BEFORE THE MISSOURI
STATE COMMITTEE OF PSYCHOLOGISTS

STATE COMMITTEE OF, PSYCHOLOGISTS	)	
Petitioner,	)	
v.	)	CASE # 15-1019 PS
JENNY HALL AKA , JENNY UNTERSTEIN	)	
Respondent.	)	

ORDER OF THE MISSOURI
STATE COMMITTEE OF PSYCHOLOGISTS
DISCIPLINING THE BEHAVIOR ANALYST LICENSE OF
JENNY HALL AKA JENNY UNTERSTEIN

On or about December 10, 2015, the Administrative Hearing Commission entered its Default Decision in the case of *State Committee of Psychologists v. Jenny Hall, Case No. 15-1019 PS.* In that Default Decision, the Administrative Hearing Commission found that: The State Committee of Psychologists filed a properly pled complaint with the Administrative Hearing Commission on June 18, 2015, Jenny Hall received the properly pled complaint and notice of hearing by personal service on August 17, 2015 and Hall did not file an answer or otherwise respond to the complaint. Accordingly, the Administrative Hearing Commission's Default Decision found cause to discipline Respondent Jenny Hall aka Jenny Unterstein's (Hall) behavior analyst license (license # 2012029546) is subject to disciplinary action by the Board pursuant to § 337.330.2(2), RSMo[1].

The Committee has received and reviewed the record of the proceedings before the Administrative Hearing Commission, the properly pled complaint and the Default Decision of the Administrative Hearing Commission. The Committee has also received and reviewed the record of the disciplinary hearing proceeding before the Missouri Behavior Analyst Advisory Board. The

[1] All statutory references are to Missouri Revised Statutes 2000, as amended, unless otherwise indicated.

record of the Administrative Hearing Commission and the Behavior Analyst Advisory Board are incorporated herein by reference in its entirety.

Pursuant to notice and §§ 621.110 and 337.330.3, RSMo, the Behavior Analyst Advisory Board held a hearing on March 15, 2016, at approximately 11:00 a.m., at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Hall's license. The Committee was represented by Assistant Attorney General Steve Doerhoff. Respondent received proper notice and opportunity to appear but was not present in person or by counsel. After being present and considering all of the evidence presented during the hearing before the Behavior Analyst Advisory Board, the Committee issues the following Findings of Facts, Conclusions of Law and Order.

I.

Based upon the foregoing the Board hereby states:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The State Committee of Psychologists ("Committee") is an agency of the State of Missouri created and established pursuant to § 332.021, for the purpose of executing and enforcing the provisions of Sections 337.010 through 337.345, RSMo. The Behavior Analyst Advisory Board ("Board") is an agency of the State of Missouri created and established pursuant to § 337.305, RSMo, (Cum. Supp. 2012) for the purpose of upholding and carrying out the provisions of §§ 337.300 et seq., as amended, relating to behavior analysts.

2. The Committee hereby adopts and incorporates by reference the Default Decision of the Administrative Hearing Commission and the properly pled complaint in *State Committee of Psychologists v. Jenny Hall,* Case No. 15-1019 PS, in its entirety.

3. The Behavior Analyst Advisory Board set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion. The

Committee hereby adopts and incorporates by reference the disciplinary hearing proceeding before the Board in *State Committee of Psychologists v. Jenny Hall,* Case No. 15-1019 PS, in its entirety.

II.

CONCLUSIONS OF LAW

4. This Committee has jurisdiction over this proceeding pursuant to §§ 621.110 and 337.330.3, RSMo.

5. The Committee expressly adopts and incorporates by reference the Conclusions of Law contained in the Default Decision and properly pled complaint of the Administrative Hearing Commission, in *State Committee of Psychologists v. Jenny Hall,* Case No. 15-1019 PS, in its entirety, and hereby enters its Conclusions of Law consistent therewith.

6. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Default Decision on December 10, 2015 and the properly pled complaint, Respondent's behavior analyst license is subject to disciplinary action by the Committee pursuant to § 337.330.2(2), RSMo.

7. The Committee has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

Having fully considered all the evidence before the Board, and giving full weight to the Decision of the Administrative Hearing Commission, it is the **ORDER** of the Committee that the behavior analyst license of Jenny Hall (license no. 2012029546) is hereby **REVOKED.** Hall shall return all indicia of licensure to the Board immediately.

The Committee and Board will maintain this Order as an open, public record of the Committee as provided in Chapters 337, 610, and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 29th DAY OF April, 2016.

STATE COMMITTEE OF PSYCHOLOGISTS

Pamela Groose

Pamela Groose, Executive Director

Before the
Administrative Hearing Commission
State of Missouri

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STATE COMMITTEE OF PSYCHOLOGISTS,	)	
Petitioner,	)	
vs.	)	No. 5-1019 PS
JENNY HALL,	)	
Respondent.	)	

DEFAULT DECISION

On June 18, 2015, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by personal service on August 17, 2015.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo (Supp. 2013), we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on December 10, 2015.

KAREN A. WINN
Commissioner

Consumer Division
Phone: (314) 340-6816
Fax: (314) 340-7957

Governmental Affairs
Phone: (314) 340-7544
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Labor Division
Phone: (314) 340-7827
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Litigation Division
Phone: (314) 340-7861
Fax: (314) 340-7029

Financial Services
Phone: (314) 340-4746
Fax: (314) 340-7121

No Call Division
Phone: (314) 340-7977
Fax: (314) 340-7981

ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

Reply to:
P.O. Box 861
St. Louis, MO 63188

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FILED

OCT 06 2015

ADMINISTRATIVE HEARING COMMISSION

October 6, 2015

VIA FACSIMILE (573) 751-5018
AND REGULAR U.S. MAIL
Ms. Carol Burgess
Administrative Hearing Commission
Post Office Box 1557
Jefferson City, MO 65102-1557

RE: *Missouri Behavior Analyst Advisory Board and State Committee of Psychologists v. Jenny Hall aka Jenny Unterstein*
No. 15-1019 PS

Dear Ms. Burgess:

Enclosed is the original and one copy of the Return of Service on Ms. Hall. Please file the same and return a file-stamped copy to me in the enclosed envelope. Please feel free to call me at (314) 340-7544 with any questions. Thank you.

Sincerely,

CHRIS KOSTER
Attorney General

Yvette Hipskind

Yvette G. Hipskind
Assistant Attorney General

Enclosures
cc: Ms. Pam Groose, Executive Director, State Comm. of Psychologists

file copy

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State Committee of Psychologists

vs.

Jenny Hall

No. 15-1019 PS

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ADMINISTRATIVE HEARING COMMISSION

Pursuant to section 621.100.1, RSMo, the Administrative Hearing Commission authorizes Petitioner or its attorney or any agent they designate to serve the complaint and notice of complaint/notice of hearing in this case upon the licensee in person, or by leaving a copy of the complaint at the licensee's dwelling house or usual place of abode or last address given to the agency by the licensee with some person residing or present therein over the age of fifteen. This Commission does not bear the expense of providing services under this authorization.

7/24/2015
July 24, 2015

COMMISSIONER

I served the complaint, notice of complaint/notice of hearing, on

(date) 8-17-15.

Upon (the licensee or other person as authorized above) Served Jenny Hall

at the Wilson Co Sheriffs office lobby

by Cpl E. Bates (Print Name) Cpl E Bates (Signature)

Cpl. E. Bates Cpl E Bates

Subscribed and sworn to before me on Sept. 29, 2015. My commission expires 11/27/17.

(SEAL) RHONDA BONNER STATE OF TENNESSEE NOTARY PUBLIC WILSON COUNTY

Rhonda Bonner
NOTARY PUBLIC

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FILED
OCT 06 2015
ADMINISTRATIVE HEARING COMMISSION

STATE OF MISSOURI
OFFICE OF ATTORNEY GENERAL

Please Deliver to	Sent By Date: 10/6/2015, 01:55 PM
Receiver: Carol Burgess	Sender: Yvette Hipskind
Office: AHC	Office: AGO-STL
Fax number: (573) 751-5018	Fax number: 314-340-7891
Voice number:	Voice number: 314-340-7544

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BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED
JUN 18 2015
ADMINISTRATIVE HEARING COMMISSION

MISSOURI BEHAVIOR ANALYST ADVISORY BOARD AND STATE COMMITTEE OF PSYCHOLOGISTS 3605 Missouri Boulevard Post Office Box 1335 Jefferson City, Missouri 65102-1335 Petitioner, v. **JENNY HALL aka JENNY UNTERSTEIN** 1117 Bluebird Rd. Lebanon, Tennessee 37087 Respondent.	)	Case No.

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COMPLAINT

Petitioners, the Missouri Behavior Analyst Advisory Board and the State Committee of Psychologists, by and through the Attorney General of the State of Missouri, for their cause of action against Respondent, Jenny Hall aka Jenny Unterstein, state as follows:

1. The Missouri Behavior Analyst Advisory Board ("the Board") is an agency of the State of Missouri created and established pursuant to

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§337.305, RSMo (Cum. Supp. 2012)[1] for the purpose of upholding and carrying out the provisions of §§ 337.300 et seq., as amended, relating to behavior analysts.

2. The State Committee of Psychologists ("the Committee") is an agency of the State of Missouri created and established pursuant to §337.050, RSMo for the purpose of upholding and carrying out the provisions of §§337.010-093, RSMo, as amended.

3. Respondent, Jenny Hall (hereinafter referred to as "Hall") is licensed by the Board as a behavior analyst, license number 2012029546 (hereinafter referred to as "Hall's License").

4. Hall's License was originally issued by the Board on or about August 22, 2012.

5. Hall's License expired on October 31, 2013, and was never renewed, so the License is lapsed.

6. The Medicaid Program is a federally subsidized health insurance program under Title XIX if the Social Security Act, which pays for medical assistance for certain disabled persons and those with low income and minimal resources. Medicaid became law in 1965 as a cooperative jointly

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1 Statutory citations are to the Revised Statutes of Missouri, 2012 Cumulative Supplement, unless otherwise noted.

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funded by the federal and state governments to assist states in furnishing medical assistance to eligible needy persons.

7. Tennessee's Medicaid Program is referred to as TennCare. TennCare receives approximately 65% of its funding from the federal government. TennCare services are offered through various managed care organizations that contract with TennCare to provide benefits for TennCare enrollees.

8. Beacon Behavioral Consultants ("BBC") was a company based in Mount Juliet, Tennessee, that subcontracted with behavioral analysts to provide applied behavior analysis ("ABA") services to children and adults with mental, behavioral, or developmental disabilities.

9. Between 2007 and 2010, Hall was a behavior analyst who subcontracted with BBC.

10. For each client visit at which a behavioral analyst provided ABA services, BBC required the behavioral analyst to complete a "contact note" specifying the dates and times of the visit and summarizing the services performed. BBC required every behavioral analyst to have each contact note signed by the client or caregiver on behalf of the client.

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11. BBC relied on the contact notes when submitting claims for payment to a health insurance plan or government health program that provided health coverage to each client.

12. Between November 2009 and March 2010, Hall, acting as a subcontractor for BBC, failed to attend approximately 115 scheduled appointments with 18 BBC clients and failed to provide ABA services to those clients each of whom received benefits as a TennCare enrollee.

13. Between November 2009 and March 2010, Hall created false and fraudulent contact notes summarizing ABA services that were not provided for approximately 18 BBC clients. On each of approximately 115 contact notes, Hall forged the signature of the client, client's caregiver, or another staff member.

14. BBC relied on the false information provided by Hall and submitted claims in excess of $17,048 to TennCare's managed care organizations for ABA services that had not been provided.

15. Hall's gross proceeds traceable to these fraudulent claims exceed $13,095.

16. On July 15, 2013, in the United States District Court for the Middle District of Tennessee, Nashville Division, Cause Number 3:13-00079, Hall pleaded guilty to one count of health care fraud, in violation of §18

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U.S.C. § 1347, as a result of creating false documentation and forging signatures to obtain payment for behavior analysis services she never provided.

17. On October 1, 2013, the District Court entered a judgment sentencing Hall to serve a term of five (5) years' probation, ordering Hall to participate in mental health treatment program, ordering Hall to participate in drug testing and substance abuse treatment, barring Hall from engaging in any occupation in the health care industry in which she submits billing invoices to a government agency, and ordering Hall to pay restitution in the amount of $13,095.00

18. Effective October 18, 2013, Ms. Hall was excluded from participation in the Medicare, Medicaid, and all federal health care programs as defined in section 1128B(f) of the Social Security act.

19. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to § 621.045 and § 337.330.2, RSMo.

20. Hall's conduct as described herein constitutes cause for discipline of her license as a behavioral analyst pursuant to § 337.330, RSMo, which provides in pertinent part:

> 2. The committee may cause a complaint to be filed with the administrative hearing commission, as provided by chapter 621, against any holder of any license required by this chapter or any person who has failed to renew or has surrendered the

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person's license for any one or any combination of the following causes:

. . .

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed; . . .

WHEREFORE, Petitioners respectfully request the Administrative Hearing Commission conduct a hearing, if necessary, pursuant to Chapter 621, RSMo, and thereafter issue its findings of facts and conclusions of law that Petitioners may take disciplinary action against Jenny Hall's License as a licensed behavioral analyst pursuant to Chapter 337, RSMo and for such other and further relief that is just and proper.

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Respectfully submitted,

CHRIS KOSTER
Attorney General

Yvette Hipskind

Yvette G. Hipskind
Assistant Attorney General
Missouri Bar Number 40351

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ANALYST ADVISORY BOARD AND
THE STATE COMMITTEE OF
PSYCHOLOGISTS