



COMMONWEALTH OF KENTUCKY
BOARD OF SOCIAL WORK
CASE NO. 21-42

IN RE: THE LICENSE TO PRACTICE SOCIAL WORK IN THE COMMONWEALTH OF KENTUCKY
HELD BY ANDREA FLORES, CSW, LICENSE NO. 255295

AGREED ORDER

Come now the Kentucky Board of Social Work (hereinafter "the board"), and Andrea Flores (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 October 15, 2020.
2. On or about July 8, 2021, the board received a written complaint filed by LeeAnn Horton (hereinafter "Horton"), stating that Licensee had failed to disclose that she had been a prior client of the agency and of her partner, Nicole Young (hereinafter "Young"), when being hired at Journey to Counseling, LLC (hereinafter "JTC"). She further alleged that Licensee had failed to complete informed consent forms for clients, billed for sessions that had not occurred and had improperly completed and/or forged client paperwork at her agency, JTC, at which Licensee had been employed.

3. On or about August 29, 2021, the Board received a detailed response from Licensee in which she stated that any informed consent forms that may not have been completed would have been reviewed and flagged by staff prior to her meeting with a client, that she did not have ultimate billing responsibility and that she had completed all client paperwork appropriately.

4. On September 21, 2021, the Board requested additional documentation from Licensee's formal clinical supervisor, Megan Harden, LCSW, and from JTC.¹ That information was received on September 9, 2021, and on October 1, 2021, and contained specific records, clients and sessions that the agency believed had been improperly handled by Ms. Flores.

5. Subsequently, a board investigator conducted interviews with Horton, Young, Michelle Long, Office Manager at JTC, a Client that was contacted by Flores after the complaint was filed with the Board, Harden, Brett Parks, who owned an agency at which Flores was later employed, and Flores, resulting in a final investigative report being submitted to the board on June 12, 2022.

6. The Investigation indicated that violations of 201 KAR 23:080 Section 8(2)(a) related to billing and Section 4(1) related to informed consent did occur.

7. On July 12, 2022, 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

¹ Ms. Hardin had previously provided notice of the termination of her clinical supervision on March 3, 2021 and March 10, 2021.

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order:

1. During the period from October 15, 2020 to the present, Licensee's Kentucky social work license was active and subject to regulation and discipline by the board.

2. Pursuant to 201 KAR 23:080 Section (2)(a), "a social worker shall not bill, or permit a client or third party to be billed, for a social work service if he knows the service was (a) not provided."

3. Pursuant to 201 KAR 23:080 Section 4(1), "a social worker shall obtain informed consent from the client or his legal guardian in writing to provide a social service work."

4. 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 8(2)(a) and 4(1). 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. The licensee agrees to a one-year suspension of her license as if revoked. That suspension shall be probated for a period of one-year from the date of entry of this order.

2. Licensee SHALL NOT further violate any provision of KRS 335.010 – 335.160 and 201 KAR 23:080. Should further violations be found to occur, Licensee shall serve the suspension herein, in addition to any additional penalties related to any future violation that occurs.

3. Licensee shall complete three (3) hours of continuing education related to appropriate billing practices and three (3) hours of continuing education related to ethics, in addition to the continuing education credits regularly required to maintain her licensure.

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 9th day of November 2022.

LICENSEE:

Andrea Flores
ANDREA FLORES

Date 8/16/22 ~~2022~~

FOR THE BOARD OF SOCIAL WORK:

Whitney Cassidy Cagwood
ANNE ADCOCK, MSW, CSW
CHAIR, KENTUCKY BOARD OF SOCIAL WORK

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

N/A (no longer has attorney)
HON. KYLE BUMGARNER
COUNSEL FOR LICENSEE

CERTIFICATE OF SERVICE

I hereby certify that copies of the Agreed Order were mailed by regular first-class mail on this 9th day of November 2022, to:

Hon. Kyle Bumgarner
Kerrick Bachert, PSC
1025 State Street
Bowling Green, Kentucky 42101
Counsel for Licensee

Hon. Nicole Bearse
Goldberg Simpson, LLC
229 West Main Street, Suite 301
Frankfort, Kentucky 40601

[Signature]
Board Administrator