STATE OF MAIN
BOARD OF SOCIAL WORKER LICENSURE

IN RE: MONICA L. KELLY CONSENT AGREEMENT
Complaint No. 2018-SOC-14467

PARTIES

This document is a Consent Agreement regarding disciplinary action against Monica L. Kelly’s license to practice as a clinical social worker in the State of Maine. The parties to this Consent Agreement are: Monica L. Kelly (“Ms. Kelly”), the State Board of Social Worker Licensure (“Board”), and the Office of the Maine Attorney General (“Attorney General”). This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5-A).

FACTS

1. At all times pertinent to this matter, Ms. Kelly was licensed by the Board as a clinical social worker, license number LC6507.

2. At all times pertinent to this matter, Ms. Kelly was employed in private practice in Waterville, Maine.

3. Between December 6, 2017 and January 31, 2018, Ms. Kelly provided social work services over the course of 9 sessions to an adult client (“Client A”) with Type 1 insulin-dependent diabetes and significant vision impairment, who was struggling with symptoms of acute depression and post-traumatic stress disorder.

4. In an effort to provide Client A with stable housing, Ms. Kelly allowed Client A to live in her home between February 5, 2018 and July 31, 2018, while Ms. Kelly also resided there. Ms. Kelly lived on the first floor, while Client A rented two rooms and
a bathroom on the second floor. Ms. Kelly also provided meals for Client A while he was residing in her home.

5. Prior to Client A renting rooms in her home, Ms. Kelly consulted with Client A’s case manager and representative payee.

6. Ms. Kelly charged Client A $575 per month to cover his rent and food expenses, which was paid by Client A’s representative payee.

7. On May 29, 2018, the Office of MaineCare Services filed a complaint against Ms. Kelly’s license with the Board, which was docketed as 2018-SOC-14467, alleging that Ms. Kelly had allowed Client A to live in her home.

8. On December 14, 2018, following a presentation of the complaint, the Board voted to offer Ms. Kelly this Consent Agreement in order to resolve 2018-SOC-14467.

9. Absent acceptance of this Consent Agreement by signing and dating it and returning it to Cathy Neumann, Complaint Coordinator, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, Maine 04333-0035 by February 1, 2019, the Board will resolve this matter by holding an adjudicatory hearing.

COVENANTS

10. Ms. Kelly admits to the facts as stated above and admits that such conduct constitutes grounds for imposing discipline against her license pursuant to 10 M.R.S. § 8003(5-A)(A)(2) for gross negligence, incompetence, or misconduct as defined in Board Rules, Chapter 16, § 3(3)(G) by violating the National Association of Social Workers (NASW) Code of Ethics § 1.06(c): “Social workers should not engage in dual or multiple relationships with clients or former clients in which there is a risk of
exploitation or potential harm to the client. In instances when dual or multiple relationships are unavoidable, social workers should take steps to protect clients and are responsible for setting clear, appropriate, and culturally sensitive boundaries. (Dual or multiple relationships occur when social workers relate to clients in more than one relationship, whether professional, social, or business. Dual or multiple relationships can occur simultaneously or consecutively.)”

11. As DISCIPLINE for the conduct admitted to in paragraph 10 above, Ms. Kelly agrees to accept the following DISCIPLINARY ACTION:

a. A CENSURE;

b. MANDATED CONSULTATION with a Board-approved Practice Consultant consisting of at least one (1) in-person session of a minimum period of one (1) hour each month for a period of at least one (1) year consistent with the conditions specified in paragraphs 12 through 18 of the Consent Agreement; and

c. CONTINUING EDUCATION on the topic of avoiding dual relationships with clients and former clients consisting of a minimum of six (6) hours of in-person instruction. This requirement is satisfied by Ms. Kelly’s completion, on August 27, 2018, of a 6.25 hour course entitled Boundary Setting in Clinical Practice: The Best Ethical Practices.

12. The purpose of the consultation is to provide supervision and direction with respect to the issues admitted as violations in this Consent Agreement, specifically, social workers’ responsibilities in avoiding dual relationships with clients and former clients.
13. The Practice Consultant shall have an active license to practice as an independent clinical social worker in Maine, shall not be associated with Ms. Kelly’s place of employment or practice, and shall have no prior or current personal or professional relationship with Ms. Kelly.

14. Ms. Kelly shall, within thirty (30) days after the date she signs this Consent Agreement, submit to the Board for its approval the name of one or more candidates willing to act as her Practice Consultant. When submitting these names, Ms. Kelly shall be responsible for ensuring that each proposed candidate submit a resume and a letter of intent evidencing: a) an understanding of the circumstances underlying the Consent Agreement and having received a copy of this Consent Agreement; b) familiarity with the complaint documentation; and c) an understanding of the purpose of consultation, including the fact that the proposed candidate acts as an agent of the Board to assist it in its purpose of protecting the public.

15. The consultation sessions shall begin within thirty (30) days of the date the Board approves a Practice Consultant.

16. Ms. Kelly shall be responsible for ensuring that after three (3) months, six (6) months, nine (9) months, and twelve (12) months of consultation the Practice Consultant issues written reports to the Board, on the standard form provided to the Practice Consultant, addressing Ms. Kelly’s compliance with consultation and her overall progress with respect to the consultation issues. To that end, the reports must address specifically: a) the work done in consultation relative to each of the consultation issues; b) Ms. Kelly’s understanding of the nature of the consultation issues; and c) the Practice Consultant’s assessment of Ms. Kelly’s progress with respect to each of
the consultation issues. In the event that there is any period of time that Ms. Kelly is not practicing social work under a license from the Board, she will document that period to the Board at the time a quarterly report is due.

17. At the end of the twelve (12) months of consultation, Ms. Kelly will ensure that the Practice Consultant issues to the Board a written recommendation with respect to Ms. Kelly’s progress and whether consultation should continue. A determination as to whether consultation should continue will rest in the sole discretion of the Board.

18. All costs associated with the consultation shall be borne by Ms. Kelly.

19. Violation of any of the terms or conditions of this Consent Agreement by Ms. Kelly shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of licensure or re-licensure.

20. This Consent Agreement is not appealable and is effective until modified or terminated by the parties hereto.

21. This Consent Agreement may be modified or terminated only pursuant to a written agreement signed by all the parties to this Consent Agreement.

22. The Board and the Attorney General may communicate and cooperate regarding any matter related to this Consent Agreement.

23. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408-A.

24. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.
25. The Board and Ms. Kelly agree that no further agency action will be initiated against her license by the Board based upon the specific violations admitted to herein, except or unless she fails to comply with the terms and conditions of this Consent Agreement. The Board may however consider the conduct described above as evidence of a pattern of misconduct in the event that other allegations are brought against Ms. Kelly, and this Consent Agreement may be introduced as evidence in any future adjudicatory hearing involving Ms. Kelly. The Board may also consider the fact that discipline was imposed by this Consent Agreement in determining appropriate discipline in any further complaints against Ms. Kelly.

26. **Ms. Kelly acknowledges by her signature hereto that she has read this Consent Agreement, that she has had an opportunity to consult with an attorney before executing this Consent Agreement, that she executed this Consent Agreement of her own free will, and that she agrees to abide by all terms and conditions set forth herein.**

DATED: \[1/26/2019\]  
MONICA L. KELLY

DATED: \[2/8/19\]  
LINDA BUTLER, LCSW, Chairperson  
Board of Social Worker Licensure

DATED: \[2/8/19\]  
SAMANTHA Y. MORGAN  
Assistant Attorney General