

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH
HEALTH SERVICES REGULATION
BOARD OF EXAMINERS IN SOCIAL WORK

vs.

NANCY JOHNSON-GALLAGHER

CONSENT ORDER

Pursuant to Section 5-39.1-10 of the General Laws of the State of Rhode Island, 2004 Reenactment, and the Rules and Regulations promulgated thereunder, the Department of Health (hereinafter "Department"), the Board of Examiners in Social Worker (hereinafter "Board") has investigated a complaint charging Nancy Johnson-Gallagher (hereinafter "Respondent") with a violation of Section 5-39.1-10 of the General Laws of the State of Rhode Island, 2004 Reenactment.

After consideration by the Department, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

1. Respondent is a licensed independent social worker licensed to practice in the State of Rhode Island.
2. That Respondent provided treatment for Clients A and B (brothers who are minor children). The Respondent was retained by the mother of Clients A and B. The parents of Clients A and B, who were divorced, were not in agreement with regard to various issues concerning treatment of Clients A and B. During the course of Respondent's treatment of Clients A and B, Complainant (father of Clients A and B), sought release of patient records from Respondent. Respondent failed to release these records to the Complainant in a timely manner. Further, disagreements between Complainant and mother of Clients A and B led to a situation in which Respondent should have obtained advice and counsel of another licensed social worker. Respondent failed to do so.

3. Respondent has already completed a course regarding HIPAA and recordkeeping entitled A Social Worker's Practical Guide to the HIPAA Privacy and Security Rules, sponsored by the National Association of Social Workers. Further, she has implemented a recordkeeping program entitled Notes 444 in her practice. Respondent has already completed a recordkeeping course entitled Documentation Skills Training, sponsored by the Drug and Alcohol Treatment Association. Respondent has already completed a course regarding ethics entitled NASW Code of Ethics, sponsored by Ce4Less.com.

The conduct described in Paragraph two (2) herein requires corrective action pursuant to Section 5-39.1-10 of the Rhode Island General Laws and the Rules and Regulations promulgated thereunder.

The parties agree as follows:

1. Respondent is a licensed independent social worker licensed to practice in the State of Rhode Island.
2. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Department.
3. Respondent has read this Consent Order and understands that it is a proposal of the Department and is subject to the final approval by the Department. This Consent Order and the contents thereof are not binding on Respondent until final approval by the Department.
4. Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counsel or both before the Department;
 - b. The right to produce witnesses and evidence in her behalf at a hearing;
 - c. The right to cross-examine witnesses;
 - d. The right to have subpoenas issued by the Department;
 - e. The right to further procedural steps except for those specifically contained herein; and
 - f. Any and all rights of appeal of this Consent Order.

5. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties.
6. Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein.
7. Respondent has already submitted documentation to the Board of completion of the courses identified in Paragraph 3 of the Findings of Fact.
8. Respondent agrees to identify, within 14 days of the date of this Consent Order, an experienced social worker with supervision experience. She shall submit to this Board the name and background of said social worker for approval. Respondent shall consult with said social worker to gain insight into social work standards which will enhance her ability to protect clients in situations similar to the one before the Board and to make ethical judgments in similar situations which are consistent with the Code of Ethics of the National Association of Social Workers, approved by the Board. These consultations shall address the issues set forth in Paragraph two (2) of this Consent Order. Respondent shall complete five sessions with aforementioned social worker, who shall confirm completion of these sessions with the Board.
9. Should Respondent fail to comply with the requirements of this Consent Order, her license to practice as a licensed independent social worker shall be subject to suspension or other appropriate disciplinary action after hearing in accordance with the laws of the State of Rhode Island.

5/30/08
Date

Nancy Johnson-Gallagher
Nancy Johnson-Gallagher LICSW

6/3/08
Date

Charles Alexandre
Charles Alexandre
Chief, Health Professions Regulation