

COMMONWEALTH OF KENTUCKY
BOARD OF SOCIAL WORK
CASE NO. 21-12



IN RE: THE LICENSE TO PRACTICE SOCIAL WORK IN THE COMMONWEALTH OF KENTUCKY
HELD BY TRACY COX, CSW, LICENSE NO. 6312

AGREED ORDER

Come now the Kentucky Board of Social Work (hereinafter "the board"), and Tracy Cox (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 CSW license on March 1, 2012.
2. On or about February 25, 2021, the board received a written complaint filed by Amanda Lay, Regional Clinical Manager with Spero Health (hereinafter "Ms. Lay"), stating that Licensee had been providing clinical social work services without active board approved supervision as required by 335.080(3) and 201 KAR 23:070.
3. On or about March 29, 2021, the Board received a response from Licensee in which she stated that she had been employed by Spero health, and had a board approved supervision contract with Rhonda Roper, LCSW (hereinafter "Ms. Roper"), through her

employment. She continued that Ms. Roper separated from Spero Health in July of 2020 but continued to provide her with supervision bi-weekly following her separation. Licensee further admitted that she continued providing clinical social work services from October 20, 2020 until February 25, 2021 without appropriate supervision.

4. Licensee completed 200 supervision hours, over the course of two years, on or before September 23, 2020, when she applied for approval to take the ASWB Clinical Examination, for which she has now been granted approval.

5. Licensee further reported that the terms of her employment with Spero Health included Licensee being provided with supervision by her employer and that she was not notified by her employer that she needed to seek a new supervision contract when her supervisor separated from the company in July of 2020.

6. On April 13, 2021, 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 October 20, 2020 to February 25, 2021, Licensee's Kentucky social work license was active and subject to regulation and discipline by the board.

2. 201 KAR 23:080 Section 3(3) and 201 KAR 23:060 Section 2 outline the scope of services that may be provided by a CSW and limit clinical social work to that performed under the supervision provisions of KRS 335.080(3) and 201 KAR 23:070.

3. Pursuant to KRS 335.080(3) and 201 KAR 23:070, Licensee was required to have a board approved supervision contract, and to be receiving supervision under that contract, if she was providing clinical social work services.

4. Based upon the Stipulation of Facts, the licensee has engaged in conduct that violates the provisions of KRS 335.080 and 201 KAR 23:070. Accordingly, there are legal grounds for the parties to enter into this Agreed Order.

5. 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 follow all supervision requirements contained with KRS 335.080(3) and 201 KAR 23:070 while providing clinical social work services.

2. Licensee further agrees not to practice outside of her scope of practice as a CSW pursuant to 201 KAR 23:080 Section 3(3) and 201 KAR 23:060 Section 2.

3. Licensee SHALL NOT further violate any provision of KRS 335.010 – 335.160 or the administrative regulations contained within 201 KAR Chapter 23.

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 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).

5. 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.

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 3rd day of may 2021.

LICENSEE:

Tracy Cox, CSW
TRACY COX, CSW

Date April 23, 2021

FOR THE BOARD OF SOCIAL WORK:

/S/ Jay Miller
JAY MILLER, PhD, MSW, CSW
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 copies of the Agreed Order were mailed by regular first class mail
on this 3rd day of May 2021, to:

Ms. Tracy Cox
3300 Montavesta Road #4303
Lexington, Kentucky 40502



Board Administrator