

**COMMONWEALTH OF KENTUCKY
BOARD OF SOCIAL WORK
CASE NO. 20-21**

**IN RE: THE LICENSE TO PRACTICE SOCIAL WORK IN THE COMMONWEALTH OF KENTUCKY
HELD BY FAYE McCUTCHAN, LCSW, LICENSE NO. 1986**

AGREED ORDER

Come now the Kentucky Board of Social Work (hereinafter "the Board"), and Faye McCutchan (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 the reinstatement of her license on March 25, 2020.
2. On or about March 12, 2020, Licensee signed an Application for Renewal of her license to practice clinical social work (LCSW), which the Board received on March 19, 2020. Upon receipt, it was determined that Licensee's license to practice clinical social work had expired on January 6, 2020 and Licensee was contacted. The Board approved the Licensee's Application for Renewal and reinstated the Licensee's LCSW license on March 25, 2020 for a three (3) year period. The Board initiated a complaint against Licensee on May 13, 2020 due to the fact that

Licensee continued to provide clinical social work services to clients from January 6, 2020 until March 5, 2020, while she was not licensed.

3. On or about May 21, 2020, the Board received a response from Licensee in which she stated that she had seen a total of twelve (12) clients during the time period from January 6, 2020 to March 25, 2020 and that those clients had either had their insurance billed or had paid directly for her services.

4. On June 9, 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 January 6, 2020 and March 25, 2020, Licensee's Kentucky social work license was expired. However, her license was reinstated for a three (3) year term on March 25, 2020 and subject to regulation and discipline by the Board.

2. Pursuant to KRS 335.030, no person shall engage in the practice of social work unless they are licensed in accordance with the provisions of KRS 335.010 to KRS 335.160 and KRS 335.990.

3. Pursuant to KRS 335.070, the Board may issue probationary terms against a licensed social worker, as well as additional supervisory conditions.

4. Pursuant to 201 KAR 23:080 Section 3(5), a social worker must confine their practice to those conditions imposed upon their license and may not practice without a valid license to do so.

5. Pursuant to 201 KAR 23:080 Section 8, a social worker shall not bill, or permit a third party to be billed, for service if that service was improperly provided.

6. Based upon the Stipulation of Facts, the licensee has engaged in conduct that violates the provisions of KRS 335.030 and 201 KAR 23:080, Sections 3 and 8. Accordingly, there are legal grounds for the parties to enter into this Agreed Order.

7. 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. Licensee agrees to a probationary term to be in place for one year from the date of entry of this agreed order. The Licensee may continue to practice social work during the one-year period of probation subject to the following terms and conditions.

2. Licensee agrees to notify all clients seen during the period of January 6, 2020 until March 25, 2020 that she was not licensed to practice social work during that time and that they were inappropriately billed for services, either directly or through a third party, within thirty (30) days of entry of this Order.

3. Licensee shall pay restitution to all clients outlined above within sixty (60) days of sending the letters referenced above.

4. Licensee shall provide the Board with copies of all letters sent to clients notifying them of inappropriate billing, and proof of payment constituting a cancelled check or other valid form of payment.

5. Licensee SHALL NOT further violate any provision of KRS 335.010 – 335.160 and 201 KAR 23:080.

6. Violation of the terms of this Order shall result in a one-year suspension of Licensee's license to practice clinical social work.

7. 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).

8. 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.

9. 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.

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

11. 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.

12. 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.

13. In consideration of execution of this Agreed Order, Susie Raque, 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 21st day of Sept. 2020.

LICENSEE:

Faye McCutchan, PhD, LCSW
FAYE McCUTCHAN, LCSW

Date 6/29/ 2020

FOR THE BOARD OF SOCIAL WORK:

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

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

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Agreed Order was mailed by regular first-class mail on this 22nd day of Sept. 2020, to:

Dr. Faye McCutchan, PhD, MSW, LCSW
3406 Indian Lake Drive
Louisville, Kentucky 40241
Licensee

Glorance Huffman, E.D.
Board Administrator