

STATE OF MAINE  
BOARD OF SOCIAL WORKER LICENSURE

In re:	)	CONSENT
Valeska Danielak	)	AGREEMENT
Complaint # SW-460	)	

INTRODUCTION

This document is a Consent Agreement ("the Consent Agreement") concerning disciplinary action against the license of Valeska Danielak, who practiced as a Licensed Master Social Worker-Conditional Clinical in the State of Maine. The parties to the Agreement are: Valeska Danielak, L.M.S.W.-C.C. ("Respondent"); the Maine State Board of Social Worker Licensure ("the Board"); and the State of Maine Department of the Attorney General ("the Attorney General"). The Consent Agreement is entered into pursuant to 10 M.R.S.A. § 8003(5)(B); 10 M.R.S.A. § 8003(5)(C)(2); and 32 M.R.S.A. § 7059.

FACTS

1. Respondent was working in a hospital setting as a psychiatric clinician when she established a professional relationship with a client, who was a psychiatric patient at the clinic for in-patient treatment. Approximately a week after the patient's discharge, Respondent ran into the patient at the hospital cafeteria. After that contact, Respondent decided to have continued contact with the former client, which was ongoing for at least eight months thereafter. Respondent had regular contact with the

client, including trips to a New England Patriots football game and other outings that were observed by others. Although Respondent denied in her communications to the Board that she engaged in sexual contact with this former client, others indicate that she told them she had. The client was interviewed and stated that he had not engaged in a sexual relationship with the Respondent. Respondent's license expired on October 31, 2005.

### AGREEMENT

In order to fully resolve this matter without a formal disciplinary adjudicatory hearing, it is hereby agreed among the parties that:

1. Respondent acknowledges the facts set forth in the factual statement above are true and accurate.
2. Respondent acknowledges that the circumstances set forth in the FACTS constitute a violation of 32 M.R.S.A. § 7059(1)(E) and Board Rule, Chapter 16(3)(3)(G) by violating NASW Code of Ethics Provisions, § 1.06(C) "dual or multiple relationships."
3. **The Respondent hereby specifically represents that she had no sexual contact or relationship with this client at any time up to the date of this Consent Agreement.** In the event that additional information is presented to the Board, including but not limited to statements from the client, to establish that this representation is not true, this matter may be reopened. If the Board then makes a finding after a hearing that a sexual violation has occurred under the Board's statute and rules, additional disciplinary sanctions may be imposed.

4. Pursuant to 10 M.R.S.A. § 8003(5)(A-1)(1) the Board issues a **CENSURE** to the Respondent for the above violation.

5. In the event that the Respondent obtains a license from the Board at any time in the future, Respondent agrees that for a minimum of two (2) years, Respondent's social work practice will be subject to consultation by a Licensed Clinical Social Worker ("the Consultant"), who is not associated with Respondent's place of employment or practice and with whom Respondent has no prior or current personal or professional relationship.

6. Respondent will be responsible for submitting name(s) of candidate(s) willing to act as Respondent's Consultant to the Board for its prior approval with any application for licensure. At that time, the Consultant will be responsible for submitting 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 Consultant is acting as an agent of the Board to assist it in its purpose of protecting the public.

7. The consultation is to consist of face-to-face interviews with the Consultant for a minimum period of one hour, twice a month for a period of two years of social work practice. The purpose of the consultation is to provide supervision and direction with respect to professional boundaries and ethics as a whole and, specifically,

the issues found as violations in this Consent Agreement. The Consultant will be responsible for issuing reports on a quarterly basis evidencing Respondent's satisfactory compliance with consultation and his overall progress with respect to consultation issues. To that end, the reports must address specifically: a) the work done in consultation relative to each of the consultation issues; b) Respondent's understanding of the nature of the underlying violation and related issues; and c) the Consultant's assessment of Respondent's progress relative to each of the consultation issues. In the event that after the period of probation begins there is any period of time that the Respondent is not practicing social work under a license from the Board, the Respondent will document that period of non-practice to the Board at the time a quarterly report is due.

8. At the end of two years of consultation, the Consultant will also be responsible for issuing a written recommendation with respect to Respondent's progress and whether consultation should continue to the Board. A determination as to whether consultation should continue will rest in the sole discretion of the Board. All costs associated with the consultation shall be borne by Respondent.

9. The Board agrees to take no further disciplinary action against Respondent based on the conduct of Respondent described in the Statement of Facts above, but the Board reserves the right to take any action, including disciplinary action, which it deems appropriate and which is allowed by law, if Respondent fails to fully comply with the terms of this Consent Agreement. In taking any action, including disciplinary action, based on Respondent's failure to fully comply with this Consent

Agreement the Board may consider the circumstances surrounding the incident described in the Statement of Facts above and the various acknowledgements that the Respondent has made in this agreement. Furthermore, the Board may consider the misconduct described above as evidence of a pattern of conduct in the event that similar misconduct allegations are brought against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this agreement as a factor in determining appropriate discipline should any further misconduct allegations be proven against Respondent in the future.

10. The parties also agree to the following:
  - (a) This Consent Agreement may not be appealed.
  - (b) The terms of this Consent Agreement may only be amended by written agreement of all the parties hereto.
  - (c) This Consent Agreement is a public record within the meaning of 1 M.R.S.A. § 402.
  - (d) Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.
  - (e) **Respondent acknowledges by Respondent's signature hereto that Respondent has read and understands this Consent Agreement; that Respondent has had the opportunity to consult with an attorney before Respondent signed this Consent Agreement; that Respondent has signed this Consent Agreement of Respondent's own free will; and that,**

by signing this Consent Agreement, Respondent agrees to abide by all the terms and conditions as set forth herein.

DATED: February 1, 2008 Valeska Danielak  
VALESKA DANIELAK

DATED: 2/15/2008 Derek J. Hussey  
DEREK HUSSEY  
Chair, Board of Social Worker Licensure

DATED: 2/15/08 Robert C. Perkins  
ROBERT C. PERKINS  
Assistant Attorney General