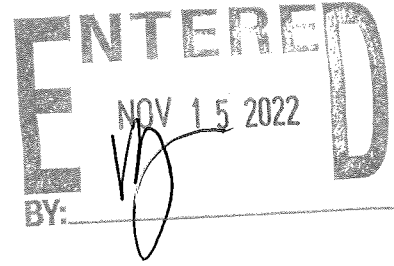


COMMONWEALTH OF KENTUCKY
BOARD OF SOCIAL WORK
CASE NO. 22-26



IN RE: THE LICENSE TO PRACTICE COSIAL WORK IN THE COMMONWEALTH OF KENTUCKY
HELD BY JESSICA SMITH, CSW, LICENSE NO. 256003

AGREED ORDER

Come now the Kentucky Board of Social Work (hereinafter "the board"), and Jessica Smith (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 August 31, 2021.
2. On or about May 10, 2022, the board received a written complaint filed by Teri Rust, LPCC-S, LCDAC-S (hereinafter "Ms. Rust"), stating that Licensee violated the provisions of 201 KAR 23:080 Sections 1, 2, 3 and 11 by engaging in a dual relationship with a client. The complaint alleged that Licensee's place of employment, Protea Behavioral Health, had received a complaint of a dual relationship between Licensee and a client, had investigated that relationship, and had terminated Licensee after finding extensive evidence implicating Licensee had been in a sexual relationship with a client and had further contacted a second client to

request that they lie on Licensee's behalf as part of the investigation into her behavior. The complaint stated that Licensee had been terminated from her employment with Protea Behavioral Health on May 6, 2022 following their investigation. The complaint contained several attachments that included evidence considered by Protea Behavioral health in their investigation of their internal complaint.

3. On or about June 24, 2022, the Board received a response from License in which she stated that the client in question had not received direct services from the Licensee and therefore did not qualify as a "client." Licensee does not deny that she was in a relationship with the individual mentioned in the complaint nor dispute the information provided with the complaint.

4. On August 9, 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

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

1. During the period from August 31, 2022 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 Sections 1, 2, 3 and 11, the licensee is prohibited from engaging in personal relationships with an individual, family, or group who directly receives social work services from a social worker;

3. Based upon the Stipulation of Facts, the licensee has engaged in conduct from which a violation of the provisions of KRS 335.150(g) and 201 KAR 23:080 Sections 1, 2, 3 and 11 could be established by the Board. Accordingly, there are legal grounds for the parties to enter into this Agreed Order.

4. 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:

a. That she shall complete a three (3) hour continuing education courses on ethics with client relationships within the next twelve (12) months and provide a certificate of completion to the Board;

b. To a one (1) year suspension of her license, which shall be probated for a period of one (1) year. Should Licensee be determined or found to have any further violations of any provisions of KRS 335.00 – 335.160 and 201 KAR 23:080 by way of an official Board proceeding, said suspension shall be immediately invoked;

2. 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).

3. 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.

4. 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.

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

6. 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.

7. 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.

8. 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 15th day of November 2022.

LICENSEE:


JESSICA SMITH

Date 11/13 2022


SEAN RAGLAND
COUNSEL FOR LICENSEE

FOR THE BOARD OF SOCIAL WORK:

Whitney Cassidy-Cagwood
KENTUCKY BOARD OF SOCIAL WORK

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

CERTIFICATE OF SERVICE

Hereby certify that copies of the Agreed Order were mailed by regular first-class mail on
this 15th day of November 2022, to:

Ms. Jessica Smith
106 Jacksboro Street
Somerset, Kentucky 42501
Licensee

Hon. Sean Ragland
Phillips Parker Orberon & Arnett, PLC
716 West Main Street, Suite 300
Louisville, Kentucky 4020
Counsel for Licensee

[Signature]
Board Administrator