MISSOURI COMMITTEE FOR PROFESSIONAL COUNSELORS

In the matter of the application of:	)	
	)	
TAMMY S. MURPHY,	)	Application/Prelicense No. 1145517
	)	
for Provisional License as a Professional Counselor.	)	

ORDER GRANTING PROBATIONARY
PROVISIONAL LICENSE AS A PROFESSIONAL COUNSELOR

On March 20, 2008, the Missouri Committee for Professional Counselors received an application in proper form from Tammy S. Murphy (sometimes referred to herein as "licensee") for registration of supervision. Upon compliance with Section 337.500(8) RSMo. Murphy is eligible for a provisional license.

For the reasons set forth in the findings of fact, the Committee could deny her a provisional license because she has been found guilty of the felony criminal offense of possession of a controlled substance. The Committee, nonetheless, has decided to provisionally license Murphy on probationary terms that are set out below.

Findings of Fact

1. Murphy is over the age of 18 years, is of good moral character, is a United States citizen, has a master's degree with a major in counseling, has entered into an acceptable supervised counseling supervision arrangement and upon examination, is possessed of the requisite knowledge of the profession for licensure.

2. On January 26, 2007, Murphy pled guilty to the felony criminal offense of possession of a controlled substance in the Circuit Court of Stoddard County, Missouri, case number 06F7-CR02965-01. Imposition of sentence was suspended and she was placed on probation for five years.

3. Murphy has taken responsibility for her conduct, and to date has complied with all of the terms and conditions of her probation, including participation in the Stoddard County Drug Court program.

Conclusions of Law

A. Murphy is over the age of 18 years, is a United States citizen, is of good moral character, has a master's degree with a major in counseling, has entered into an acceptable supervised counseling supervision arrangement and upon examination, is possessed of the requisite knowledge of the profession for provisional licensure.

B. Because of her guilty plea to a criminal offense, the Committee has jurisdiction to deny her application for licensure Sections 337.525.1 and .2(2) RSMo

C. Section 620.149 RSMo. permits the Committee, when it would otherwise have grounds to deny a license, to issue a probationary license.

Order Granting Probationary License

The Committee, having fully considered the application of Tammy S. Murphy, and in consideration of the foregoing findings of fact and conclusions of law, and having considered the explanations of Murphy and the other persons whose correspondence was submitted in support of her application, does hereby grant her a provisional license to engage in the practice of professional counseling, conditioned upon the following terms and conditions for the same period of time as her criminal probation period, currently scheduled to terminate on January 25, 2012. Murphy is reminded that a provisional license is valid while she is completing her supervised experience, which must be completed in no less than two years and no more than five years.

The grant of a probationary provisional license in this case at this time does not commit the Committee to issuing a full license to Murphy. Instead, it allows the Committee, through the supervised experience process and the terms of probation, to closely scrutinize Murphy's work and personal life under highly structured circumstances that will allow the Committee to make a full and informed decision should she apply for full licensure sometime in the future. Murphy is cautioned that the Committee will consider the attention to detail that she demonstrates in abiding these terms of probation and the restrictions of a provisional license as indicative of her professional abilities.

I. GENERAL REQUIREMENTS

A. Licensee shall meet with the Committee or its representative at such times and places as required by the Committee after notification of a required meeting.

B. Licensee shall keep the Committee apprized of her current home and work addresses and telephone numbers. Licensee shall inform the Committee within ten (10) days of any change of home or work address and home or work telephone number.

C. Licensee shall comply with all provisions of the Chapter 337, RSMo, as they pertain to the practice of professional counseling; all applicable federal and state drug laws, rules and regulations; and all federal and state criminal laws. "State" here includes the State of Missouri and all other states and territories of the United States.

D. During the probationary period, Licensee shall comply with all other Committee requirements necessary to maintain her license in an active and unexpired status.

E. During the probationary period, Licensee shall accept and comply with unannounced visits from the Committee's representatives to monitor her compliance with the terms and conditions of this Order.

F. If Licensee fails to comply with the terms of this agreement, in any respect, the Committee may, after such notice and hearing as is required by law, impose such additional or other discipline that it deems appropriate.

G. Licensee shall notify all places or facilities where Licensee practices of her probationary status. Any place where licensee's practice begins subsequent to this order shall be informed of the probationary status prior to the start of any professional practice. Notification shall be in writing and Licensee shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Committee for verification by the Committee or its designated representative.

H. Licensee shall notify all individual(s) providing licensure supervision of her probationary status. Verification of such disclosure shall be sent, in writing, to the Committee within ten (10) days of receipt of this Order. In the event licensee changes supervisors and/or settings, both the facility where Licensee practices and supervisor shall be advised of her probationary status and such notification shall be verified, in writing, to the Committee within ten (10) days of adding or changing a licensure supervisor or site.

H. For purposes of this Order, unless otherwise specified in this Order, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Committee in this Order shall be forwarded to: Committee for Professional Counselors, 3605 Missouri Boulevard, PO Box 1335, Jefferson City Missouri 65102.

I. This Order does not bind the Committee or restrict the remedies available to it concerning any other violation of Chapter 337, RSMo, by Licensee not specifically mentioned in this document.

II. REQUIREMENTS REGARDING CRIMINAL PROBATION

A. Licensee shall fully and completely abide all of the terms and conditions of Licensee's criminal probation.

B. Licensee shall cause a copy of any violation report to be delivered to the Committee within ten days of its receipt.

C. The determination by the court that a violation has occurred is not a prerequisite for the Committee's action on a probation violation allegation.

D. Licensee shall cause a letter from the probation officer (or other suitable official, including the drug court commissioner) to be submitted to the Committee prior to the conclusion of each year of the disciplinary period beginning the effective date of this Order.

1. The letter shall indicate Licensee's progress and compliance status with regard to the terms of Licensee's probation, to include the results of any random drug screens.

2. The letter shall be sent by the probation or parole officer addressed to: Missouri Committee for Professional Counselors, P.O. Box 1335, Jefferson City, Missouri 65102.

E. If Licensee successfully completes the period of probation, Licensee shall cause the probation officer to submit a letter to the Committee stating that Licensee has successfully completed the period of probation or parole.

Right to Appeal

As provided by section 620.149 RSMo., Murphy has the right to a hearing before the Administrative Hearing Commission if she files a complaint seeking review of the Committee's decision to issue a probated provisional license within thirty (30) days of the earlier of delivery or certified mailing of this Order. The complaint must comply with the

requirements of section 620.149 RSMo. and the statutes governing and the rules of procedure of the Administrative Hearing Commission, and be delivered to the Administrative Hearing Commission, Truman Building Rm. 604, P.O. Box 1557, Jefferson City, Missouri 65102-1557. If the Administrative Hearing Commission does not receive a written request for review within thirty (30) days, the right to seek review of the Committee's decision shall be considered waived.

SO ORDERED effective this 31st day of July, 2008.

MISSOURI COMMITTEE FOR PROFESSIONAL COUNSELORS

Loree Kessler
Executive Director