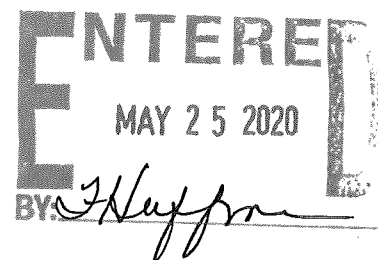


COMMONWEALTH OF KENTUCKY
BOARD OF SOCIAL WORK
CASE NO. 19-43



IN RE: THE LICENSE TO PRACTICE SOCIAL WORK IN THE COMMONWEALTH OF KENTUCKY
HELD BY ELISABETH CUNDIFF, CSW, LICENSE NO. 253390

AGREED ORDER

Come now the Kentucky Board of Social Work (hereinafter "the board"), and Elisabeth Cundiff (hereinafter "Licensee"), and, based upon their mutual desire to fully and finally resolve this pending matter in an expeditious manner, without the need for filing a formal complaint and notice of evidentiary hearing pursuant to KRS 335.155, hereby ENTER INTO the following **AGREED ORDER:**

STIPULATION OF FACTS

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

1. Licensee was duly licensed by the board to practice social work within the Commonwealth of Kentucky upon issuance of her license on June 19, 2018.
2. On or about August 30, 2019, the board received a written self-reported complaint filed by Licensee, stating that she had entered into a dual relationship with a former client through her employment at Wellsprings Counseling KY, LLC, where she was providing social work services to substance abuse clients. She acknowledged that her behavior was "wrong" and against licensure rules.
3. Licensee further indicated that she had been terminated from her employment at Wellspring Counseling KY, LLC due to this dual relationship with the former client.

4. On the same date, the board also received a complaint from Licensee's clinical supervisor, Gwen Cowan-West, LCSW (hereinafter "Cowan-West"), indicating that it had just come to her attention that Licensee, her CSW Supervisee under a board-approved supervision contract approved on December 12, 2018, had entered into a dual relationship with a former client. Cowan-West indicated that Licensee had provided treatment to this former client until May or June of 2019, when that individual was discharged from Wellsprings Counseling KY, LLC, and when confronted, Licensee had admitted the dual relationship.

5. Cowan-West further stated that she had terminated supervision, informed Licensee that she should cease practicing clinical social work immediately and have no further contact with any client or former client of less than five (5) years, and referred her to a therapist for self-care. Cowan-West indicated that Licensee signed a document agreeing to the same, which was attached to her complaint.

6. On March 10, 2020, the board's complaint committee reviewed the case file and 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. During the period from June 19, 2018. to August 20, 2019, Licensee's Kentucky social work license was active and subject to regulation and discipline by the board.

2. Based upon the Stipulation of Facts, the licensee has engaged in conduct that violates the provisions of KRS 335.150 and 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. Pursuant to KRS 335.150(4), 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.

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 matter without an evidentiary hearing, the parties ENTER INTO the following AGREED ORDER:

1. The license to practice social work in the Commonwealth of Kentucky held by Elisabeth Cundiff, CSW No. 253390, is SUSPENDED FOR A PERIOD OF FIVE (5) YEARS, effective immediately upon the entry of this order;

2. During the effective period of this Agreed Order, Licensee SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS OF RESTRICTION until further orders of the board:

- a. SHALL NOT seek reinstatement of Kentucky license to practice social work for a period of five (5) years from the date of entry of this order;
- b. SHALL NOT engage in the practice of social work or otherwise provide social work services unless and until approved to do so by this board;
- c. SHALL NOT violate any provision of KRS 335.010 – 335.160 and 201 KAR 23:080.

3. 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 an attorney of her choosing should she so desire, and

a full understanding of all of its terms; that she 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).

4. Licensee acknowledges the board has jurisdiction over the licensee and the conduct that precipitated this Agreed Order; that the board has the legal power to take disciplinary action up to and including revocation of the licensee's 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.

5. Pursuant to KRS 335.150 (2), Licensee may petition the board for reinstatement no sooner than five (5) years from the date of the entry of this order. The board shall investigate the petition and may reinstate the license upon a finding that she has complied with terms prescribed by the board and is again able to engage competently and ethically in the practice of social work.

6. 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.

7. This matter shall constitute disciplinary action that may be reportable under state or federal law.

8. 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.

9. 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.

10. In consideration of execution of this Agreed Order, Licensee, her 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 25 day of May 2020.

LICENSEE:

Elisabeth Cundiff
ELISABETH CUNDIFF

Date 5-20 2020

FOR THE BOARD OF SOCIAL WORK:

Electronically signed by:

/S/ Jay Miller
JAY MILLER, CSW, PhD
CHAIR, KENTUCKY BOARD OF SOCIAL WORK

Electronically signed by:

/S/ Nicole S. Bearse
HON. NICOLE S. BEARSE
ATTORNEY, BOARD OF SOCIAL WORK

CERTIFICATE OF SERVICE

I hereby certify that copies of the Agreed Order were mailed by regular first-class mail
on this 25th day of May 2020 to:

Ms. Elisabeth Cundiff
401 Bond Street
Science Hill, KY 42553

Shupman
Board Administrator