



Counselor, Social Worker & Marriage and Family Therapist Board

50 West Broad Street, Suite 1075
Columbus, Ohio 43215-5919
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ADJUDICATION ORDER in the Matter of:

Amy L. McDaniel
5271 Wood Lilly Court
Gahanna, OH 43230

IN THE MATTER OF AMY L. MCDANIEL TO PRACTICE AS A LICENSED
INDEPENDENT SOCIAL WORKER IN THE STATE OF OHIO.

THE MATTER OF AMY L. MCDANIEL CAME BEFORE THE FOLLOWING
MEMBERS OF THE SOCIAL WORKER PROFESSIONAL STANDARDS
COMMITTEE OF THE OHIO COUNSELOR, SOCIAL WORKER, AND MARRIAGE
AND FAMILY THERAPIST BOARD ON JANUARY 15, 2009: TIM BRADY, MOLLY
TUCKER, KENNETH TRIVISON, AND ROBERT NELSON.

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Amy McDaniel by the Social Worker Professional Standards Committee on December 15, 2008.

Pursuant to R.C. 119.07 licensees are entitled to a hearing before the Board if such a hearing is requested within thirty days of the mailing of the Notice of Opportunity for Hearing. In this case, Ms. McDaniel failed to make a timely request for such a hearing, therefore pursuant to *Goldman v. State Medical Board* (March 29, 1996) Franklin County Court of Appeals, 95 APE 10-1358 the case was presented to the Social Work Professional Standards Committee on January 15, 2009.

Summary of Evidence

State's Exhibits

1. Affidavit prepared by William L. Hegarty, Deputy Director, State of Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.

2. Notice of Opportunity for Hearing to Ms. McDaniel dated December 15, 2008.
3. Correspondence from the Board to Ms. McDaniel.

Conclusions of Law

Ohio Revised Code Section 4757.36(A)(1) provides that the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board may take disciplinary action against a licensee who has committed a violation of any provision of the Board's law and rules. Ohio Administrative Code Section 4757-11-01(C)(21)(b) states that the Board may discipline a licensee who cannot present proof of thirty hours of approved continuing education when audited.

Discussion and Findings

As required in the case of *Goldman v. State Medical Board* (March 29, 1996) Franklin County Court of Appeals 95APE10-1358, all cases where a Board issues a Notice for Opportunity for Hearing and the individual does not request a hearing, the Board still must review evidence presented to it and make specific findings of fact. In this case, Ms. McDaniel did not request a hearing after receipt of her Notice for Opportunity for Hearing.

The Social Worker Professional Standards Committee has reviewed the evidence prepared in this case. The Committee finds that Ms. McDaniel did not comply with the audit requirement after renewing her social work license through March 2010. Based on this, the Committee orders that Ms. McDaniel's license to practice as an independent social worker (I-0005675) is **REVOKED**. As Ordered by the Social Worker Professional Standards Committee of the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.

It is hereby certified by this Board that the above language is incorporated into the Board's journal in this matter.

APPEAL RIGHTS

Under the provisions of Ohio Revised Code Section 119.12, any party adversely affected by an order of an agency issued pursuant to an adjudication denying an applicant admission to an examination, or denying the issuance or renewal of a license or registration of a license, or revoking or suspending a license, may appeal from the order of the agency to the court of common pleas of the county in which the place of business

of the licensee is located or the county in which the licensee is a resident. If any such party is not a resident of and has no place of business in Ohio, the party may appeal to the court of common pleas of Franklin County

This *Order* may be appealed in accordance with Section 119.12 of the Ohio Revised Code by filing the original Notice of Appeal with the Ohio Counselor, Social Worker, and Marriage and Family Therapy Board, 50 West Broad Street, Suite 1075, Columbus, Ohio 43215, and also a copy of that Notice of Appeal with the Court of Common Pleas in the county of the party's place of business, or in the county in which the party is a resident. The Notice of Appeal shall set forth the Order appealed from and the grounds of the Party's appeal. Such Notice of Appeal and copy shall be filed and must be delivered within fifteen (15) days after the mailing of this *Adjudication Order*.

By Order of the State of Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.



James R. Rough
Executive Director

1-16-09

Date

Certified Mail Receipt #7005 1160 0004 7289 4680



Counselor, Social Worker & Marriage and Family Therapist Board

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May 14, 2007

Amy McDaniel
5271 Wood Lily Court
Gahanna, OH 43230

Dear Ms. McDaniel,

The Investigative Liaison to the Social Work Professional Standards Committee has reviewed your request to remove the licensure restrictions placed on your LISW license. The Liaison has also reviewed the mental health evaluation completed. The restrictions on your LISW have been lifted and you can return to practice under the full scope of practice of an LISW. If you have any questions, please contact me at (614) 728-4360.

Sincerely,

William L. Hegarty
Deputy Director



STATE OF OHIO COUNSELOR AND SOCIAL WORKER BOARD

ADJUDICATION ORDER
in the Matter of:

Amy L. McDaniel
8418 Cliffthorne Way
Columbus, OH 43235

COPY

IN THE MATTER OF THE ELIGIBILITY OF AMY L. MCDANIEL TO MAINTAIN LICENSURE AS A SOCIAL WORKER IN THE STATE OF OHIO.

THE MATTER OF AMY L. MCDANIEL CAME BEFORE THE SOCIAL WORK PROFESSIONAL STANDARDS COMMITTEE OF THE OHIO COUNSELOR AND SOCIAL WORKER BOARD ON JANUARY 16, 2003. MEMBERS OF THE COMMITTEE PRESENT WERE THERESA CLUSE-TOLAR, GWENDOLYN DACONS-TAYLOR, GLENN ABRAHAM, AND PENNY WYMAN.

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Amy L. McDaniel by the Ohio Counselor and Social Worker Board on January 22, 2002. An administrative hearing was held on January 16, 2003, at 9:00 a.m. in the offices of the Ohio Counselor and Social Worker Board, 77 S. High Street, 16th Floor, Columbus, Ohio 43215, pursuant to Chapter 119 and Section 4757 of the Ohio Revised Code. Assistant Attorney General Barbara Petrella represented the State. Amy L. McDaniel was present and was not represented by counsel.

State's Exhibits

1. Notice of Opportunity for Hearing to Amy L. McDaniel dated January 22, 2003.
2. Request for Hearing, dated February 6, 2002, from Amy L. McDaniel.
3. Letter dated February 11, 2002, to Amy L. McDaniel setting a hearing for February 15, 2002, and continuing said hearing.

4. Letter dated December 3, 2002, to Ms. McDaniel setting her administrative hearing for January 16, 2003.
5. Computer printout on the licensure of Amy L. McDaniel.
6. Redacted court indictment in the case of Amy McDaniel from the Franklin Court of Common Pleas
7. Judgment Entry in the case of *The State of Ohio v. Amy Lee McDaniel* in the Franklin County Court of Common Pleas
8. Testimony of William L. Hegarty, Investigative Supervisor, for the Ohio Counselor and Social Worker Board.
9. Testimony of Jason C. Schutte, Investigator, for the Ohio Counselor and Social Worker Board.

Respondent's Exhibits

- A. Testimony of Amy L. McDaniel.
- B. Testimony of Virginia O'Keefe.

DISCUSSION

Ms. McDaniel was convicted of Burglary, a second-degree felony in the Franklin County Court of Common Pleas. The felony conviction was in the course of practice of Ms. McDaniel as a social worker. Ms. McDaniel admitted to the conviction and also presented mitigating evidence. Pursuant to Ohio Revised Code Section 4757.36 (A)(5) the Social Worker Professional Standards Committee can discipline a social worker who has been convicted of a felony in the State of Ohio.

FINDINGS, ORDER, AND JOURNAL ENTRY

THEREFORE, it is hereby ORDERED that for the reasons outlined in this ORDER the social work license (I-5675) of Amy L. McDaniel is Indefinitely Suspended for a minimum of two (2) years. Ms. McDaniel may petition the Board for removing the suspension if she

1. Presents evidence that she has completed all continuing education requirements from the March 18, 2000. There must be a minimum of three (3) hours of continuing education in the field of social work ethics.

2. Presents a written mental health evaluation from a mental health provider pre-approved by the Board stating that she is capable of functioning as a licensed social worker. This mental health evaluation will be at the expense of Ms. McDaniel.

3. Meets with the Social Worker Professional Standards Committee to discuss her request to re-enter the practice of social work.

The final decision whether to lift Ms. McDaniel's suspension lies with the Social Worker Professional Standards Committee.

This ORDER was approved by a majority vote of the Members of the Social Work Professional Standards Committee who reviewed this case.

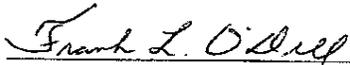
Motion carried by order of the Social Work Professional Standards Committee of the Ohio Counselor and Social Worker Board.

It is hereby certified by this Board that the above language is incorporated into the Board's journal in this matter.

APPEAL RIGHTS

This *Order* may be appealed in accordance with Section 119.12 of the Ohio Revised Code by filing the original Notice of Appeal with the Ohio Counselor and Social Worker Board, 77 S. High Street, 16th Floor, Columbus, Ohio 43215, and also a copy of that Notice of Appeal with the county of the party's place of business, or in the county in which the party is a resident, or with the Court of Common Pleas in Franklin County, Ohio. The Notice of Appeal shall set forth the Order appealed from and the grounds of the Party's appeal. Such Notice of Appeal and copy shall be filed and must be delivered within fifteen (15) days after the mailing of this *Adjudication Order*.

By Order of the State of Ohio Counselor and Social Worker Board.



Frank O'Dell, LPCC
Chairperson

Certification of Service

I hereby certify that a true copy of the foregoing ADJUDICATION ORDER was sent via U. S. Certified Mail, Return Receipt Requested, Article #70010360000241358905, to Amy L. McDaniel, 8418 Cliffthorne Way, Columbus, Ohio 43235 on this 21 day of January 2003.



William L. Hegarty, Investigative Supervisor
Ohio Counselor and Social Worker Board

CSWMFTB
2005 FEB 14 A 10:54

**CONSENT AGREEMENT
BETWEEN
AMY L. MCDANIEL
AND THE
STATE OF OHIO COUNSELOR, SOCIAL WORKER, MARRIAGE AND
FAMILY THERAPIST BOARD**

This CONSENT AGREEMENT is entered into by and between AMY L. MCDANIEL, hereinafter, "MCDANIEL," and the STATE OF OHIO COUNSELOR, SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST BOARD, hereinafter "BOARD," the state agency charged with enforcing Chapter 4757 of the Ohio Revised Code and all rules promulgated therein.

MCDANIEL hereby acknowledges that she has read and understands this CONSENT AGREEMENT and has voluntarily entered into it without threat or promise by the BOARD or any of its members, employees or agents.

MCDANIEL is fully aware of her rights, including her right to be advised by counsel and her right to a hearing pursuant to Chapter 119 of the Ohio Revised Code on the issues which are the subject of this CONSENT AGREEMENT. Should MCDANIEL fail to comply with any provisions of this CONSENT AGREEMENT, MCDANIEL knowingly waives her rights under ORC Chapter 119.

This CONSENT AGREEMENT contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this CONSENT AGREEMENT.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

1. MCDANIEL is an independent social worker (I-5675) licensed to practice social work in the State of Ohio, and is subject to the laws and rules of Ohio regulating the practice of social work, as outlined in Ohio Revised Code Chapter 4757 and Ohio Administrative Code Chapter 4757. MCDANIEL received her independent social work license on March 18, 1994.
2. On January 16, 2003, an administrative hearing was held concerning MCDANIEL. The result of this hearing was that MCDANIEL'S license to practice social work was indefinitely suspended for a minimum of two years with the final decision to lift MCDANIEL'S suspension being with the BOARD'S Social Worker Professional Standards Committee.
3. On January 20, 2005, MCDANIEL met with a representative of the BOARD'S Social Worker Professional Standards Committee and petitioned to have the license suspension lifted.

4. **MCDANIEL ADMITS** the statements referenced in paragraphs 1-3 above.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal disciplinary proceedings, **MCDANIEL** knowingly and voluntarily agrees with the **BOARD** to the following terms and conditions:

The **BOARD** will lift **MCDANIEL'S** suspension of her independent social worker license at its March 2005 Board meeting; however, the **BOARD** restricts **MCDANIEL'S** scope of practice to that of a licensed social worker for a minimum period of 2 years beginning March 18, 2005. **MCDANIEL** may not enter into private practice and she may not diagnose and treat mental and emotional disorders without supervision. No earlier than March 19, 2007, **MCDANIEL** may petition the **BOARD'S** Social Worker Professional Standards Committee to lift the restrictions placed on her independent social work license. **MCDANIEL** must present a written mental health evaluation from a mental health provider pre-approved by the **BOARD** stating she is capable of functioning as a licensed independent social worker. This mental health evaluation will be at the expense of **MCDANIEL**. Final authority to lift the restrictions lies with the **BOARD'S** Social Worker Professional Standards Committee.

It is hereby agreed by and between both parties that this **CONSENT AGREEMENT** hereby settles all issues concerning this matter.

By her signature on this **CONSENT AGREEMENT**, **MCDANIEL** acknowledges that in the event the **BOARD**, in its discretion, does not approve this **CONSENT AGREEMENT**, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. **MCDANIEL** agrees that should the **BOARD** reject this **CONSENT AGREEMENT** and if this case proceeds to hearing, she will assert no claim that the **BOARD** was prejudiced by its review and discussion of this **CONSENT AGREEMENT** or of any information relating thereto.

MCDANIEL hereby releases the members of the **BOARD**, its officers and employees, jointly and severally, from any and all liability arising from the matter within.

This **CONSENT AGREEMENT** shall be considered a public record as that term is used in Section 149.43 of the Ohio Revised Code. Pursuant to 42 USC Section 132a-73(b), 5 USC Section 552a, 45 CFR part 61, and Ohio Revised Code 3123.41 et seq., the **BOARD** may be required to provide **MCDANIEL'S** social security number to requesting governmental agencies.

The **BOARD** shall incorporate this **CONSENT AGREEMENT** into a formal journal entry at its March 18, 2005, meeting.

Consent Agreement between Amy L. McDaniel and the State of Ohio Counselor, Social Worker, Marriage and Family Therapist Board

This Consent Agreement will become effective on the date signed by the Chair of the Board.

Amy L. McDaniel, LISW
Amy L. McDaniel, LISW

2-7-05
Date

Rose Quinones-DelValle, PCC
Rose Quinones-DelValle, PCC
Chair, Counselor, Social Worker, Marriage and Family Therapist Board

3-18-05
Date

Juliane Barone
Juliane E. Barone, Esq.
Assistant Attorney General
Counselor, Social Worker, Marriage and Family Therapist Board

3-18-05
Date