucky social work license is subject to regulation and discipline by the Board.
2. Based upon the Stipulation of Facts, the Licensee has engaged in conduct which violates the provisions of 201 KAR 23:080, Sections 1, 2, 3 and 11. Accordingly, there are legal grounds for the parties to enter into this Agreed Order.
3. Licensee agrees the Board may take disciplinary action against Licensee pursuant to KRS 335.150(1)(e) and (g) for violation of the above stated provisions.
4. Pursuant to KRS 335.150(1), the parties may fully and finally resolve this pending matter without the filing of a formal complaint and an evidentiary hearing by entering into informal resolution such as this Agreed Order.
5. The definition of "client" contained in 201 KAR 23:080 Section 1(1)(a) includes "an individual, family or group who directly receives social work services from a social worker," and 201 KAR 23:080 Section 1(2) states that the relationship is "deemed to

continue for a period of five (5) years following the last date of service rendered to a person.”

6. 201 KAR 230:080 Section 1(3) defines “dual relationship” as a “social, business, or personal relationship between a social worker and a client that coexists with the professional-client relationship between the social worker and the client.”
7. 201 KAR 230:080 Section 11 prohibits dual relationships with clients and further states, in subsection (5), that “A social worker shall not engage in a personal relationship or engage in sexual intimacy or contact with a member of a client’s immediate family or an individual who is otherwise an intimate of the client.”
8. Pursuant to the definitions hereinabove and the facts admitted by the Licensee, both the client to whom she is currently married, and his brother, were clients of her employment facility. Furthermore, if the client with whom she is currently in a relationship with were not considered a client, he was an immediate family member of a client for whom the Licensee had provided direct services. The Licensee has therefore violated 201 KAR 23:080, Sections 1, 2, 3 and 11.

AGREED ORDER

Based upon the foregoing Stipulation of Facts and Stipulated Conclusions of Law, and based upon their mutual desire to fully and finally resolve this pending investigation without an evidentiary hearing, and in a manner, which effectively satisfies the complaint, the parties ENTER INTO the following AGREED ORDER:

1. Pursuant to KRS 335.070(7) and KRS 335.150, the Licensee's ability to practice clinical social work shall be under a limitation prohibiting her from providing direct client care for a period of five (5) years from the entry date of this order.
2. The Licensee shall notify the Board of any changes in employment to determine whether or not the duties of that employment equate to "direct client contact" prior to beginning such employment and will only begin such employment with the express approval of the Board.
3. The Licensee shall be further restricted from providing clinical social work supervision to a certified social worker (CSW) pursuant to 335.100(3) for a period of five (5) years from the entry date of this order.
4. The Licensee shall complete twenty (20) additional hours of continuing education, consisting of ethics courses approved by the Board. The additional hours of continuing education shall be completed no later than June 30, 2020, and Licensee shall provide copies of the certificates of complete to the Board.
5. The Licensee shall pay an administrative fine in the amount of \$1,000.00, which shall be paid in full within sixty (60) days of executing this agreement.
6. The Board shall find that Licensee violated 201 KAR 23:080, Sections 1, 2, 3 and 11.
7. Licensee agrees to abide by the foregoing terms and conditions. Licensee agrees that violation of these terms shall be considered a violation of a Board Order and subject to disciplinary action pursuant to KRS 335.150(1)(f).
8. Licensee freely and voluntarily enters into this Agreed Order, motivated by a desire to resolve the issues addressed herein, and has executed this Agreed Order only after a

careful reading of it and consultation with her attorney, and a full understanding of all of its terms. The Licensee is fully aware of and expressly waives the right to contest charges in a formal hearing pursuant to KRS 335.155, the right to obtain judicial review of the Board's decision, and the right to appeal any final order of the board to the Franklin Circuit Court as otherwise allowed by KRS 335.155(3).

9. Licensee acknowledges the Board has jurisdiction over the Licensee and the conduct which precipitated this Agreed Order; that the Board has the legal power to take disciplinary action up to and including revocation of the license to practice social work in Kentucky; and the Licensee further acknowledges the Board shall retain jurisdiction over this matter until all terms and conditions set forth in this Agreed Order have been met to the satisfaction of the Board.
10. This Agreed Order is considered a public document, available for inspection at any time by any member of the public under the Kentucky Open Records Act.
11. This matter shall constitute disciplinary action which may be reportable under state or federal law.
12. The Licensee expressly understands that any violation of the terms of this Agreed Order shall provide the legal basis for additional disciplinary action, and shall constitute failure to comply with an order of the Board under KRS 335.150(1)(f), and for which the Board may impose additional penalties available under law after notice and an opportunity to be heard.

13. This Agreed Order shall be governed in all respects, whether as to validity, construction, capacity, performance or otherwise, in accordance with the laws of the Commonwealth of Kentucky. Furthermore:

- a. Any dispute arising hereunder shall be settled by a state court of appropriate jurisdiction in Franklin County, Kentucky. The parties irrevocably consent to the personal jurisdiction and venue of such court.
- b. This Agreed Order may not be modified except by a written agreement signed by the parties.

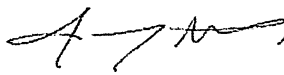
14. In consideration of execution of this Agreed Order, the Licensee, the Licensee's executors, administrators, successors and assigns, hereby release and forever discharge the Commonwealth of Kentucky, the Board of Social Work, and each of its members, agents, and employees in their individual and representative capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, the Licensee ever had, now has, may have or claim to have against any or all of the persons or entities named in this paragraph arising out of or by reason of this investigation, this disciplinary action, this Agreed Order, or its administration.

Upon consideration of this Agreed Order, it is hereby ORDERED that the terms of this Agreed Order are approved and adopted.

SO ORDERED on this 29th day of January 2020.

HAVE SEEN AND AGREED:

KENTUCKY BOARD OF SOCIAL WORK

, Ph.D., CSW

Jay Miller, Ph. D, MSW, CSW
Chairman of the Board

1/29/20

Date



Hon. Nicole S. Bearse
Johnson Bearse, LLP
326 West Main Street
Frankfort, Kentucky 40601
Attorney for the Board

1/28/20

Date

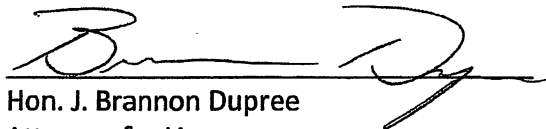
LICENSEE



Amy Nicole Martin, LCSW
Licensee

1/23/2020

Date



Hon. J. Brannon Dupree
Attorney for Licensee

January 23, 2020

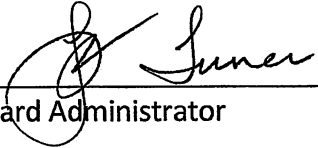
Date

CERTIFICATE OF SERVICE

I hereby certify that copies of the Agreed Order were mailed by regular first-class mail on this the 29th day of January, 2020, to:

Hon. J. Brannon Dupree
The Dupree Law Firm, PLLC
328 N. Mulberry Street
Elizabethtown, Kentucky 42701
Attorney for Licensee

Hon. Nicole S. Bearse
Johnson Bearse, LLP
326 West Main Street
Frankfort, Kentucky 40601
Attorney for the Board



Board Administrator