

COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF SOCIAL WORK
CASE NO. 2019-65



IN RE: THE LICENSE TO PRACTICE SOCIAL WORK IN THE COMMONWEALTH OF KENTUCKY
HELD BY CHELSEA BROSKY WAYMAN, CSW, LICENSE NO. 253003

AGREED ORDER

Come the parties, the Kentucky Board of Social Work (the "Board"), by and through the undersigned counsel, and Chelsea Brosky Wayman, CSW ("Licensee"), 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. Chelsea Brosky Wayman was licensed by the Board as a certified social worker (CSW) to practice social work within the Commonwealth of Kentucky on November 14, 2017.
2. On or about November 14, 2019, the Board received a complaint from a relative of the Licensee alleging that the Licensee violated the confidentiality of client information by sharing confidential and private details about her clients on a group text with several family members. The complainant attached numerous screen shots of the texts as examples of texts that were exchanged by Licensee with this group.
3. On or about November 22, 2019, the Licensee submitted her formal response to the Board denying that she had improperly disclosed any protected information as alleged in the complaint. She emailed additional responses to the Board by email on or about

November 27, 2019 and December 5, 2019, and submitted supportive letters of recommendation from her employer and others.

4. The Licensee claimed in her response that the complaint was filed out of malicious and vindictive intent and was the result of internal family disagreements and dysfunction.
5. The Board conducted two separate investigations into this matter. The first investigation, was minimal in nature, and did not lead to any definite conclusion about the truth of the allegations of misconduct. Throughout the course of the first investigation, Licensee continued to strongly contest the allegations.
6. The second investigation was more in depth and included interviews with the Licensee and 12 witnesses, including a detective who confirmed that the Sheriff's Office had taken cross-complaints from both the Licensee and one of her relatives in the fall of 2018.
7. During the second investigation, the Board's investigator interviewed Licensee's relatives that were members of the text thread and physically examined their mobile telephones. These witnesses confirmed that the text messages in question were contained within a thread on a family group text and confirmed that there were five participants therein. The witnesses stated that Licensee had originated and named the text thread and confirmed that there were five participants therein. The review of the telephones confirmed that the text thread was located in the text messaging app on the telephones and included all texts that were previously reported to KBSW in the complaint.

8. At the request of the reporting investigator, a detective with the local Sheriff's Office conducted a forensic analysis of the cell phone of one witness, specifically focusing the examination on the group text thread. The forensic examination determined that this group thread began in May 2016 and lasted until November 2018. It contained a total of 16,954 text messages, many of which had picture attachments. The participants in the thread included the confirmed cell phone numbers of Licensee and four family members. All text messages that were provided in the initial complaint to KBSW were contained within this thread. The forensic analysis also identified two additional instances in which Licensee disclosed confidential client information in the same thread that had not been specifically reported. The forensic examination resulted in the conclusion that these were actual text messages contained in the phone's text messaging application and were not screen shot images.
9. The Licensee was interviewed in person on July 29, 2020, at which time she was told that the forensic analysis established that the text messages at the heart of this complaint were real and could be traced directly to Licensee. During this interview, Licensee agreed she sent the texts in question to the family group text thread and acknowledged the accuracy and indisputability of the results of the forensic analysis. She acknowledged actively participating in the group text thread titled "We Like To Talk Shit" with family members between 2016-2018, and admitted taking photos of confidential client documents and posted images in the group thread.
10. Licensee told the investigator that she participated in the group text in an effort to be liked and accepted by her family, and stated the desire to be accepted caused her to

engage in behavior she would not have otherwise been involved in. Due to the trauma caused by her toxic family relationships, Licensee did not initially recall the extent of her participation in the group texts but after speaking with the investigator, the Licensee did admit that she was mistaken in her recollections.

11. The Investigation concluded that Licensee had interfered with a board investigation by misrepresenting the relevant facts, which is restricted by 201 KAR 23:080 Section 5(3)(a).
12. The Board's complaint committee reviewed the case file and recommended an agreed order to resolve this matter. 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 basis 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 that is unlawful and violates the provisions of 201 KAR 23:080, Sections 5, 9, 10 and 11. Accordingly, there are legal grounds for the parties to enter into this Agreed Order.
3. Licensee agrees that 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 an informal resolution such as this Agreed Order.
5. 201 KAR 230:080 Section 9(1) requires a social worker to hold communications with clients in confidence and to maintain a record of client information in a confidential manner.
6. 201 KAR 230:080 Section 10 requires a social worker to retain and secure a client record in a manner that maintains confidentiality.
7. 201 KAR 230:080 Section 11(6) states "a social worker shall not use his professional relationship with a client or former client to further his personal interest or personal gain."
8. Pursuant to the definitions hereinabove and the facts admitted by the Licensee, she has violated 201 KAR 23:080, Sections 5, 9, 10 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. The Board voted unanimously, pursuant to KRS 335.070(7) and KRS 335.150, to IMPOSE the following disciplinary actions:
 - a. SUSPEND the Licensee's license to practice social work for a period of THREE (3) YEARS; and

- b. PROBATE the suspension for a period of THREE (3) YEARS during which time the Licensee may practice social work if all conditions are met.

2. In addition, the Licensee shall:

- a. Pay a fine in the amount of Five Thousand Dollars (\$5,000);
- b. Provide a true copy of the second investigative report, properly redacted in accordance with the KY Open Records Act, to her supervisors;
- c. Complete fifteen (15) hours of continuing education courses on social work ethics and ethics and technology, to be selected by the Board in addition to the required number of continuing education hours for license renewal; and
- d. Complete an additional fifty (50) hours of supervision with a board-approved LCSW supervisor if she engages in a period of supervised clinical social work practice experience. These hours shall be in addition to the supervision hours required in accordance with the provisions 201 KAR 23:070;
- e. Provide a letter to the Board acknowledging the Licensee's participation in her family group text thread and assuring the Board that the social worker will be candid, honest, and fully cooperative in all dealings with the Board as long as she holds a Kentucky social work license; and
- f. Comply in all respects with the provisions of KRS 335.010 to 335.160, and KRS 335.990 and regulations of the Board as established in 201 KAR Chapter 23 pertaining to the practice of social work.

3. The Board finds that Licensee violated 201 KAR 23:080, Sections 9, 10 and 11.

4. 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 if she so desires, 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).
5. 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.
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 is be reportable under state or federal law.
8. 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.

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, 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 9th day of February, 2021.

/S/ Nicole S. Bearse

Hon. Nicole S. Bearse
Johnson Bearse, LLP
326 West Main Street
Frankfort, Kentucky 40601
Attorney for the Board
Date: January 12, 2021

LICENSEE

Chelsea Brosky Wayman / with permission 9 February 2021
Chelsea Brosky Wayman, CSW Licensee Date

[Signature]
Hon. Tricia A. Shackelford
Counsel for Licensee

9 February 2021
Date

CERTIFICATE OF SERVICE

I hereby certify that copies of the Agreed Order were mailed by regular first-class mail on this the 9th day of February, 2020, to:

Tricia A. Shackelford, Esq.
Williams Kilpatrick, PLLC
3151 Beaumont Centre Circle, Suite 375
Lexington, Kentucky 40513
Counsel for Licensee

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

[Signature]
Board Administrator