

**BEFORE THE TENNESSEE BOARD OF
SOCIAL WORKER LICENSURE**

In the Matter of:)	
)	
Peggy Randolph)	
LMSW License No. 3191)	Case No. 2023006951
)	
Respondent)	

CONSENT ORDER

The State of Tennessee, by and through the Office of General Counsel and the Respondent, Peggy Randolph, Licensed Master Social Worker (LMSW), hereby stipulate and agree, subject to approval by the Tennessee Board of Social Worker Licensure (Board), to the following:

I. Authority and Jurisdiction

The Board regulates and supervises social workers licensed to practice pursuant to the Social Work Practice Act (Practice Act), Tennessee Code Annotated Section (TENN. CODE ANN. §) 63-23-101, *et seq.* This regulation includes disciplining licensees who violate the Practice Act and the Rules promulgated by the Board, Official Compilation of Rules and Regulations of the State of Tennessee (TENN. COMP. R. & REGS.), 1365-01-.01, *et seq.* The Board enforces the Practice Act to promote and protect the health, safety and welfare of the public; accordingly, it is the policy of the Board to require strict compliance with the law and to apply the law to preserve the quality of social work provided in Tennessee.

II. Stipulations of Fact

1. Respondent has been at all times pertinent hereto licensed by the Board as a master social worker in the State of Tennessee, having been granted license number **3191** by the Board on July 22, 1994. The license is currently **retired** and has an expiration date of May 31, 2024.

2. Respondent was employed with Brightside Health as an LMSW from January 2021 until February 2023. Respondent was assigned to provide therapy services to hundreds of clients over video calls during that time.

3. In February 2023, Respondent was placed on bereavement leave following the death of her wife, T.R. During Respondent's leave, Brightside Health received a complaint from a client indicating that T.R., not Respondent, had been the person providing treatment. T.R. was not licensed or trained to provide any sort of counseling services.

4. Respondent denies knowing that T.R. was using her Brightside Health Therapist Portal log-in credentials or treating clients under her account. However, Respondent received compensation for the sessions conducted by T.R.

5. Brightside Health conducted an internal investigation and determined that Respondent had shared her log-in credentials with T.R. Brightside Health accordingly terminated Respondent's employment on February 28, 2023. Respondent elected to retire her license during the investigation into this complaint.

III. Stipulated Grounds for Discipline

6. The Stipulations of Fact are sufficient to establish that Respondent has violated the following statutes or rules which are part of the Act, TENN. CODE ANN. § 63-23-101, *et seq.* and TENN. COMP. R. & REGS., 1365-1-.01, *et seq.*, for which disciplinary action by the Board is authorized.

7. The facts stipulated in paragraphs two (2) through five (5) above constitute a violation of **TENN. CODE ANN. § 63-23-108(a):**

- (1) Willful or repeated violation of any provisions of this chapter or any rules of the board;
- (4) Fraud, deception, misrepresentation, dishonest or illegal practices in or connected

with the practice of social work;

- (7) Unprofessional or unethical conduct, or engaging in practices in connection with the practice of social work that are in violation of the standards of professional conduct, as defined in this section or prescribed by the rules of the board;
- (9) Conduct reflecting unfavorably upon the profession of social work;
- (14) Permitting or allowing another to use the license for the purpose of treating or offering to treat patients
- (16) Employing or permitting any person who does not hold a license to practice social work in this state to perform work that, under this chapter, can lawfully be done only by persons holding the license and permitted by law to practice social work in this state.

8. The facts stipulated in paragraphs two (2) through five (5) above constitute a violation of

TENN. COMP. R. & REGS - 1365-01-.10. Standards of Conduct:

- (1) Code of Ethics – All licensees shall comply with the code of ethics adopted by the National Association of Social Workers (NASW), approved by the 1996 NASW Delegate Assembly and revised by the 2017 NASW Delegate Assembly, except to the extent it conflicts with the laws of the State of Tennessee or the rules of the Board. [...]
- (3) Unethical conduct shall include, but not be limited to, the following:
 - (d) Disclosing confidential information;
 - (g) Failing to obtain the informed consent of clients before taping, recording, or permitting third parties to observe their activities;

9. The facts stipulated in paragraphs two (2) through five (5) above constitute a violation of

National Association of Social Workers Code of Ethics:

1.07 Privacy and Confidentiality

- (c) Social workers should protect the confidentiality of all information obtained in the course of professional service, except for compelling professional reasons. The general expectation that social workers will keep information confidential does not apply when disclosure is necessary to prevent serious, foreseeable, and imminent harm to a client or others. In all instances, social workers should disclose the least amount of confidential information necessary to achieve the desired purpose; only

information that is directly relevant to the purpose for which the disclosure is made should be revealed.

4.04 Dishonesty, Fraud, and Deception

Social workers should not participate in, condone, or be associated with dishonesty, fraud, or deception.

5.01 Integrity of the Profession

- (a) Social workers should work toward the maintenance and promotion of high standards of practice.

IV. Stipulated Disposition

10. During the course of the investigation into this matter, Respondent **VOLUNTARILY RETIRED** her LMSW license to practice in the state of Tennessee effective August 11, 2023. Respondent agrees that she will not apply to reinstate her license in the future.

11. Should Respondent apply for licensure in this state or any other state or jurisdiction, Respondent agrees that she will provide a copy of this Consent Order to the licensure board of that state or jurisdiction contemporaneously with her application. Respondent also agrees that such application will trigger the Tennessee Department of Health to release any and all investigative files it possesses regarding Respondent to the board in the state or jurisdiction to which Respondent has applied. Respondent agrees that any future claim of privacy or confidentiality regarding such a release is hereby waived.

12. Respondent is assessed one (1) Type A Civil Penalty in the amount of **one thousand dollars (\$1,000.00)** in accordance with Tenn. Comp. R. & Regs. 1365-.01-.11 and shall be paid in full within **twelve (12) months** from the effective date of this Order.

13. Respondent must pay the actual and reasonable costs of investigation and enforcement in this matter. These costs will be established by an Assessment of costs prepared by counsel for the Department. The Assessment of Costs shall not exceed **one thousand dollars (\$1,000.00)** and

these rights in order to avoid further administrative action.

17. Respondent agrees that presentation of this Order to the Board and the Board's consideration of it and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members become prejudiced requiring their disqualification from hearing this matter should this Order not be ratified. All matters, admissions, and statements disclosed during the attempted ratification process shall not be used against the Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

18. Respondent also agrees that the Board may issue this Order without further process. If the Board rejects this Order for any reason, it will be of no force or effect for either party.

19. Respondent agrees that facsimile/PDF copies of this Order, including facsimile/PDF signatures thereto, shall have the same force and effect as originals.

VI. Notice

20. The discipline in this Order is formal disciplinary action and will be reported to the National Practitioner's Data Bank (NPDB). This order of voluntary retirement is a public document and upon ratification will be available through the Tennessee Department of Health's licensure verification website.


21. Civil Penalties and Costs shall be paid by submitting a **certified check, cashier's check, or money order** payable to the State of Tennessee. It is recommended, although not required, that any item mailed should be sent via certified mail. Any materials directed to the disciplinary coordinator, including proof of payment of civil penalties and costs, shall be sent by email to disciplinary.coordinator@tn.gov or mailed to:

**Office of General Counsel
Attn: Disciplinary Coordinator
Tennessee Department of Health
665 Mainstream Drive, Second Floor
Nashville, Tennessee 37243**

Any payments must include the Respondent's name and the case number **2023006951** on the instrument of payment.


22. A **violation** of this Order shall constitute a separate violation and is grounds for further disciplinary action by the Board, including revocation of Respondent's license.

APPROVED FOR ENTRY:



Peggy Randolph, L.M.S.W.
License No. 3191
Respondent

1/28/24
DATE



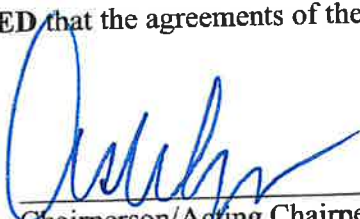
Nicole E. Fisher (BPR # 035128)
Associate General Counsel
Tennessee Department of Health
Office of General Counsel
220 Athens Way, Suite 210
Nashville, Tennessee 37243
(615) 741-1611

02/02/2024
DATE

Approval by the Board

Upon the agreement of the parties and the record as a whole, this **CONSENT ORDER** was approved as a **FINAL ORDER** by a majority of a quorum of the Tennessee Board of Social Worker Licensure at a public meeting of the Board and signed this 7 day of May, 2024.

ACCORDINGLY, IT IS ORDERED that the agreements of the parties will, and hereby do, become the Final Order of the Board.




Chairperson/Acting Chairperson
Tennessee Board of Social Worker Licensure

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served upon the Respondent, Peggy Randolph, 811 Desoto Drive, Ellenton, Florida 34222, by certified mail, number 9589 0710 5270 0676 1487 68, and by placing same in the United States mail, first class, with sufficient postage thereon to reach its destination.

This 9th day of May, 2024.



Nicole E. Fisher
Associate General Counsel