

LOUISIANA STATE BOARD OF
SOCIAL WORK EXAMINERS

IN THE MATTER OF

COMPLAINT NO. 2023-18

MISTIE SMITH

LICENSE NO. 4648

VOLUNTARY SURRENDER OF LICENSE

WHEREAS, MISTIE SMITH ("Ms. Smith") is a licensed social worker and is subject to the jurisdiction and rules and regulations of the Louisiana Social Work Practice Act (La. R.S. 37:2701, *et seq.*), and the Professional and Occupational Standards of the Louisiana State Board of Social Work Examiners ("Board" or "LABSWE") (LAC 46:XXV §101, *et seq.*);

WHEREAS, on July 28, 2022, a complaint was received by the Board from Ms. Smith's clinical supervisor. The complaint described concerns about Ms. Smith engaging in unprofessional and/or unethical conduct, including: (1) practicing while impaired by medication, alcohol, drugs, or other chemicals; and (2) practicing under a mental condition that impaired her ability to safely practice;

WHEREAS, by letter dated August 2, 2022, the Board notified Ms. Smith of the complaint filed against her, provided Ms. Smith with a summary of the nature of the complaint, and requested that Ms. Smith, within fifteen (15) days, provide a written response giving her review of the allegations raised in the complaint;

WHEREAS, by correspondence dated August 20, 2022, Ms. Smith responded to the complaint, giving her response to the allegations contained therein;

Mistie Smith #2023-18
Initial: *mas*
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WHEREAS, the parties present the following facts as the basis for the Voluntary Surrender of License:

1. Ms. Smith is a Licensed Clinical Social Worker ("LCSW"), licensed by the Board to engage in the practice of social work in the State of Louisiana pursuant to the Social Work Practice Act, La. R.S. 37:2701 *et. seq.*, as evidenced by License Number 4648.
2. Ms. Smith was accused of sleeping on the job and appearing intoxicated while at work.
3. Ms. Smith refused to undergo a drug screening upon her employer's request.
4. After being contacted regarding this matter, Ms. Smith voluntarily entered substance abuse treatment, but refused to enter into a Board-approved treatment program.

WHEREAS, the respondent, Ms. Smith, has indicated her desire to voluntarily surrender her license with LABSWE, License No. 4648;

WHEREAS, the respondent, Ms. Smith, acknowledges that the following will result due to her voluntary surrender of her LCSW license with LABSWE:

1. A report of this Voluntary Surrender of License and the conditions under which the license was surrendered shall be submitted to the National Practitioners Data Bank ("NPDB").
2. Public notification of this Voluntary Surrender of License by publishing and reporting in, including but not limited to, the LABSWE website, the Association of Social Work Boards (ASWB), and the National Practitioner Data Bank-Healthcare Integrity and Protection Data Bank (NPDB-HIPDB).
3. A five (5) year waiting period before Ms. Smith will be eligible to apply for licensure with the LABSWE.
4. In the event that Ms. Smith seeks licensure with the Board after the five (5) year period addressed above at Paragraph 3, a hearing may be held by LABSWE to afford Ms. Smith an opportunity to present evidence that she is fit to practice social work in Louisiana. After such hearing, LABSWE may deny or grant licensure, and in the event of licensure, the Board may place any conditions or restrictions on Smith's social work practice it deems appropriate.

5. In addition to any conditions or restrictions placed by the Board, if she reapplies for licensure, Ms. Smith shall meet all licensure requirements set forth at La. R.S. 37:2714(E), which includes continuing education hours and passing the Board's open book exam.
6. Ms. Smith shall reimburse costs associated with Complaint No. 2023-18 in the amount of TWO THOUSAND FOUR HUNDRED FIFTY-TWO AND 50/100 DOLLARS (\$2,452.50) within twenty-four (24) months from the date all parties sign this Voluntary Surrender of License. The payments shall be made on a quarterly basis with the first payment being due within ninety (90) days from the date all parties sign this Voluntary Surrender of License. Payment shall be made by credit card, certified check, or money order.
7. Ms. Smith further acknowledges that failure to reimburse the fees set forth above at Paragraph 6 will require the Board to take further action in collection of this debt. Respondent has twenty-four (24) months to reimburse the expenses before the debt will be considered final and transferred to the Louisiana Office of Debt Recovery (ODR). After transfer, the debt is subject to an additional collection fee of up to twenty-five percent (25%) of the total debt liability, as provided for in La. R.S. 47:1676 (E).
8. Ms. Smith specifically acknowledges that failure to comply with the terms of this Voluntary Surrender of License may result in a denial of any license, certificate, or registration applied for, in accordance with La. R.S. 37:2717.

WHEREAS, Ms. Smith acknowledges that she has had the opportunity to thoroughly review the content of this Voluntary Surrender of License and that she is informed of and understands her rights to due process in connection with administrative charges, and that prior to final disciplinary action against her license, she would be entitled to have notice of a hearing on the allegations and charges asserted against her through the filing of an Administrative Complaint, and to have an administrative adjudication of such charges, at which time Ms. Smith would be entitled to be represented by legal counsel, to call witnesses and to present evidence on her own behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La. R.S. 49:950, *et seq.*;

WHEREAS, Notwithstanding her right to an administrative hearing and a decision thereon as provided by La. R.S. 49:975-980, in recognition of the stipulations set forth above and for the final disposition of this administrative action, Ms. Smith, nonetheless, waives her right to formal adjudication and voluntarily surrenders to the Board her license to practice as a social worker in the state of Louisiana as evidenced by License No. 4648. Ms. Smith also hereby authorizes a member of the Disciplinary Committee or the Board attorney to present this Voluntary Surrender of License to the Board for its consideration, and to fully disclose to and discuss with the Board the circumstances of this surrender, and she waives any objection to such disclosures under La. R.S. 49:950, *et seq.*;

WHEREAS, Ms. Smith acknowledges, stipulates and agrees that the voluntary surrender of her license shall be deemed by the Board to have the same effect as if the Board had entered an order of revocation upon the conclusion of formal administrative proceedings.

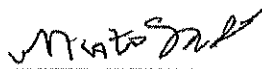
WHEREAS, by the voluntary surrender of her LCSW license, Ms. Smith, moreover, acknowledges, stipulates, and agrees that she hereby waives any right to which she may be entitled pursuant to the Louisiana Administrative Procedure Act, or which otherwise may be afforded to her by law, to contest her agreement to, or the force and effect of this document in any Court related to the matters referred to herein;

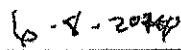
WHEREAS, Ms. Smith acknowledges that she has had the opportunity to seek the advice and guidance of legal counsel with respect to this Stipulation;

Effect of Non Acceptance of Agreement. Ms. Smith acknowledges that this Voluntary Surrender of License is subject to the approval of the Board. She further acknowledges and agrees that if the Board rejects this Voluntary Surrender of License, it will be void, and an Administrative

Complaint may be filed relative to the allegations contained herein. If this Voluntary Surrender of License is rejected by the Board, it will not constitute a waiver of Ms. Smith's right to a hearing on the matters alleged in an Administrative Complaint and the admissions contained herein will have no effect. She further agrees that if the Board rejects this Voluntary Surrender of License, the members of the Board may decide the matter after a hearing, and their consideration of this Voluntary Surrender of License shall not alone be grounds for recusal of any member of the Board, including any claims that the Board is biased against her, that it cannot fairly decide the case, or that it has received *ex parte* communication.

WHEREAS, based upon the above, MISTIE SMITH surrenders her LCSW license held with the LABSWE, No. 4648.


MISTIE SMITH


Date

**BOARD ORDER
AND
ACCEPTANCE OF THE VOLUNTARY SURRENDER OF LICENSE BY THE
LOUISIANA STATE BOARD OF SOCIAL WORK EXAMINERS:**

By a majority vote of the Board members voting in favor of the foregoing Voluntary Surrender of License at the Board meeting on June 21, 2024, the Board hereby adopts said Voluntary Surrender of License, and makes it an Order of this Board.

Accordingly, the Board orders as follows:

1. A report of this Voluntary Surrender of License and the conditions under which the license was surrendered shall be submitted to the National Practitioners Data Bank ("NPDB").
2. Public notification of this Voluntary Surrender of License by publishing and reporting in, including but not limited to, the LABSWE website, the Association of Social Work Boards (ASWB), and the National Practitioner Data Bank-Healthcare Integrity and Protection Data Bank (NPDB-HIPDB).
3. A five (5) year waiting period before Ms. Smith will be eligible to apply for licensure with the LABSWE.
4. In the event that Ms. Smith seeks licensure by the Board after the five (5) year period addressed above at Paragraph 3, a hearing may be held by LABSWE to afford Ms. Smith an opportunity to present evidence that she is fit to practice social work in Louisiana. After such hearing, LABSWE may deny or grant licensure, and in the event of licensure, the Board may place any conditions or restrictions on Smith's social work practice it deems appropriate.
5. In addition to any conditions or restrictions placed by the Board, if she reapplies for licensure, Ms. Smith shall meet all licensure requirements set forth at La. R.S. 37:2714(E), which includes continuing education hours and passing the Board's open book exam.
6. Ms. Smith shall reimburse legal costs associated with Complaint No. 2023-18 in the amount of TWO THOUSAND FOUR HUNDRED FIFTY-TWO AND 50/100 DOLLARS (\$2,452.50) within twenty-four (24) months from the date all parties sign this Voluntary Surrender of License. The payments shall be made on a quarterly basis with the first payment being due within ninety (90) days from the date all parties sign this Voluntary Surrender of License. Payment shall be made by credit card, certified check, or money order.

7. Ms. Smith further acknowledges that failure to reimburse the fees set forth above at Paragraph 6 will require the Board to take further action in collection of this debt. Respondent has twenty-four (24) months to reimburse the expenses before the debt will be considered final and transferred to the Louisiana Office of Debt Recovery (ODR). After transfer, the debt is subject to an additional collection fee of up to twenty-five percent (25%) of the total debt liability, as provided for in La. R.S. 47:1676 (E).
8. Ms. Smith specifically acknowledges that failure to comply with the terms of this Voluntary Surrender of License may result in a denial of any license, certificate, or registration applied for, in accordance with La. R.S. 37:2717.

FOR THE BOARD:


Dr. Hyacinth McKee, LCSW-BACS, Chair