

**COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF SOCIAL WORK
CASE NO. 20-20**

IN RE: THE LICENSE TO PRACTICE SOCIAL WORK IN THE COMMONWEALTH OF KENTUCKY
HELD BY DANA HAMILTON, LCSW LICENSE NO. 1845

AGREED ORDER

Come the parties, the Kentucky Board of Social Work (the "Board") and Dana Hamilton ("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. At all relevant times, Dana Hamilton, LCSW, was licensed by the Board to practice clinical social work within the Commonwealth of Kentucky and was subject to the laws and rules of Kentucky regulating the practice of social work as established in Kentucky Revised Statutes Chapter 335 and Kentucky Administrative Regulations 201 Chapter 23.
2. At all relevant times, Licensee was approved by the board to contract with and provide clinical social work supervision to qualified certified social worker supervisees in accordance with KRS 335.080(3), KRS 335.100(3) and 201 KAR 23:070.
3. Licensee informed the board that she was not compliant with the terms of 201 KAR 23:070 Section 5 when she began providing supervision to Anna Howard, CSW, without first obtaining a board-approved supervision contract.

4. Subsequently, 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. 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 KRS 335.100(3) and 201 KAR 23:070 Section 5. Accordingly, there are legal grounds for the parties to enter into this Agreed Order.
3. 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.

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, the parties ENTER INTO the following AGREED ORDER:

1. Licensee shall complete an approved LCSW Supervision Training and will cease all Board approved supervision as of the date that the Licensee receives this Agreed Order. Receipt shall be evidenced by the signing of a certified mail receipt by the Licensee.

2. Licensee shall provide written notice to a) each CSW supervisee who is currently being supervised by her pursuant to a board-approved contract; and b) to licensee's employer, if any, that her clinical social work supervision privileges have been suspended.

3. Licensee may resume clinical social work supervision after the Board has received the certificate of completion of an approved LCSW Supervision Training and notified Licensee that the terms of this order have been met;

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

a. The licensee SHALL NOT engage in the supervision of clinical social work practice or otherwise provide clinical social work supervision unless and until approved to do so by this board; and

b. Licensee SHALL NOT violate any provisions of KRS 335.010 – 335.160.

5. 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, 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).

6. 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.

7. This Agreed Order is considered a public record as that term is used in KRS 61.800 to 61.850 and may be available for inspection at any time by any member of the public under the Kentucky Open Records Act.

8. This matter shall constitute disciplinary action which may be reportable under state or federal law to the National Practitioner Data Bank.

9. 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.

10. 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.

11. 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 _____ day of _____ 2020.

HAVE SEEN AND AGREED:

KENTUCKY BOARD OF SOCIAL WORK

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

May 4, 2020
Date

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

May 4, 2020
Date

LICENSEE

Dana Hamilton, LCSW
DANA HAMILTON, LCSW
Licensee

5-7-2020
Date

CERTIFICATE OF SERVICE

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

Ms. Dana Hamilton
3769 Barbers Mill Road
Lebanon, Kentucky 40033
Licensee

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

Board Administrator

