

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
Heber M. Wells Building  
160 East 300 South  
P O Box 146741  
Salt Lake City UT 84114-6741  
Telephone. (801) 530-6628

---

**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

---

IN THE MATTER OF THE LICENSE OF	:	
<b>BARBARA W. SNOW</b>	:	<b>NOTICE OF AGENCY ACTION</b>
TO PRACTICE AS A	:	
LICENSED CLINICAL SOCIAL WORKER	:	
IN THE STATE OF UTAH	:	Case No. DOPL-2007-7

---

THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING TO  
Barbara W. Snow ("Respondent"), Salt Lake  
City UT 84121.

The Division of Occupational and Professional Licensing ("the Division") hereby files this Notice of Agency Action. Said action is based upon the Verified Petition of Dee Thorell, Investigator, State of Utah, a copy of which is attached hereto and incorporated herein by reference.

The adjudicative proceeding designated herein is to be conducted on a formal basis. **Within thirty (30) days of the mailing date of this Notice, you are required to file a written response with this Division.** The response you file may be helpful in clarifying, refining or narrowing the facts and violations alleged in the Verified Petition.

You may represent yourself or be represented by legal counsel, at your own expense, at all times while this action is pending. Your legal counsel shall file with the Division an Entry of Appearance and until that Entry of Appearance is filed, the presiding officer will deal directly with you.

You are entitled by law to an evidentiary hearing to determine whether your license to practice as a licensed clinical social worker in the State of Utah should be subject to a disciplinary action. Unless otherwise specified by the Director of the Division, the Social Worker Licensing Board will serve as fact finder in the evidentiary hearing. You will be notified by

separate notice of the date, time, and place of that evidentiary hearing and of any other hearings.

During the evidentiary hearing, you will have the opportunity to present evidence, argue, respond, conduct cross-examination and submit rebuttal evidence to the fact finder. After the hearing, unless otherwise specified by the Director of the Division, the fact finder will issue findings of fact, conclusions of law and a recommended order to the Director of the Division of Occupational and Professional Licensing for his review and action.

The presiding officer for purposes of conducting hearings will be J. Steven Eklund, Administrative Law Judge, Department of Commerce, who will preside over any evidentiary issues and matters of law or procedure. If you or your attorney have any questions as to the procedures relative to the hearing, Judge Eklund can be contacted at P O Box 146701, Salt Lake City, UT 84114-6701. His telephone number is (801) 530-6648.

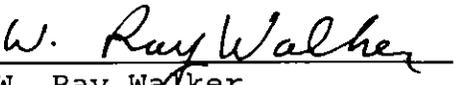
Counsel for the Division in this case is Dan Lau, Assistant Attorney General at (801) 366-0310 or P O Box 140872, Salt Lake City, UT 84114-0872. Within ten (10) days after the filing of your response, Mr. Lau will request the scheduling of a prehearing conference.

You, or if you have an attorney, your attorney, may attempt to negotiate a settlement of the case without proceeding to a hearing by contacting Mr. Lau.

Should you fail to timely file a response, as set forth above, or fail to attend or participate in any scheduled hearing in this case, including prehearing conference(s), you may be held in default without further notice to you. If you are held in default, the maximum administrative sanction consistent with the terms of the Verified Petition may be imposed against you. The maximum administrative sanction in this case is revocation of licensure.

Please conduct yourself accordingly.

Dated this 12<sup>th</sup> day of January, 2007

  
W. Ray Walker  
Regulatory & Compliance  
Officer

1  
DAN LAU (USB No 8233)  
ASSISTANT ATTORNEY GENERAL  
MARK L SHURTLEFF (USB No 4666)  
ATTORNEY GENERAL  
DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
Heber M Wells Building  
160 East 300 South  
Box 146741  
Salt Lake City, Utah 84114-6741  
Telephone (801) 366-0310

---

**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

---

IN THE MATTER OF THE LICENSE  
OF **BARBARA W. SNOW**, LCSW,  
TO PRACTICE AS A  
LICENSED CLINICAL SOCIAL  
WORKER IN THE STATE OF UTAH

**PETITION**

Case No DOPL- 2007-7

---

**PRELIMINARY STATEMENT**

These claims were investigated by the **Division of Occupational and Professional Licensing** (the "Division") of the Department of Commerce of the State of Utah, upon complaint that **Barbara W. Snow**, LCSW, (the "Respondent") has engaged in acts and practices which constitute violations of the Division of Occupational and Professional Licensing Act, Utah Code Ann § § 58-1-101 through 58-1-504 (2006), the Mental Health Professional Practice Act, Utah Code Ann § § 58-60-101 through 58-60-114 (2001), and the Social Worker Licensing Act, Utah Code Ann § § 58-60-201 through 58-60-207 (2003)

**PARTIES**

1 The Division is a division of the Department of Commerce of the State of

Utah and is established pursuant to Utah Code An § 13-1-2 (2)(a) (2005)

2 The Respondent is licensed by the Division as a Licensed Clinical Social Worker pursuant to the Social Worker Licensing Act The Respondent was so licensed at all times relevant to the allegations herein

### **STATEMENT OF FACTS**

3 From about July 2004 until about April 2005, the Respondent provided mental health therapy to her sister-in-law, S J (full name withheld for purposes of confidentiality), despite having a close personal relationship with S J The Respondent billed a third-party insurance company for services provided to S J

4 The Respondent provided mental health therapy to her niece, J B (full name withheld for purposes of confidentiality) from about February 1997 to about September 1997 Respondent billed at least twelve of J B 's clinical sessions to a third-party insurance company The Respondent admitted to Division investigators that she provided therapy to J B for approximately 10 years

5 The Respondent told Division investigators that in February 2006 she went to S J 's home in Provo, Utah and, without S J 's consent, destroyed computer equipment and other personal property with a baseball bat that the Respondent had taken to S J 's home The Respondent's actions were motivated by "information" that the Respondent believed she had learned in professional sessions with Respondent's niece, J B

6 The Respondent provided copies of clinical progress notes of S J 's therapy sessions to the Division Most of the notes summarized 2004 clinical sessions The notes ran consecutively through 2004 and 2005, however, some notes summarized

clinical sessions in 2006 on dates that had not yet occurred, indicating that the notes had been produced specifically for the Division's investigation

7 The Respondent denied to Division investigators that she billed third-party insurance companies for her treatment of her sister-in-law, S J , or her niece, J B , and she stated that the sessions with S J were "informal "

8 The Respondent stated to Division Investigators that she provided mental health therapy to her niece, B J , for approximately three sessions a week for a ten-year period

9 The Respondent maintained a clinical record for her nephew in a filing cabinet containing the Respondent's records of terminated clients

10 The Respondent disclosed confidential patient information that she had learned in clinical sessions with J B to several family members, including J B 's mother and grandmother

11 During clinical sessions with J B , the Respondent lead J B to believe suggestions the Respondent made to J B of memories of sexual abuse by J B 's father upon J B

12 During clinical sessions with S J , the Respondent imposed fictitious memories of satanic abuse and military testing by repeatedly providing details and specifics in order to get S J to begin to visualize this fictitious abuse and testing Information was not volunteered or presented by S J Rather, the Respondent related fictitious information and provided S J with suggestive facts that led S J to believe these events were true

13 The Respondent told Division investigators that she believes, based on

reports from former and current clients, that two pediatricians have administered drugs to children from three Salt Lake City elementary schools for the purpose of sexual abuse and exploitation. The Respondent also informed Division investigators that there is a network of child pornography on the East side of Salt Lake City. The Respondent told Division investigators that these reports of alleged sexual abuse have "haunted her life." She has collected the obituaries of adolescents from the East side of Salt Lake City who have had untimely and unexplained deaths or suicides.

### **APPLICABLE LAW**

14 Utah Code Ann. § 58-1-401(2)(a) (1996) provides in part

(2) The division may refuse to issue a license to an applicant and may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public or private reprimand to, or otherwise act upon the license of any licensee in any of the following cases

(a) the applicant or licensee has engaged in unprofessional conduct, as defined by statute or rule under this title,

15 Utah Code Ann. § 58-1-501(2)(a), (b), (g) and (k) (2004) defines

"unprofessional conduct" in relevant part

(a) violating, or aiding or abetting any other person to violate, any statute, rule, or order regulating an occupation or profession under this title,

(b) violating, or aiding or abetting any other person to violate, any generally accepted professional or ethical standard applicable to an occupation or profession regulated under this title,

\* \* \*

(g) practicing or attempting to practice an occupation or profession regulated under this title through gross incompetence, gross negligence, or a pattern of incompetency or negligence,

\* \* \*

(k) verbally, physically, mentally, or sexually abusing or exploiting any

person through conduct connected with the licensee's practice under this title or otherwise facilitated by the licensee's license

16 Utah Admin Code R 156-60a-502(9), (10), and (24) (2004) defines unprofessional conduct in relevant part

\* \* \*

(9) failing to establish and maintain professional boundaries with a client or a former client,

(10) engaging in dual or multiple relationships with a client or former client in which there is a risk of or potential harm to the client,

\* \* \*

(24) failing to abide by the provisions of the Code of Ethics of the National Association of Social Workers (NASW) as approved by the NASW 1996 Delegate Assembly and revised by the 1999 NASW Delegate Assembly , which is adopted and incorporated by reference

### **NASW CODE OF ETHICS**

17 The National Association of Social Workers (NASW) Code of Ethics, as adopted by the 1996 NASW Delegate Assembly contains the following ethical provisions, which are relevant to the allegations raised in this petition The provisions are referenced in accordance with their citations in the NASW Code of Ethics and include general and specific ethical principles relating to the practice of social work

#### **1 The Social Worker's Ethical Responsibility to Clients**

\* \* \*

##### **1 03 Informed Consent**

(a) Social workers should provide services to clients only in the context of a professional relationship based, when appropriate, on valid informed consent Social workers should use clear and understandable language to inform clients of the purpose of the services, risks related to the services, limits to services because of the requirements of a third-party payer, relevant costs, reasonable alternatives,

clients' right to refuse or withdraw consent, and the time frame covered by the consent. Social workers should provide clients with an opportunity to ask questions.

#### 1.04 Competence

(a) Social workers should provide services and represent themselves as competent only within the boundaries of their education, training, license, certification, consultation received, supervised experience, or other relevant professional experience.

\* \* \*

#### 1.06 Conflicts of Interest

(a) Social workers should be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment. Social workers should inform clients when a real or potential conflict of interest arises and take reasonable steps to resolve the issue in a manner that makes the clients' interests primary and protects clients' interests to the greatest extent possible. In some cases, protecting clients' interests may require termination of the professional relationship with proper referral of the client.

(b) Social workers should not take unfair advantage of any professional relationship or exploit others to further their personal, religious, political, or business interests.

(c) Social workers should not engage in dual or multiple relationships with clients, or former clients in which there is a risk of exploitation of 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 the clients in more than one relationship, whether professional, social, or business. Dual or multiple relationships can occur simultaneously or consecutively.)

#### 1.07 Privacy and Confidentiality

1

\* \* \*

[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 other identifiable person. 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.

\* \* \*

(i) Social workers should not discuss confidential information in any setting unless privacy can be ensured. Social workers should not discuss confidential information in public or semipublic areas such as hallways, waiting rooms, elevators, and restaurants.

\* \* \*

(q) Social workers should not disclose identifying information when discussing clients with consultants unless the client has consented to disclosure of confidential information or there is a compelling need for such disclosure.

## 2 Social Workers' Ethical Responsibilities to Colleagues

\* \* \*

### 2.05 Consultation

(a) Social workers should seek advice and counsel of colleagues whenever such consultation is in the best interests of the clients.

(b) Social workers should keep themselves informed about colleagues' areas of expertise and competencies. Social workers should seek consultation only from colleagues who have demonstrated knowledge, expertise, and competence related to the subject of the consultation.

### 3 Social Workers' Ethical Responsibilities in Practice Settings

\* \* \*

#### 3 04 Client Records

(a) Social workers should take reasonable steps to ensure that documentation in records is accurate and reflects the services provided

(b) Social workers should include sufficient and timely documentation in records to facilitate the delivery of services and to ensure continuity of services provided to clients in the future

### 4 Social Workers' Ethical Responsibilities as Professionals

#### 4 01 Competence

\* \* \*

(b) Social workers should strive to become and remain proficient in professional practice and the performance of professional functions. Social workers should critically examine and keep current with emerging knowledge relevant to social work. Social workers should routinely review the professional literature and participate in continuing education relevant to social work practice and social work ethics.

[c] Social workers should base practice on recognized knowledge, including empirically based knowledge, relevant to social work and social work ethics.

#### 4 03 Private Conduct

Social workers should not permit their private conduct to interfere with their ability to fulfill their professional responsibilities.

### COUNT I

18 Paragraphs 1 through 16 are incorporated herein and by this reference made a part hereof

19 Because Respondent has (a) exploited the trust and dependency of clients, (b) failed to apply empirically based knowledge and methods in her practice of social work, [c] engaged in dual or multiple relationships with clients when said relationships could impair professional judgment and/or increase the risk of exploitation, (d) failed to remain proficient in the delivery of social work services, (e) used unconventional techniques without performing adequate study and seeking appropriate supervision regarding the consequences of using these unconventional methods on clients, and (f) provided extensive descriptive suggestions to clients to assess fictional repressed memories of sexual abuse, as described in paragraphs 3 through 13, she has engaged in a pattern of negligence and/or gross negligence and “unprofessional conduct” as defined under Utah Code Ann § 58-1-501(2)(g) (2004) Therefore, Respondent's conduct constitutes grounds for imposing sanctions against the Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a)(1996)

### COUNT II

20 Paragraphs 1 through 16 are incorporated herein and by this reference made a part hereof

21 Because the Respondent has engaged in dual relationships with clients and subjected clients to treatment under circumstances that were not conducive to appropriate mental health therapy, as described in paragraphs 3 through 13, she has

1 exploited her patients through conduct connected with the Respondent's practice or otherwise facilitated by the Respondent's license. Based upon the foregoing, the Respondent has engaged in unprofessional conduct pursuant to Utah Code Ann. § 58-1-501(2)(k) (2004). Therefore, the Respondent's conduct constitutes grounds for imposing sanctions against her professional license pursuant to Utah Code Ann. § 401-2(a) (1996).

### **COUNT III**

22 Paragraphs 1 through 16 are incorporated herein and by this reference made a part hereof.

23 Because the Respondent has engaged in personal relationships outside the boundaries of a therapy relationship with her clients and former clients, as described in paragraphs 3 through 13, she has engaged in unprofessional conduct as defined by Utah Code Ann. § 58-1-501(2)(a) (2004) and Utah Admin. Code R156-60a-502(9) (2004). Therefore, Respondent's conduct constitutes grounds for imposing sanctions against her professional license pursuant to Utah Code Ann. § 58-1-401(2)(a) (1996).

### **COUNT IV**

24 Paragraphs 1 through 16 are incorporated herein and by this reference made a part hereof.

25 Because Respondent has engaged in relationships outside the boundaries of the therapy relationship with clients and former clients, as described in paragraphs 3 through 12, she has engaged in dual or multiple relationships with a client

in which there is a risk of exploitation or potential harm to the client. Consequently, she has engaged in unprofessional conduct as defined by Utah Admin. Code R156-60a-502(10) (2004) and Utah Code Ann. § 58-1-501(2)(a) (2004). Therefore, the Respondent's conduct constitutes grounds for imposing sanctions against her professional license pursuant to Utah Code Ann. § 58-1-401(2)(a) (1996).

#### **COUNT V**

26 Paragraphs 1 through 16 are incorporated herein and by this reference made a part hereof.

27 Because the Respondent has engaged her clients and former clients in relationships outside the boundaries of a therapy relationship, as described in paragraphs 3 through 12, she has exploited a client for personal gain and engaged in unprofessional conduct as defined by Utah Admin. Code R156-60a-502(18) (2004) and Utah Code Ann. § 58-1-501(2)(a) (2004). Therefore, the Respondent's conduct constitutes grounds for imposing sanctions against her professional license pursuant to Utah Code Ann. § 58-1-401(2)(a) (1996).

#### **COUNT VI**

28 Paragraphs 1 through 16 are incorporated herein and by this reference made a part hereof.

29 Respondent has (a) exploited the trust and dependency of clients and former clients, (b) failed to apply empirically based knowledge and methods in her practice of social work, [c] engaged in dual or multiple relationships with clients when said relationships could impair professional judgment and/or increase the risk of

1 exploitation, (d) failed to remain proficient in the delivery of social work services, (e) used unconventional techniques without performing adequate study and without seeking appropriate supervision regarding the consequences of using these unconventional methods on clients, (f) provided extensive descriptive suggestions to clients to assess fictional repressed memories of sexual abuse, as described in paragraphs 3 through 13, (g) provided information about a client obtained during therapy to others, and (h) failed to keep accurate, timely records for the therapy described in paragraphs 3 through 12. Therefore, the Respondent has violated the National Association of Social Workers (NASW) Code of Ethics and engaged in unprofessional conduct as defined by Utah Code Ann. § 58-1-501(2)(a) and (b) (2004), and Utah Admin. Code R156-60a-502(20) and (24) (2004), which constitutes grounds for imposing sanctions against the Respondent's professional license pursuant to Utah Code Ann. § 58-1-401(2)(a) (1996).

**WHEREFORE**, the Division requests the following relief:

1 That the Respondent be adjudged and decreed to have engaged in the acts alleged herein,

2 That by engaging in the above acts, the Respondent be adjudged and decreed to have violated the enumerated provisions of the Division of Occupational and Professional Licensing Act, the Mental Health Professional Practice Act, the Social Worker Licensing Act, and the NASW Code of Ethics,

3 That an Order be issued imposing appropriate sanctions against the Respondent's license to practice as a Licensed Clinical Social Worker in the State of

Utah, and

4 That an Order be issued imposing revocation of the Respondent's license to practice as a Licensed Clinical Social Worker in the State of Utah

DATED this 11<sup>th</sup> day of January, 2007

MARK SHURTLEFF  
UTAH ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read "Daniel Lau", written over a horizontal line.

Daniel Lau  
Assistant Attorney General