

**STATE OF ALABAMA BOARD OF SOCIAL WORK EXAMINERS**

**IN THE MATTER OF:** )

**SHARON J. JONES, LCSW,** )

**Claimant.** )

**CASE NO. 09-2191C-10**

**RECOMMENDATION OF ADMINISTRATIVE LAW JUDGE**  
**ADMINISTRATIVE BACKGROUND**

By summons and complaint dated July 9, 2009, Ms. Sharon J. Jones (hereinafter Ms. Jones) was notified of the Alabama State Board of Social Work Examiners (hereinafter "the Board") issuance of a formal complaint, No. 09-2191C-10, concerning her license to practice as a licensed social worker, pursuant to Section 34-30-5, Code of Alabama (1975), and the Alabama Administrative Procedures Act. At all times relevant to the administrative complaint, Ms. Jones was a licensed social worker with the Board.

The hearing on the disciplinary complaint issued July 9, 2009, was held on December 4, 2009 (after two continuances). The hearing was held in the RSA Union Conference Room (736), 100 North Union Street, Montgomery, Alabama. The Board was represented by Attorney Ellen Leonard. The Respondent, Ms. Jones, was represented by Attorney David J. Harrison.

The allegations against Ms. Jones are as follows:

1. While licensed by the Board to practice social work, Sharon J. Jones worked as a social worker for the Department of Human Resources. On or about May 1, 2008, Sharon J. Jones changed documents she was provided by Glenda Sue Hays for her supervision indicating she received Clinical Social Work supervision when in fact no supervision for this practice setting was provided.

2. On or about May 15, 2009, Ms. Jones submitted an application to the Board for the Private Independent Practice Certification (PIP) requesting Clinical Social Work on the certification with the forged supervision forms.

### COUNT ONE

The allegations contained in the Complaint constitute a violation of the Alabama State Board of Social Worker Examiner's Administrative Code, Section 850-X-9-.01(1)(a)2 which states the social worker shall not participate in, condone, or be associated with dishonesty, fraud, deceit, misrepresentation, or criminal activity. 850-X-10.01(2)(b) Committing, or aiding and abetting any fraud or misrepresentation in applying for or procuring a social work license or renewal license. And 850-X-10.01(2)(d) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

### ISSUE:

The issue presented in this matter is whether Sharon Jones changed, forged, or falsified documents submitted as part of her application which showed Ms. Jones was supervised in the area of Clinical Social Work.

### PROPOSED FINDINGS OF FACT

1. Ms. Glenda Sue Hayes, the County Director for the Geneva County Department of Human Resources, testified on behalf of the Board. Ms. Hayes testified regarding the different documents that she signed with respect to her supervision, the areas of supervision, and the license for which she was supervising Ms. Jones. (Tr. Pgs. 5 – 36)

2. Initially, Ms. Hayes stated that on May 1, 2008, she signed the Evaluation for Social Work Licensure for Ms. Jones' LCSW (Licensed Certified Social Worker).<sup>1</sup> (Tr. Pgs. 6 –

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<sup>1</sup> Alabama State Board of Social Worker Examiner's Administrative Code, § 850-X-2-.02(3) states as follows: Licensed Certified Social Worker (LCSW) - The LCSW must have a master of social work or a doctor of social work degree from a college or university approved or accredited by the Council on Social Work Education. The LCSW must have received two (2) years or more of postgraduate continuing supervision provided by an LCSW prior to application for the LCSW exam. The LCSW candidate must pass an exam as prescribed by the Board. The LCSW should be able to exercise independent judgment. The LCSW should be able to demonstrate skill and interventions directly related to individuals, families, groups, communities, or organizations. In at least one of these client groups, the LCSW shall demonstrate in-depth knowledge and skills. The LCSW should be able to employ practice theory and research findings in all aspects of their practice. The LCSW may supervise Licensed Bachelor Social Workers and Licensed Graduate Social Workers. Areas of social work practice/methods recognized by the Board for the LCSW include: social casework, clinical social work, community organization, social work research,

7). Ms. Hayes also acknowledged that on this evaluation Ms. Hayes supervised Ms. Jones only in the areas of Casework and Administration. See Board's Exhibit #1. (Tr. Pg. 7).

3. Next, Ms. Hayes testified regarding the Termination of Supervision form, which was dated May 1, 2008. See Board's Exhibit #2. (Tr. Pg. 7). The Termination of Supervision form was also checked only in the areas of Social Casework and Administration. Id. (Tr. Pgs. 7 – 8). Ms. Hayes was again listed as Ms. Jones' supervisor. Id. (Tr. Pg. 8).

4. Ms. Hayes testified regarding Ms. Jones' Contract for Supervision which was signed on August 23, 2006. See Board's Exhibit #3. (Tr. Pgs. 8 – 9). Pursuant to the Contract for Supervision, Ms. Jones was being supervised only in the areas of Casework and Administration by Ms. Hayes. Id. (Tr. Pg. 9).

5. Ms. Hayes testified that she had received an email from Ms. Jones regarding completing the Private Independent Practice Certification (hereinafter PIP) on April 19, 2009. (Tr. Pgs. 10 – 13). Ms. Hayes responded to Ms. Jones' email stating that she had not had the opportunity to complete the PIP. See Respondent's Exhibit #1. (Tr. Pgs. 14 – 15). Ms. Hayes stated that although she had not talked to Ms. Jones about the PIP paperwork over the phone or in person, Ms. Hayes had talked to Ms. Jones' husband regarding the PIP paperwork. (Tr. Pgs. 15 – 16).

6. Ms. Hayes noted that she did not respond and discuss the PIP application more with Ms. Jones because Ms. Hayes had contacted her District Administrative Specialist (hereinafter "DAS") about the PIP application and the claimed areas of supervision. (Tr. Pgs. 18 – 20).

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and social work administration. An LCSW may not prescribe medication, nor make diagnoses, nor interpret psychological tests.

7. Ms. Hayes signed a Proof of Supervision for PIP on April 29, 2009. See Respondent's Exhibit #2. (Tr. Pgs. 22 – 26). Ultimately, the proof of supervision was mailed to Ms. Jones and not discussed with Ms. Jones because Ms. Jones would not come in to discuss the document. (Tr. Pgs. 26 – 27).

8. Lastly, Ms. Hayes testified that she received a threatening letter allegedly written by Ms. Jones prior to the date of the Proof of Supervision. (Tr. Pg. 29). Ms. Hayes reiterated that she did not supervise Ms. Jones in the discipline of clinical study and that she wrote the Board regarding the areas she provided supervision to Ms. Jones, which were Casework and Administration. See Respondent's Exhibit #4. (Tr. Pgs. 31 – 33).

9. Ms. Brenda Holden, Executive Director of the Board, testified on behalf of the Board. Ms. Holden testified regarding the application received by the Board, and regarding the other documents. (Tr. Pgs. 36 – 78).

10. Ms. Holden identified an application signed by Ms. Jones for Private Independent Practice Certification (PIP) which was dated May 8, 2009. See Board's Exhibit #4. (Tr. Pg. 37). Ms. Holden stated that the areas that were checked on the Application for PIP were Social Casework, Clinical Social Work and Social Work Administration. (Tr. Pg. 39).

11. Ms. Holden made it clear that the evaluation for social work licensure and the termination of supervision attached to the PIP application were the same documents as Board's exhibits 1 and 2, in that the documents bore the same dates and signatures. (Tr. Pgs. 38 – 40). Ms. Holden, however, pointed out that the major difference between the Board's exhibits 1 and 2 and the documents attached to the PIP application was the additional check in the area of clinical. (Tr. Pg. 40).

12. Ms. Holden verified that the notice of hearing and complaint were served on Ms. Jones. See Board's Exhibits #4 & 5. (Tr. Pgs. 40 – 41). Ms. Holden explained that the Board's Administrative Code delineates what kinds of supervision and how much supervision is needed to be licensed. (Tr. Pgs. 42 – 43).

13. Even though Ms. Holden neither saw nor received any verbal confirmation from Ms. Jones that Ms. Jones checked clinical on the documents attached to the PIP application, Ms. Holden reiterated that the application was submitted by Ms. Jones that included the modified documents. (Tr. Pgs. 48 - 52).

14. Ms. Jones had emailed Ms. Holden in the past with questions regarding what functions Ms. Jones could perform under her license. (Tr. Pgs. 52 – 55). Ms. Jones had written Ms. Holden alleging that there was an issue between herself and Ms. Hayes that may affect Ms. Hayes' willingness to sign-off on Ms. Jones' PIP application. (Tr. Pgs. 53 – 55). Ms. Holden replied that the Board would take into consideration whether a supervisor allowed personal judgment to affect a supervisee's application. (Tr. Pg. 55).

15. Ms. Holden testified that after receiving the application, an effort was made to verify Ms. Jones' supervision. (Tr. Pgs. 75 – 76). Ms. Holden stated that she contacted Ms. Hayes and Ms. Shelia Blackshear who had provided four (4) months of supervision to Ms. Jones. (Tr. Pgs. 75 – 76). Lastly, Ms. Holden confirmed that typically applicants submit applications and that Ms. Jones was the applicant on the PIP application in this case. (Tr. Pgs. 76 – 77).

16. Ms. Sharon Jones testified on her own behalf regarding her educational background, employment dates with the State of Alabama (hereinafter the "State"), her alleged dispute with Ms. Hayes, and the PIP application. (Tr. Pgs. 78 – 109).

17. Ms. Jones is currently licensed by the Board as a LCSW and is currently employed with Southeast Psychiatric. (Tr. Pg. 79). Ms. Jones has a bachelor's degree in psychology from Troy State University and a Master's in social work from the University of Alabama in 2006. (Tr. Pgs. 79 – 80).

18. Ms. Jones was employed from January of 1991 until December of 1999 with the State. (Tr. Pgs. 79 – 80). Ms. Jones left the State and went to work with Therapeutic Foster Care, but came back as a consultant with the Department of Human Resources in 2002 until May of 2008. (Tr. Pgs. 79 – 80).

19. Ms. Jones first met Ms. Hayes in the early '90s in Geneva County, but Ms. Hayes did not supervise Ms. Jones until August of 2006 for Ms. Jones' LCSW. (Tr. Pgs. 80 – 81). At that time, Ms. Hayes began supervising Ms. Jones when Ms. Jones was an LGSW.<sup>2</sup> (Tr. Pg. 82).

20. Ms. Jones alleged that complications arose between herself and Ms. Hayes when Ms. Jones resigned in 2008. (Tr. Pgs. 83 – 86). Yet, Ms. Jones also testified that despite the alleged disagreement, Ms. Hayes asked Ms. Jones not to resign. (Tr. Pg. 86).

21. Ms. Jones averred that she had already filled out her part on the paperwork including the checkmarks for social work administration and social casework on the day she

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<sup>2</sup> Alabama State Board of Social Worker Examiner's Administrative Code, § 850-X-2-.02(2) states as follows: Licensed Graduate Social Worker (LGSW) - The LGSW must have a master of social work or a doctor of social work degree from a college or university approved or accredited by the Council on Social Work Education. The candidate for licensure at the LGSW level must pass an exam as prescribed by the Board. An LGSW must keep a current license. An LGSW provides a wide range of services. The LGSW has preparation as a generalist social worker, as found in the LBSW level with additional specialization in either direct or indirect services such as work in a field of practice or with a specific population. The LGSW may evaluate and assess difficulties in psychosocial functioning, develop a plan to alleviate those difficulties and either carry out the plan or refer clients to other qualified resources for assistance. An LGSW may provide preventive and treatment services pertaining to individuals, families, groups, communities, and organizations. The LGSW should be able to engage the client system, develop a relationship and employ a series of interventions that modify or eliminate targeted behaviors and can promote positive growth and development. The LGSW can explain and interpret the results of social evaluations in the problem-solving process. The LGSW is able to supervise Licensed Bachelor Social Workers and practice in social casework, clinical social work, community organization, social work research, and social work administration. An LGSW may not prescribe medication, nor make diagnoses, nor interpret psychological tests.

resigned. (Tr. Pg. 86). Ms. Jones then declared that Ms. Hayes asked if she was going to apply for clinical. (Tr. Pg. 87). Ms. Jones claims she questioned Ms. Hayes about whether she had fulfilled the requirements for clinical. Ms. Jones further stated that Ms. Hayes said that, “we’ll just check clinical.” (Tr. Pgs. 87 – 88).

22. Ms. Jones did contact Ms. Holden via email on a few occasions because of ethical concerns and to put Ms. Holden on notice of the alleged problem with Ms. Hayes. See Respondent’s Exh. 1. (Tr. Pgs. 91 – 93). The alleged problems began when Ms. Hayes wrote Ms. Jones in January of 2009 accusing Ms. Jones of taking a laminated GPS flip chart several months after Ms. Jones had left DHR. (Tr. Pg. 93). Ms. Jones also contacted Ms. Holden because she was unsure as to whether the work performed at DHR would be considered clinical. (Tr. Pg. 102).

23. Even though Ms. Jones claimed that Ms. Hayes checked clinical, Ms. Jones acknowledged that, “...I did all of my...my application. It was my termination. It was my application. I did the checking.” (Tr. Pg. 89). Moreover, Ms. Jones acknowledged that she never discussed with Ms. Hayes about the possibility of Ms. Hayes supervising in the area of Clinical. (Tr. Pg. 82). And Ms. Jones also acknowledged that she knew Ms. Hayes was not providing supervision for clinical. (Tr. Pgs. 108 – 109).

24. Ms. Jones confirmed that she completed the PIP application and verified that she submitted the PIP application with checks in the areas of social work, clinical social work and social work. (Tr. Pgs. 108 – 109). The pertinent part of the transcript is as follows:

Q. And in there, you submitted to the board that you had been supervised in clinical, is that correct, for those number of months?

A. I submitted that I was applying for private independent practice in social work, clinical social work, and social work administration.

(Tr. Pgs. 108 – 109).

25. Ms. Jones did admit that she understood that the five different areas on the PIP application had different requirements that a social worker had to meet to qualify for those areas. (Tr. Pgs. 106 – 107). Ms. Jones, however, stated that she was not sure if the work she had done would qualify for clinical. (Tr. Pgs. 87, 102).

### CONCLUSIONS OF LAW

1. Sections 34-30-4(a) and (a)(6) state as follows:

(a) The State Board of Social Work Examiners, after a hearing, may refuse to renew, may suspend or *may* revoke any license issued under this chapter upon proof that the person has engaged in unprofessional conduct within the last five years, including, but not limited to:

(6) Being found guilty *of* unprofessional conduct by the rules established by the Board of Social Work Examiners.

Section 34-30-4(a)6, Code of Alabama (1975).

2. The Board created administrative rules. Of particular note in this matter are administrative rules 850-X-9-.01(1)(a)2, 850-X-10.01(2)(b), and 850-X-10.01(2)(d). Rule 850-X-9-.01(1)(a)2 states as follows:

Section 34-30-57, Code of Ala. 1975, (1991) authorizes the Board to promulgate rules and regulations that set forth standards for licensed bachelor social workers, licensed graduate social workers, and certified social workers. Pursuant thereto, the Board has formally adopted the following standards of professional conduct and ethics:...

The social worker shall not participate in, condone, or be associated with dishonesty, fraud, deceit, misrepresentation, or criminal activity.

Board Administrative Rule 850-X-9-.01(1)(a)2.

3. Administrative rules 850-X-10.01, (2)(b) and (2)(d) set out that:

The Board, after a hearing, may refuse to renew, may suspend or may revoke any license or certificate issued by the Board, and may levy and collect administrative



fines upon proof that a person licensed by the Board has engaged in unprofessional conduct within the last five years, including, but not limited to:...

(b) Committing, or aiding and abetting any fraud or misrepresentation in applying for or procuring a social work license or renewal license...

(d) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

Board Administrative Rules 850-X-10.01(2)(b) and (2)(d).

4. Based on the evidence presented, Ms. Jones submitted an application for PIP on May 8, 2009, to the Board. The areas checked on the Application for PIP were Social Casework, Clinical Social Work and Social Work Administration. Even though Ms. Jones checked clinical on the PIP application, Ms. Jones acknowledged that she was not supervised in the area of clinical and never discussed with Ms. Hayes about Ms. Hayes supervising in the area of Clinical.

5. The documents attached to the PIP Application were the Evaluation for Social Work Licensure and the Termination of Supervision. Both of these documents had Social Casework, Clinical Social Work and Social Work Administration checked. The Evaluation for Social Work Licensure and the Termination of Supervision were dated the same and bore the same signatures as the Board's exhibits 1 and 2, but the documents with the PIP application had an additional item checked, Clinical. On the Board's exhibits 1 and 2, only the areas of Social Casework and Administration were checked.

6. Ms. Jones testified that Ms. Hayes checked the clinical box on the May of 2008 because Ms. Hayes thought that Ms. Jones met the qualifications. Because Ms. Jones was unsure whether her work qualified under the Board's definition for clinical, Ms. Jones should have removed the check, marked through the check or

stated that Ms. Hayes checked the box in the email Ms. Jones sent to Ms. Holden. Ms. Jones should not have submitted forms with her PIP application that had an area checked that she was unsure whether she met the qualifications.

7. In her testimony Ms. Jones never explained why an application that was ultimately submitted by her to the Board contained documents that were inconsistent with documents retained by Ms. Hayes. Ms. Jones attempts to assert that any discrepancies are due to a disagreement that had developed between Ms. Jones and Ms. Hayes. Even with this disagreement, it was Ms. Jones who submitted the PIP application to the Board, not Ms. Hayes. Also, the evaluation and termination of supervision were dated May of 2008, and the PIP application was dated May of 2009. Thus, the difference in the dates further supports that the additional check was added by Ms. Jones, and not Ms. Hayes. More pointedly, the undersigned found Ms. Jones' testimony to be disingenuous and unsubstantiated.

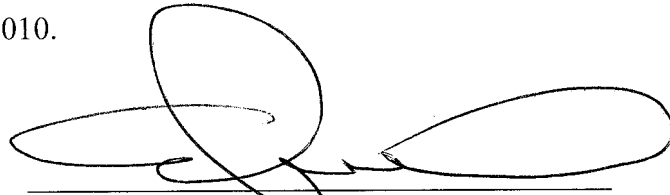
8. Even assuming that the forms attached to the PIP application are mere circumstantial evidence that Ms. Jones fraudulently modified or altered the attached documents, under the law, circumstantial evidence is enough to prove the alleged act. More pointedly in Smith v. State, the Alabama Court of Criminal Appeals determined that circumstantial evidence is in nowise considered inferior evidence and is entitled to the same weight as direct evidence provided it points to the guilt of the accused. Smith v. State, 2010 WL 415243, 4 (Ala.Crim.App. 2010), citing Cochran v. State, 500 So.2d 1161, 1177 (Ala.Cr.App.1984), affirmed in pertinent part, reversed in part on other grounds, Ex parte Cochran, 500 So.2d 1179 (Ala.1985).

9. Thus, the evidence presented against Ms. Jones and the inconsistent assertions presented by Ms. Jones constitutes a violation of Section 34-30-4(a)6, Code of Alabama (1975) and administrative rules 850-X-9-.01(1)(a)2, 850-X-10.01(2)(b), and 850-X-10.01(2)(d).

**RECOMMENDATION**

It is the opinion of the undersigned that the revocation of the license of Ms. Jones, to engage in the practice of social work in the State of Alabama, is justified pursuant to Section 34-30-4(a)(6), Code of Alabama (1975) and the Board's Administrative Code.

Done this 17<sup>th</sup> day of February, 2010.



Cleophus (J.R.) Games, Jr., Esq.  
Administrative Law Judge

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**NOTE:**

**This is not a final decision. No rights are finally determined until the State Board of Social Work Examiners decides whether to accept, reject or modify this recommendation. Appeal time runs from the time of the State Board of Social Work Examiner's decision.**