

**BEFORE THE ALABAMA
STATE BOARD OF SOCIAL WORK EXAMINERS**

IN THE MATTER OF)	
)	
HEATHER HIGDON, LGSW,)	CASE NO. 16-3408G-27
)	
RESPONDENT)	

RECOMMENDATION OF THE HEARING OFFICER

I. Procedural Posture

Heather Higdon, (hereinafter “Respondent”), was duly licensed to practice as a social worker by the Alabama Board of Social Work Examiners (hereinafter “Board”). Respondent, at all times in the Board’s Complaint, was and is subject to the Board’s jurisdiction.

Respondent was notified of a formal hearing to be held on February 10, 2017.¹ The Complaint and Order of Formal Hearing were sent to Respondent at her address of record in the Board’s file by certified mail and by regular mail through the United States Postal Service. Both notices were sent to Respondent at

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Respondent failed to properly respond to verify her continuing education hours for the licensing period. Respondent was randomly selected for audit of her

¹ Board Exhibit 10.

² Board Exhibit 8.

continuing education hours. Respondent has failed to provide verification to the Board of credits including content, certification, and attendance of her continuing education. The Board's Administrative Code requirements outlined in 850-X-9-.01(5)(a)(4), 850-X-8.01(6), and 850-X-8.01(7) require a social worker to maintain professional competence, to maintain documentation of participation in continuing education activities, and to provide verification of credits demonstrating content, certification, and a licensee's attendance. Respondent has failed to rectify her deficient continuing education reports for the licensure year in question after written and telephonic efforts to obtain her compliance.³ Respondent did not respond to the Board's letter of April 12, 2016.⁴

Respondent did not appear for the hearing scheduled for 10:00 a.m. on February 10, 2017. The Respondent did not file an answer to the Board's Complaint as required by Rule 850-X-10-.03(4), which provides in pertinent part: "Failure to file an answer within the time permitted by this rule without good cause shall be construed as an admission that the factual averments contained in the complaint are true."

The Board engaged James Jerry Wood to act as a hearing officer in this matter, pursuant to ALA. ADMIN. CODE r. 850-X-10-.06(4). The undersigned conducted the

³ Board Exhibit 6.

⁴ Board Exhibit 6.

hearing on February 10, 2017. A quorum of the Board was present. Ellen Leonard, Esq., represented the Board. Board Exhibits 1-10 were admitted without objection.

Pursuant to ALA. CODE § 41-22-12(c) (1975), the Board elected to proceed with the hearing without Respondent's presence. The undersigned enter a plea of "not guilty" for Respondent pursuant to ALA. ADMIN. CODE r. 850-X-10-.09.

II. Findings of Fact

The Board called one witness, Brenda Holden (hereinafter "Holden"), Executive Director of the Board. The Board's Complaint against Respondent was admitted into evidence.⁵ Holden explained she sent the Order of Formal Hearing and Complaint to the Respondent by certified and regular mail. Holden explained the numerous attempts made by the Board to obtain Respondent's compliance. Holden said Respondent failed to provide the required documentation.

The failure of Respondent to provide verification of her continuing education, her failure to file an answer to the Board's Complaint, and her failure to attend the noticed hearing leaves the Board without the necessary information to continue Respondent as a licensee.

⁵ Board Exhibit 10.

Conclusions of Law

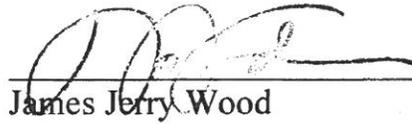
Based on the testimony and documentary evidence, the Respondent failed to comply with ALA. ADMIN. CODE r. 850-X-9-.01(5)(a)4, 850-X-8.01(6), and 850-X-8.01(7).

The testimonial and documentary evidence clearly establishes, by a preponderance of the evidence, that Respondent failed to provide verification of her continuing education which failure disqualifies her from being a licensed social worker in Alabama. The Board's obligation to protect the public requires that it only license persons who qualify. The Board must abide by the extant statutory requirements for licensees. Respondent has demonstrated she is unwilling to meet the Board's requirements for licensure and licensure renewal.

RECOMMENDATION

The undersigned recommends, pursuant to ALA. CODE § 34-30-4(4) (1975), that Respondent not be allowed to continue as a licensed social worker and not be allowed to renew her license as long as she fails to meet the requirements for licensure. The Board should tax the costs of this proceeding against the Respondent and levy such fine as it may deem appropriate under the circumstances.

Respectfully submitted this 27th day of March, 2017.



James Jerry Wood
Administrative Law Judge
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VIA CERTIFIED AND FIRST CLASS MAIL

Heather Higdon

VIA FIRST CLASS MAIL

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