



Michael L. Parson
Governor
State of Missouri

Sarah Ledgerwood, Interim Division Director
DIVISION OF PROFESSIONAL REGISTRATION

Missouri Department of
Commerce & Insurance
Chlora Lindley-Myers, Director

STATE COMMITTEE FOR SOCIAL WORKERS
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Jefferson City, MO 65102-1335
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Tom Reichard
Executive Director
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Tentative Meeting Notice
December 12, 2019
8:00 a.m.

State Committee for Social Workers
Division of Professional Registration
Main Conference Room
3605 Missouri Blvd.
Jefferson City, MO 65109

Notification of special needs as addressed by the American's with Disabilities Act should be forwarded to the State Committee for Social Workers, 3605 Missouri Blvd Jefferson City, MO 65102 or by calling (573) 751-0885 to ensure available accommodations. The text telephone for the hearing impaired is (800) 735-2966.

Except to the extent disclosure is otherwise required by law, the State Committee for Social Workers is authorized to close meetings, records and votes, to the extent they relate to the following: Chapter 610.021 subsections (1), (3), (5), (7), (13), (14) and Chapter 324.001.8 and 324.01.9 RSMo.

The State Committee for Social Workers may go into closed session at any time during the meeting. If the meeting is closed, the appropriate section will be announced to the public with the motion and vote recorded in open session minutes.

TENTATIVE MEETING NOTICE
OPEN SESSION
December 12, 2019

**Missouri State Committee for Social Workers
Division of Professional Registration
3605 Missouri Blvd.
Jefferson City, MO 65109**

- I. Call to Order**
- II. Roll Call**
- III. Introduction of Guests**
- IV. Approval of Open Session Agenda**
- V. Approval of Open Session Minutes**
 - September 12, 2019
- VI. Executive Director Report**
 - Board Totals
 - Miscellaneous
- VII. Appearance**
 - MO HealthNet @ 8:30 a.m.
- VIII. Disciplinary Hearings**
 - Laurie Domsch @ 10:00 a.m.
 - Leatrice Minor @ 10:30 a.m.
- IX. Miscellaneous**
 - Special School District. St. Louis County, MO – Clinical Review
 - Miscellaneous
- X. CLOSED SESSION** – Closed session as per Section 610.021 Subsection (1) for the purpose of discussion of confidential or privileged communication between this agency and its attorney; Section 610.021 Subsection (14) and Section 324.001.8 for the purpose of discussing applicants for licensure. Closed under Sections 610.021 for the purpose of reviewing and approving the closed minutes of one or more previous meetings. Closed under Sections 610.021(14) and 324.001.8, RSMo, for the purpose of discussing investigative reports and/or complaints.
- XI. Adjournment**

Open Session Minutes

**Open Minutes
September 12, 2019**

**State Committee for Social Workers
Division of Professional Registration
3605 Missouri Blvd.
Jefferson City, MO 65109**

Members Presents

Justin Bennett (LCSW) – Chairperson
Terri Marty (LCSW) – Secretary
Frances Klahr (Public Member)
Shelly LaRose (LBSW)
Kathie Miller (LCSW)
Sharon Sorrell (LCSW)
Tish Tubbergen (LCSW) – Not Present

Staff Present

Tom Reichard – Executive Director (Absent)
Sharon Euler – Legal Counsel
Tiffany Giesing – Staff

Guests Present

Steve Franklin – LCSW
Mark Nichols – NASW MO Chapter Director

Call to Order

The Missouri State Committee for Social Worker’s open session meeting was called to order by Justin Bennett, Chairperson at 8:08 a.m. September 12, 2019 at the Division of Professional Registration, 3605 Missouri Blvd., Jefferson City, MO 65109.

Approval of Agenda

A motion was made by K. Miller and seconded by F. Klahr to approve the open session agenda. J. Bennett, T. Marty, S. LaRose, S. Sorrell and T. Tubbergen voted in favor of the motion.

Introduction of Guests

Steve Franklin – LCSW and Mark Nichols, NASW MO Chapter Director.

Approval of Minutes

June 13-14, 2019

A motion was made by K. Miller and seconded by F. Klahr to approve the open session minutes of June 13-14, 2019 after two corrections have been made. J. Bennett, S. LaRose, T. Marty, S. Sorrell and T. Tubbergen voted in favor of the motion.

August 26, 2019

A motion was made by K. Miller and seconded by F. Klahr to approve the open session minutes of August 26, 2019. J. Bennett, S. LaRose, T. Marty, S. Sorrell and T. Tubbergen voted in favor of the motion.

Executive Director Report

Board Totals – 75 Baccalaureate Social Workers
1884 Master Social Workers
5980 Clinical Social Workers
862 Under Supervision

2019 Renewal Cycle Update – Notification was emailed out to those who had active email addresses on record and others were mailed out via postcard July 1, 2019.

Mr. Reichard attended UMKC and Washington University's and gave a presentation on social workers rules and statutes. Attendance was great at both settings and presentations went well.

ASWB Annual Meeting of the Delegate – S. LaRose volunteered to attend.

Discussion of the MMAC Review Results

MMAC Review Results discussed.

VA Health Care Providers – Telehealth

VA Telehealth reviewed.

Guests Discussions

Steve Franklin – Nothing to report at this time.

Mark Nichols – Discussions regarding NASW MO Chapter and NASW March Symposium.

Motion to Close

A motion was made by F. Klahr and seconded by K. Miller to move to closed session agenda. J. Bennett, S. LaRose, T. Marty, S. Sorrell and T. Tubbergen all voted in favor of the motion.

Motion to Adjourn

A motion was made by T. Marty and seconded by K. Miller to adjourn the September 12, 2019 Missouri State Committee for Social Workers Board Meeting. J. Bennett, F. Klahr, S. LaRose, S. Sorrell and T. Tubbergen voted in favor of the motion.

Executive Director Report

Appearances



Documentation of Behavioral Health Services

ERIC MARTIN, PH.D.

DIRECTOR OF BEHAVIORAL HEALTH SERVICES

MO HEALTHNET DIVISION

DEPARTMENT OF SOCIAL SERVICES

Documentation Supports Quality Services



State Rule Change

Effective 5/30/19

- ▶ Amendment to 13 CSR 70-98.015 was effective 5/30/2019
- ▶ Removed documentation requirements that are specific to behavioral health services
- ▶ Removal of maximum monthly billable hours limit of 150 per month
- ▶ Behavioral health providers (as do other providers) remain subject to 13 CSR 70-3.030 – Adequate documentation and adequate records definitions

Provider Responsibilities in 13 CSR 70-98.015

- ▶ Services must be medically necessary
- ▶ Services must be within provider's scope of practice
- ▶ Provider must verify eligibility on date of service and whether fee-for-service or managed care
- ▶ On request, furnish information/documentation to MO HealthNet, Missouri Medicaid Audit and Compliance Unit or Medicaid Fraud Control Unit

Medically Necessary – Section 22.2 of Manual

- ▶ Medically Necessary - Service(s) furnished or proposed to be furnished that is (are) reasonable and medically necessary for the prevention, diagnosis, or treatment of a physical or mental illness or injury; to achieve age appropriate growth and development; to minimize the progression of a disability; or to attain, maintain, or regain functional capacity; in accordance with accepted standards of practice in the medical community of the area in which the physical or mental health services are rendered; and service(s) could *not* have been omitted without adversely affecting the participant's condition or the quality of medical care rendered; and service(s) is (are) furnished in the most appropriate setting. Services *must* be sufficient in amount, duration, and scope to reasonably achieve their purpose and may only be limited by medical necessity.

Federal Law – Social Security Act

- ▶ 1902(a)27)
- ▶ A State plan for medical assistance must–
- ▶ Provide for agreements with every person or institution providing services under the State plan under which such person or institution agrees (A) to **keep such records as are necessary fully to disclose the extent of the services provided** to individuals receiving assistance under the State plan, and (B) to furnish the State agency or the Secretary with such information, regarding any payments claimed by such person or institution for providing services under the State plan, as the State agency or the Secretary may from time to time request;
- ▶ https://www.ssa.gov/OP_Home/ssact/title19/1902.htm

Adequate Documentation

- ▶ Services rendered & reimbursement received can be readily discerned & verified with reasonable certainty
- ▶ Adequate medical records – symptoms, conditions, diagnosis, treatments, prognosis, & identity of patient can be readily discerned and verified with reasonable certainty
- ▶ All documentation must be made available at the same site at which the service was rendered
- ▶ Adequate and complete record – legible, contemporaneous with delivery of service (within 5 working days), addresses patient/client specifics, include individualized statements that support the assessment or treatment encounter

Adequate Documentation (cont.)

- ▶ Shall include:
 - ▶ First name, last name, middle initial or DOB of participant
 - ▶ Accurate, complete, and legible description of each service provided
 - ▶ Name, title, signature of MHD enrolled provider delivering service
 - ▶ Name of referring entity when applicable
 - ▶ Date of service
- ▶ (continued next page)

Adequate Documentation (cont.)

- ▶ Actual begin and end time for service delivery
- ▶ Setting in which service was rendered
- ▶ Plan of treatment, evaluation(s), test(s), findings, results, and prescription(s) as necessary
- ▶ Need for service in relation to treatment plan
- ▶ Progress toward treatment plan goals (progress notes)

Diagnostic Evaluation / Assessment Guidelines

- ▶ Current is within 6 months if < age 13, within 1 year if age 13 or over
- ▶ Must include face-to-face contact
- ▶ Ensures appropriate level of care
- ▶ Identifies necessary services
- ▶ Aids in developing a treatment plan

Diagnostic Evaluation / Assessment Guidelines

- ▶ Assessment is a required document in the participant's record
- ▶ Provider manual revision is in progress, not yet updated as of 6/27/19
- ▶ May continue to use requirements in manual and/or templates on our website as a guide
- ▶ Templates will be updated

Diagnostic Evaluation / Assessment Guidelines

- ▶ Statement of needs, goals, and expectations
- ▶ Presenting problem and referral source
- ▶ History of previous psychiatric or substance use disorder treatment
- ▶ Current medications; allergies and reactions
- ▶ Recent alcohol or drug use
- ▶ Current psychiatric symptoms
- ▶ Family, social, legal, voc/ed status and function
- ▶ Current use of resources from other agencies
- ▶ Personal and social resources and strengths
- ▶ Diagnostic impression

Diagnostic Evaluation / Assessment Guidelines

(cont)

- ▶ Whether one or multiple sessions, documentation should reflect dates, start & stop times, & support billing
- ▶ Further services needed?
- ▶ Remember 5 working days documentation rule
- ▶ Update is required in event of crisis or significant clinical event

Treatment Plan Guidelines



- ▶ Must be specific to the client and identify all potentially needed therapy services
- ▶ Reflect the client's unique needs and goals
- ▶ Developed based on a diagnostic evaluation of the client's medical, psychological, social, behavioral, and developmental situation

Treatment Plan Guidelines (cont.)

- ▶ Measurable goals and outcomes
- ▶ How goals/outcome will be accomplished
- ▶ Involvement of family when indicated
- ▶ Coordination with other agencies

Treatment Plan Guidelines (cont.)

- ▶ Referrals to other organizations for services
- ▶ Medications
- ▶ Time frame for completion of goals/outcomes
- ▶ Estimated completion/discharge date

Treatment Plan Guidelines



- ▶ Must be signed and dated by provider delivering the service
- ▶ Must be current (6 months for < age 13)
- ▶ Otherwise 12 months
- ▶ Update if crisis or significant clinical event

Progress Notes Guidelines



- ▶ Must be written in narrative form and fully describe each session
- ▶ Check-off list or pre-established form is not acceptable as sole documentation (applies to all documentation, not just progress notes)
- ▶ Separate note is required for each type of therapy provided

Progress Notes Guidelines

- ▶ First and last name of client
- ▶ Specific service provided
- ▶ Date
- ▶ Actual clock begin and end time
- ▶ Name of person providing the service
- ▶ Setting
- ▶ Client's report of symptoms and behavior relating to diagnosis and treatment goals
- ▶ Therapist intervention and client response
- ▶ Pertinence to the treatment plan
- ▶ Progress toward the treatment plan goals

Progress Notes Guidelines

– Family

- ▶ Family Therapy documentation must also include:
- ▶ Identity of each family member present (first and last names as well as relationship)
- ▶ Identify underlying roles, conflicts or patterns
- ▶ Describe immediate issues addressed
- ▶ Describe intervention and progress towards goals

Aftercare Plan Guidelines



- ▶ May include but not limited to:
 - ▶ Dates care began and ended
 - ▶ Frequency and duration of visits
 - ▶ Symptoms/behaviors addressed
 - ▶ Interventions
 - ▶ Progress towards goals
 - ▶ Final diagnosis
 - ▶ Final recommendations including services, providers, and activities for further recovery

For Children's Division



- ▶ A copy of the treatment plan must be provided to Children's Division when in state custody
- ▶ Communicate with Children's Division case worker regarding specific requirements

Recommendations

- ▶ Never bill “chance, momentary social encounters between a therapist and a patient” as therapy sessions
- ▶ Never bill undocumented services
- ▶ Never “upcode”
- ▶ Implement self-auditing to prevent problems – see this document: <https://www.cms.gov/Medicare-Medicaid-Coordination/Fraud-Prevention/Medicaid-Integrity-Education/Downloads/docmatters-behavioralhealth-factsheet.pdf>

Precertification



Precertification – effective 5/1/19

- ▶ Provider Bulletin April 18, 2019
- ▶ Beginning 5/1/19, can provide 14 hours prior to requesting precertification (ages 3 and up)
- ▶ If you had precertified in past 12 months for this participant, need to request precertification
- ▶ 12 month default precertification period

Precertification – effective 5/1/19

- ▶ To continue services beyond 12 month period or if all hours used, need to submit documentation along with precertification request
- ▶ Precertification form, letter with rationale, assessment, treatment plan, most recent 3 progress notes
- ▶ Precertification Request Form [\(link\)](#)

Questions?



Eric Martin, Ph.D.
Director, Behavioral Health Services
Mo HealthNet Division
Eric.D.Martin@dss.mo.gov
(573) 751-7179

Disciplinary Hearings



State of Missouri

Michael L. Parson, Governor

Administrative Hearing Commission

U.S. Post Office Building, 3rd Floor
131 West High Street P.O. Box 1557
Jefferson City, Missouri 65102
Telephone 573/751-2422
Facsimile 573/751-5018
www.ahc.mo.gov

March 4, 2019

Thomas Reichard
Executive Director
State Committee for Social Workers
3605 Missouri Blvd.
P.O. Box 1335
Jefferson City, MO 65102

Re: Committee for Social Workers v. Laurie Domsch
No. 17-1904

Dear Mr. Reichard:

Pursuant to § 621.110, RSMo 2016, please find enclosed the record of proceedings in the above-named cause before the Administrative Hearing Commission.

For purposes of review, the action of this Commission and your order, if any, will be treated as one decision. (See § 621.145, RSMo.) Therefore, in the event of an appeal, these enclosures plus your order will need to be certified by you, pursuant to § 536.130, RSMo 2016, to the reviewing court.

Sincerely,

A handwritten signature in blue ink that reads "Suzanne Hager".

Suzanne Hager
Paralegal

Enclosure

c: Gerald Jackson
J. Patrick Sullivan

Before the
Administrative Hearing Commission
State of Missouri



STATE COMMITTEE FOR SOCIAL
WORKERS,
Petitioner

vs.

LAURIE DOMSCH,
Respondent

No. 17-1904

CERTIFICATION

COMES NOW Suzanne Hager, Paralegal, Administrative Hearing Commission, and certifies to this Agency that the following list of items comprises the record of proceedings before the Administrative Hearing Commission in the above-named cause:

1. Complaint, filed October 25, 2017.
2. Answer, filed November 29, 2017.
3. Motion for Summary Decision, filed June 22, 2018.
4. Response to Motion for Summary Decision, filed July 19, 2018.
5. Order, issued January 23, 2019.
6. Dismissal of Unresolved Claims, filed January 23, 2019.
7. Decision, issued January 24, 2019.

Respectfully submitted,

A handwritten signature in blue ink that reads "Suzanne Hager".

Suzanne Hager
Paralegal

FILED

October 25, 2017

ADMINISTRATIVE HEARING
COMMISSION

**BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI**

STATE COMMITTEE)
FOR SOCIAL WORKERS)
P.O. Box 1335)
Jefferson City, MO 65102-1335)
)
Petitioner,)
)
v.) Case No.
)
LAURIE DOMSCH)
67 Bishop Lane)
Kimberling City, MO 65686)
)
Respondent.)

COMPLAINT

Petitioner, the State Committee for Social Workers, by and through the Attorney General of the State of Missouri, for its cause of action against Respondent, Laurie Domsch, states:

1. The State Committee for Social Workers (“the Committee”) is an agency of the State of Missouri created and established pursuant to § 337.622, RSMo (Cum. Supp. 2013),¹ for the purpose of upholding and carrying out the provisions of §§ 337.600-689, as amended, relating to social workers.

¹ All statutory citations herein are to the Revised Statutes of Missouri, 2013 Cumulative Supplement, unless otherwise noted.

2. Laurie Domsch (“Respondent”) is licensed by the Committee as a licensed clinical social worker, License Number 004512 (“Respondent’s License”).

3. Respondent’s License was current and active at all relevant times herein.

4. On May 26, 2016 Respondent was charged with three counts of Medicaid Fraud, a class C felony, in violation of Section 191.905, RSMo.

5. On September 6, 2016 Respondent pled guilty to one count (Count III), providing that Respondent committed the class C felony of Medicaid Fraud, in that on or between August 23, 2012, and December 5, 2014, the Respondent was a health care provider and knowingly caused false representations of material fact to be made to the Missouri Department of Social Services, a health care payer, for the purpose of receiving health care payments, in that defendant caused claims to be submitted representing that she had provided Psychiatric Diagnostic Evaluation to Medicaid recipients , which representations were false and known to be false by Respondent when made.

6. Respondent was sentenced to three (3) years of incarceration; execution suspended, and placed on supervised probation for five (5) years beginning on September 6, 2016 and was ordered to pay \$20,000 in

restitution to the MoHealthNet Reimbursement Fund by November 17, 2016.

7. Respondent surrendered her Medicaid Provider Number and is banned from participating in the Missouri Medicaid Provider Program.

8. The Committee has cause to discipline Respondent's clinical social worker license pursuant to Section 337.630.2 (20, (4), (5), (6), (13) and (15), RSMo.

Applicable Law

9. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to § 621.045 and § 337.630.2, RSMo.

10. Section 191.905, RSMo, states, in relevant part:

1. No health care provider shall knowingly make or cause to be made a false statement or false representation of a material fact in order to receive a health care payment, including but not limited to:

(1) Knowingly presenting to a health care payer a claim for a health care payment that falsely represents that the health care for which the health care payment is claimed was medically necessary, if in fact it was not;

(2) Knowingly concealing the occurrence of any event affecting an initial or continued right under a medical assistance program to have a health care payment made by a health care payer for providing health care;

(3) Knowingly concealing or failing to disclose any information with the intent to obtain a health care payment to which the health care provider or any other health care provider is not entitled, or to obtain a health care payment in an amount greater

than that which the health care provider or any other health care provider is entitled;

(4) Knowingly presenting a claim to a health care payer that falsely indicates that any particular health care was provided to a person or persons, if in fact health care of lesser value than that described in the claim was provided.

* * *

7. A person who violates subsections 1 to 3 of this section is guilty of a class D felony upon his or her first conviction, and shall be guilty of a class B felony upon his or her second and subsequent convictions. Any person who has been convicted of such violations shall be referred to the Office of Inspector General within the United States Department of Health and Human Services. The person so referred shall be subject to the penalties provided for under 42 U.S.C. Chapter 7, Subchapter XI, Section 1320a-7. A prior conviction shall be pleaded and proven as provided by section 558.021. A person who violates subsection 6 of this section shall be guilty of a class D felony, unless the act involves no physical, sexual or emotional harm or injury and the value of the property involved is less than five hundred dollars, in which event a violation of subsection 6 of this section is a class A misdemeanor.

* * *

11. Any person convicted of a violation of this section, in addition to any fines, penalties or sentences imposed by law, shall be required to make restitution to the federal and state governments, in an amount at least equal to that unlawfully paid to or by the person, and shall be required to reimburse the reasonable costs attributable to the investigation and prosecution pursuant to sections 191.900 to 191.910. All of such restitution shall be paid and deposited to the credit of the "MO HealthNet Fraud Reimbursement Fund", which is hereby established in the state treasury. Moneys in the MO HealthNet fraud reimbursement fund shall be divided and appropriated to the federal government and affected state agencies in order to refund moneys falsely obtained from the federal and state governments. All of such cost reimbursements attributable to the investigation and prosecution shall be paid and deposited to the credit of the

“MO HealthNet Fraud Prosecution Revolving Fund”, which is hereby established in the state treasury. Moneys in the MO HealthNet fraud prosecution revolving fund may be appropriated to the attorney general, or to any prosecuting or circuit attorney who has successfully prosecuted an action for a violation of sections 191.900 to 191.910 and been awarded such costs of prosecution, in order to defray the costs of the attorney general and any such prosecuting or circuit attorney in connection with their duties provided by sections 191.900 to 191.910. No moneys shall be paid into the MO HealthNet fraud protection revolving fund pursuant to this subsection unless the attorney general or appropriate prosecuting or circuit attorney shall have commenced a prosecution pursuant to this section, and the court finds in its discretion that payment of attorneys' fees and investigative costs is appropriate under all the circumstances, and the attorney general and prosecuting or circuit attorney shall prove to the court those expenses which were reasonable and necessary to the investigation and prosecution of such case, and the court approves such expenses as being reasonable and necessary. Any moneys remaining in the MO HealthNet fraud reimbursement fund after division and appropriation to the federal government and affected state agencies shall be used to increase MO HealthNet provider reimbursement until it is at least one hundred percent of the Medicare provider reimbursement rate for comparable services. The provisions of section 33.080 notwithstanding, moneys in the MO HealthNet fraud prosecution revolving fund shall not lapse at the end of the biennium.

* * *

13. Upon conviction pursuant to this section, the prosecution authority shall provide written notification of the conviction to all regulatory or disciplinary agencies with authority over the conduct of the defendant health care provider.

11. Section 337.630.2, RSMo, authorizes discipline against a clinical social worker's license and states, in relevant 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 sections 337.600 to 337.689 or any person who has failed to renew or has surrendered the 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 pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a social worker licensed 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;

* * *

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a social worker licensed pursuant to this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.600 to 337.689, or of any lawful rule or regulation adopted pursuant to sections 337.600 to 337.689;

* * *

(13) Violation of any professional trust or confidence;

* * *

(15) Being guilty of unethical conduct as defined in the ethical standards for clinical social workers adopted by the committee by rule and filed with the secretary of state.

* * *

4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the committee may censure or place the person

named in the complaint on probation on such terms and conditions as the committee deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license.

12. Regulation 20 CSR 2263-3.020 sets forth moral standards and is part of the code of ethics for social workers and states, in relevant part:

(1) The public must be protected from those who are not qualified to be members of the profession by reason of a deficiency in education, experience, moral standards, or other relevant factors, but who nevertheless attempt to or actually practice social work. To assure the maintenance of high standards of the profession of social work, members of the profession shall assist the committee in promulgating, enforcing, and improving requirements for admission to and for the practice of social work.

(2) No member of the profession shall—

(A) Violate any ethical standard/disciplinary rule;

(B) Circumvent any ethical standard/disciplinary rule through the actions of another;

(C) Engage in conduct which is dishonest, deceitful, or fraudulent;

(D) Allow the pursuit of financial gain or other personal benefit to interfere with the exercise of sound professional judgment or skills; or

(E) Use therapeutic relationships with clients to promote, for personal gain or the profit of an agency, commercial enterprises of any kind.

* * *

(4) A member of the profession is subject to discipline for making a materially false statement or for deliberately failing to disclose a material fact requested in connection with an application.

Grounds for Discipline

13. Respondent's guilty plea to the criminal prosecution of Medicaid Fraud, in violation of Section 191.905 RSMo., in which an essential element of which is fraud, is grounds to discipline under Section 337.630.2(2). RSMo.

14. Respondent's conduct as described herein, in obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation is grounds to discipline under Section 337.630.2(4). RSMo.

15. Respondent's conduct as described herein, in incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a social worker is grounds to discipline under Section 337.630.2(5). RSMo.

16. Respondent's conduct as described herein, in violation of, or assisting or enabling any other person to violate, any provision of Sections 337.660 to 337.689, or of any lawful rule or regulation adopted pursuant to Sections 337.600 to 337.689, is grounds to discipline under Section 337.630.2(6) RSMo.

17. Respondent's conduct as described herein, in the violation of any professional trust or confidence by committing the criminal offense of Medicaid Fraud, is grounds to discipline under Section 337.630.2(13) RSMo.

18. Respondent's conduct as described herein as being guilty of unethical conduct as defined in the ethical standards, is grounds for discipline under Section 337.630.2(15) RSMo.

19. Respondent's conduct and conviction as described herein constitutes a Section 337.630.2 (2), (4), (5), (6), (13) and (15), RSMo.

Prayer for Relief

WHEREFORE, Petitioner respectfully requests 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 Petitioner may take disciplinary action against Laurie Domsch license as a licensed clinical social worker for violations of Chapter 337, RSMo, and for such other and further relief that is just and proper.

JOSHUA D. HAWLEY

Attorney General

/s/ Gerald M. Jackson

Assistant Attorney General

Missouri Bar No. 66995

Supreme Court Building

207 W. High St.

P.O. Box 899

Jefferson City, MO 65102

Phone: 573-751-7493

Fax: 573-751-5660

ATTORNEYS FOR PETITIONER

2. Respondent admits the allegations of ¶2.
3. Respondent admits the allegations of ¶3.
4. Respondent moves that the allegations of ¶4 be stricken as irrelevant and scurrilous as the charge of any offense does not constitute a crime, nor should the same be held against her. Subject to that continuing objection, the Respondent admits the allegations of ¶4.
5. Respondent admits the allegations of ¶5.
6. Respondent admits the allegations of ¶6. By way of further answer, the Respondent states that all ordered restitution has been paid.
7. Respondent admits the allegations of ¶7.
8. Respondent denies that "(t)he Committee has cause to discipline Respondent's clinical social worker license...." (emphasis added) as alleged in ¶8, in that as pled, the allegation infers that the Committee acted reasonably in its determination of discipline, which inference, Respondent specifically denies. Further, under 337.630.1, R.S.Mo, the Committee "may refuse to issue or renew any license required by the provisions of sections 337.600 to 337.689 for one or any combination of causes stated in subsection 2 of this section..."(emphasis added)

-Applicable Law-

9. Respondent admits the allegations of ¶9.
10. Respondent admits the allegations of ¶10 as partial recitals of Missouri statutes, but denies any inference that the same mandate discipline of the Respondent and further incorporates her answer to ¶8, *supra*.

11. Respondent admits the allegations of ¶11 as partial recitals of Missouri statutes, but denies any inference that the same mandate discipline of the Respondent, (specifically referring the Administrative Hearing Commission to the alternatives set forth in subsection "4." of 337.630, RSMo; and further incorporates her answer to ¶8, *supra*.

12. Respondent admits the allegations of ¶12.

-Grounds for Discipline-

13. Respondent admits that fraud is an essential element of her conviction as alleged in ¶13, but denies that the same should of necessity result in discipline under 337.630.2(2), R.S.Mo, as inferred by the allegations of the paragraph; and requests strict proof thereon.

14. Respondent states that the "Respondent's conduct" is not sufficiently described in ¶14 and therefore denies the same on Information and belief. Further, should the allegations of ¶s1-8, inclusive be deemed to be incorporated in the "Grounds for Discipline" section of the *Complaint*; Respondent states that while the alleged "conduct" may generally constitute grounds for discipline as alleged in ¶14, she denies that the same should of necessity result in discipline under 337.630.2(4), R.S.Mo, as Inferred by the allegations of the paragraph, and requests strict proof thereon.

15. Respondent states that the "Respondent's conduct" is not sufficiently described in ¶15 and therefore denies the same on Information and belief. Further, should the allegations of ¶s1-8, inclusive be deemed to be incorporated in the "Grounds for Discipline" section of the *Complaint*;

Respondent denies that Respondent's alleged conduct constitute a ground for discipline as pled in ¶15; and further denies that the same should of necessity result in discipline under 337.630.2(5), R.S.Mo, as inferred by the allegations of the paragraph, and requests strict proof thereon.

16. Respondent states that the "Respondent's conduct" is not sufficiently described in ¶16 and therefore denies the same on information and belief. Further, should the allegations of ¶s1-8, inclusive be deemed to be incorporated in the "Grounds for Discipline" section of the *Complaint*; Respondent denies that Respondent's alleged conduct constitute a ground for discipline as pled in ¶16; and further denies that the same should of necessity result in discipline under 337.630.2(6), R.S.Mo, as inferred by the allegations of the paragraph, and requests strict proof thereon.

17. Respondent states that the "Respondent's conduct" is not sufficiently described in ¶17 and therefore denies the same on information and belief. Further, should the allegations of ¶s1-8, inclusive be deemed to be incorporated in the "Grounds for Discipline" section of the *Complaint*; Respondent states that while the alleged "conduct" may generally constitute grounds for discipline as alleged in ¶17, she denies that the same should of necessity result in discipline under 337.630.2(13), R.S.Mo, as inferred by the allegations of the paragraph, and requests strict proof thereon.

18. Respondent states that the "Respondent's conduct" is not sufficiently described in ¶18 and therefore denies the same on information and belief. Further, should the allegations of ¶s1-8, inclusive be deemed to be

incorporated in the "Grounds for Discipline" section of the *Complaint*;
Respondent denies that Respondent's alleged conduct constitute a ground for
discipline as pled in ¶18; and further denies that the same should of necessity
result in discipline under 337.630.2(15), R.S.Mo, as inferred by the allegations
of the paragraph, and requests strict proof thereon.

19. Respondent states that ¶19 as pled, does not contain a complete statement
and therefore the Respondent is not able to respond thereto. In the event that
¶19 is amended, Respondent would ask leave to amend her *Answer*.

-Affirmative Defense-

20. That the allegations of the underlying *Complaint* fail to state a claim upon
which relief may be granted.

21. That the Petitioner should be estopped from asserting the matter
due to delay in brining the cause to the detriment of Respondent.

~~SULLIVAN LAW OFFICE, P.C.~~

By: 

J. Patrick Sullivan, #31370
Attorney for Respondent
P.O. Box 2175
Branson West, MO 65737
417-272-1444; fax: 272-1555
sullivanlaw83@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was forwarded via facsimile copier to **Gerald M. Jackson, Assistant Attorney General at (573) 751-5660, and via U.S. mail, first class, postage prepaid to P.O. Box 899, Jefferson City, MO 65102; and to the Administrative Hearing Commission, via facsimile copier at (573) 751-5018, and via U.S. mail, first class, postage prepaid to P.O. Box 1557, Jefferson City, MO 65102-1557, this 28th day of November, 2017.**

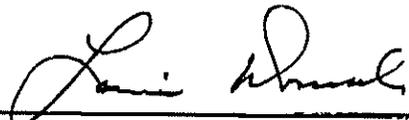


J. Patrick Sullivan

STATE OF MISSOURI)
COUNTY OF STONE)

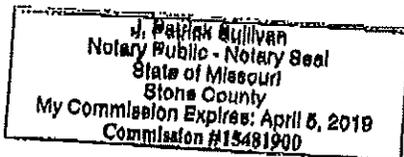
VERIFICATION

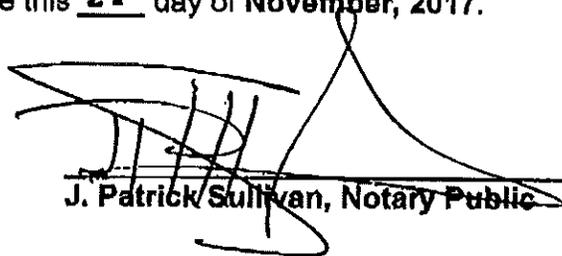
I, LAURIE DOMSCH, being of lawful age and first duly sworn on my oath state that I have read and executed the foregoing and that the matters contained therein are true and correct according to my best information and belief.



LAURIE DOMSCH

Subscribed and sworn to before me this 28 day of November, 2017.





J. Patrick Sullivan, Notary Public

My commission expires: April 5, 2019

**BEFORE THE ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI**

FILED

JUN 22 2018

ADMINISTRATIVE HEARING
COMMISSION

STATE COMMITTEE FOR)
SOCIAL WORKERS,)

Petitioner,)

v.)

Case No. 17-1904

LAURIE DOMSCH)

Respondent.)

PETITIONER'S MOTION FOR SUMMARY DECISION

The State Committee for Social Workers, ("Committee"), by and through counsel, the Missouri Attorney General, moves for summary decision in this matter. The Director files this motion pursuant to Rule 1 CSR 15-3.446(1) adopted and in accordance with §536.073.3, RSMo,¹ as this statute is made applicable to the Administrative Hearing Commission ("AHC") by §621.135, RSMo.

I. SUMMARY DECISION STANDARD

1 CSR 15-3.446(1)

In deciding whether summary decision should be issued, the record is viewed in the light most favorable to the non-moving party, and the burden is placed on the movant to establish both the absence of a genuine issue of material fact and that it is entitled to a decision as a matter of law. Those material facts may be established "by stipulation, pleading

¹ All statutory citations are to the 2000 Revised Statutes of Missouri, unless otherwise noted.

of the adverse party, discovery response of the adverse party, affidavit, or other evidence admissible under the law.”² Once the movant has met its burden, the non-moving party “shall not rely solely on its own pleading to establish a fact, or to raise a genuine issue as to any fact.”³

II. MOTION FOR SUMMARY DECISION

1. The hearing in this matter is scheduled for August 7, 2018, which is at least 45 days distant.

2. Petitioner’s complaint was filed October 25, 2017, and served on Respondent on October 31, 2017.

3. Respondent filed an answer on November 29, 2017.

4. Based on the answers to the complaint and upon a certified court records from Stone County is case number 15SN-CR00459-01, the following facts are not contested.

a. Laurie Domsch (“Respondent”) is licensed by the committee as a licensed clinical social worker, License Number 004512 (“Respondent’s License). *Complaint at ¶2 and Answer at ¶2*

b. Respondent’s License was current and active at all time relevant herein. *Complaint at ¶3 and Answer at ¶3*

² 1 CSR 15-3.446(5)(B).

³ 1 CSR 15-3.446(5)(B).

- c. On September 6, 2016, Respondent pled guilty to one count of the class C felony of Medicaid Fraud, in that on or between August 23, 2012, and December 5, 2014, the Respondent was a health care provider and knowing caused false representations of material fact to be made to the Missouri Department of Social Services, a health care payer for the purpose of receiving health care payments, in that Respondent caused claims to be submitted representing that she had provided Psychiatric Diagnostic Evaluation to Medicaid recipients, which representations were false and known to be false by Respondent when made. *Complaint at ¶5 and Answer at ¶5. See also Exhibit 1.*
- d. Respondent was sentenced to three (3) years of incarceration; execution suspended, and placed on supervised probation for five (5) years beginning on September 6, 2016 and was ordered to pay \$20,000 in restitution to the MoHealthNet Reimbursement Fund by November 17, 2016. *Complaint at ¶6 and Answer at ¶6. See Also Exhibit 1.*

5. Section 337.630.2 and 4, RSMo., establishes the Committee's authority to censure a social worker's license providing grounds in subsection 2 of this statute are met by the Administrative Hearing Commission. The applicable grounds of Section 337.630.2 are as follows:

- (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere,

in a criminal prosecution pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a social worker licensed 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;

* * *

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a social worker licensed pursuant to this chapter;

* * *

(15) Being guilty of unethical conduct as defined in the ethical standards for clinical social workers adopted by the committee by rule and filed with the secretary of state.

6. The circuit court records as well as the undisputed facts establish that the Committee has cause to discipline Respondent’s License under §337.630.2(2), RSMo. Domsch pleaded guilty to Medicaid Fraud per §195.905.1, RSMo, of which fraud is an essential element. *See* Complaint ¶11 and Answer ¶11. Respondent’s also pled guilty to a crime of moral turpitude. *See Brehe v. Mo. Dep’t of Elem. And Secondary Educ.*, 213 S.W.3d 720 (Mo. App. W.D. 2007) (“Crimes such as murder, rape, and fraud fall into Category 1 because they are invariably regarded as crimes of moral turpitude.”).

7. Respondent’s license is subject to discipline under §337.630.2(4), as Respondent submitted fraudulent claims for payment to MO HealthNet, and pled guilty to a

violation of §191.905.1, a crime involving the essential element of fraud. This was done in the course of her duties as a social worker.

8. As above, Respondent’s license is subject to discipline under §337.630.2(5), as Respondent submitted fraudulent claims for payment to MO HealthNet, and pled guilty to a violation of §191.905.1, a crime involving the essential element of fraud. This was done in the course of her duties as a social worker. *See Exhibit 1*

9. Regulation 20 CSR 2263-3.020(2) sets forth moral standards and is part of the code of ethics for social workers and states, in relevant part:

(2) No member of the profession shall—

* * *

(C) Engage in conduct which is dishonest, deceitful, or fraudulent;

(D) Allow the pursuit of financial gain or other personal benefit to interfere with the exercise of sound professional judgment or skills; or

10. The above stated regulation acts as the standard for determining whether a social worker is guilty of unethical conduct. As stated above, Respondent pled guilty to Medicaid fraud, a crime in which an essential element is fraud. Respondent allowed the pursuit of financial gain or another personal benefit to interfere with the exercise of sound professional judgment or skills when Respondent submitted fraudulent claims for payment to Mo HealthNet. *See Exhibit 1*. This, Respondent is subject to discipline per § §337.630.2(15), RSMo.

CONCLUSION

Based on the undisputed facts, Petitioner requests that this Commission enter its order granting Petitioner's motion for summary decision on the grounds that there is no genuine issue as to any material fact and that the Petitioner is entitled to judgment as a matter of law that cause exists to discipline the social worker's license of Laurie Domsch, pursuant to §337.630.2 and 4 RSMo.

Respectfully submitted,

JOSHUA D. HAWLEY
Attorney General

/s/ Gerald M. Jackson
Gerald M. Jackson
Assistant Attorney General
Missouri Bar No. 66995

Supreme Court Building
207 W. High St.
P.O. Box 899
Jefferson City, MO 65102
Telephone: 573-751-7493
Facsimile: 573-751-5660
Email: Gerald.jackson@ago.mo.gov

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Summary Decision, together with a copy of all exhibits referenced therein, was mailed, postage prepaid, this 22nd day of June, 2018, to:

J. Patrick Sullivan
P.O. Box 2175
Branson West, MO 65737
Attorney for Respondent

/s/ Gerald M. Jackson
Assistant Attorney General

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occurred in the County of Stone, State of Missouri, the defendant was a health care provider and knowingly caused false representations of material fact to be made to the Missouri Department of Social Services, a health care payer, for the purpose of receiving health care payments, in that defendant caused claims to be submitted representing that she had provided Family Therapy to Medicaid recipients I.B. (DCN xxxxx5248), J.B. (DCN xxxxx6458), A.K.F. (DCN xxxxx3676), A.M.F. (DCN xxxxx6544), L.F. (DCN xxxxx5363), R.F. (DCN xxxxx6802), T.F. (DCN xxxxx3153), B.G. (DCN xxxxx2115), H.G. (DCN xxxxx2922), K.H. (DCN xxxxx4448) S.H. (DCN xxxxx6801), J.H. (DCN xxxxx6423), J.O. (DCN xxxxx2283) N.O. (DCN xxxxx9541), M.J.S. (DCN xxxxx7784), M.S. (DCN xxxxx7916), S.D.S. (DCN xxxxx7841), N.S. (DCN xxxxx6432) S.L.S. (DCN xxxxx9510), L.W. (DCN xxxxx3774), D.W. (DCN xxxxx5106), J.K.Y. (DCN xxxxx2567), and J.F.Y. (DCN xxxxx8754), which representations were false and known by the defendant to be false when made.

COUNT 2

That the defendant, in violation of 191.905.1 RSMo, committed the class C felony of **Medicaid Fraud: making or causing to be made a false statement in order to receive a health care payment**, punishable upon conviction under Sections 191.905, 558.011 and 560.011, RSMo, in that between on or about May 10, 2012, and December 19, 2014, partly in one

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county and partly in one or more other counties, an element of which occurred in the County of Stone, State of Missouri, the defendant was a health care provider and knowingly caused false representations of material fact to be made to the Missouri Department of Social Services, a health care payer, for the purpose of receiving health care payments, in that defendant caused claims to be submitted representing that she had provided Individual Psychotherapy to Medicaid recipients I.B. (DCN xxxxx5248), J.B. (DCN xxxxx6458), A.K.F. (DCN xxxxx3676), A.M.F. (DCN xxxxx6544), L.F. (DCN xxxxx5363), R.F. (DCN xxxxx6802), T.F. (DCN xxxxx3153), B.G. (DCN xxxxx2115), H.G. (DCN xxxxx2922), K.H. (DCN xxxxx4448) S.H. (DCN xxxxx6801), J.H. (DCN xxxxx6423), J.O. (DCN xxxxx2283) N.O. (DCN xxxxx9541), M.J.S. (DCN xxxxx7784), M.S. (DCN xxxxx7916), S.D.S. (DCN xxxxx7841), N.S. (DCN xxxxx6432) S.L.S. (DCN xxxxx9510), L.W. (DCN xxxxx3774), D.W. (DCN xxxxx5106), J.K.Y. (DCN xxxxx2567), and J.F.Y. (DCN xxxxx8754), which representations were false and known by the defendant to be false when made.

COUNT 3

That the defendant, in violation of 191.905.1 RSMo, committed the class C felony of **Medicaid Fraud: making or causing to be made a false statement in order to receive a health care payment**, punishable upon conviction under Sections 191.905, 558.011 and 560.011, RSMo, in that

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between on or about August 23, 2012, and December 5, 2014, partly in one county and partly in one or more other counties, an element of which occurred in the County of Stone, State of Missouri, the defendant was a health care provider and knowingly caused false representations of material fact to be made to the Missouri Department of Social Services, a health care payer, for the purpose of receiving health care payments, in that defendant caused claims to be submitted representing that she had provided Psychiatric Diagnostic Evaluation to Medicaid recipients I.B. (DCN xxxxx5248), J.B. (DCN xxxxx6458), A.K.F. (DCN xxxxx3676), A.M.F. (DCN xxxxx6544), L.F. (DCN xxxxx5363), R.F. (DCN xxxxx6802), T.F. (DCN xxxxx3153), B.G. (DCN xxxxx2115), H.G. (DCN xxxxx2922), K.H. (DCN xxxxx4448) S.H. (DCN xxxxx6801), J.H. (DCN xxxxx6423), J.O. (DCN xxxxx2283) N.O. (DCN xxxxx9541), M.J.S. (DCN xxxxx7784), M.S. (DCN xxxxx7916), S.D.S. (DCN xxxxx7841), N.S. (DCN xxxxx6432) S.L.S. (DCN xxxxx9510), L.W. (DCN xxxxx3774), D.W. (DCN xxxxx5106), J.K.Y. (DCN xxxxx2567), and J.F.Y. (DCN xxxxx8754), which representations were false and known by the defendant to be false when made.

The facts that form the basis for this information and belief are contained in the attached statement of facts, made a part hereof and submitted as a basis upon which this court may find the existence of probable cause.

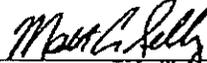
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WHEREFORE, the Stone County Prosecuting Attorney and the Attorney General pray that an arrest warrant be issued as provided by law.

MATT A. SELBY
STONE COUNTY
PROSECUTING ATTORNEY



Matt A. Selby # 36159
P.O. Box 95
Galena, MO 65656

CHRIS KOSTER
ATTORNEY GENERAL OF MISSOURI

By:  _____

Jacinda A. Thudium # 47884
John J. Kopp # 22110
Assistant Attorneys General
P. O. Box 899
Jefferson City, MO 65102
Phone: (573) 751-7192

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MAY 26 2015

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CERTIFICATE OF TRUE COPY

STATE OF MISSOURI } ss. I, Deborah J. Scobee, Clerk of the Circuit Court,
County of Stone }
In and for said County, hereby certify that the foregoing is a true copy of the original

Felony Information

Case No. 1550 - C200459

therein referred to as the same appears filed of record in my office.



WITNESS my hand and the seal of said court, done at
office in Galena, Missouri this 19
day of April 20 18

DEBORAH J. SCOBEE
Clerk of the Circuit Court

Per Michelle Klejan
Deputy

RANGE OF PUNISHMENT

Sentence of Imprisonment – C Felonies. §558.011.1(3), RSMo:

“The authorized term of imprisonment . . . for a class C felony, [is] a term of years not to exceed seven years.”

Fines for Felonies. §560.011.1, RSMo:

“A person who has been convicted of a class C . . . felony may be sentenced

- (1) To pay a *fine* which does not exceed five thousand dollars; or
- (2) If the offender has gained money or property through the commission of the crime, to pay an amount, fixed by the court, not exceeding double the amount of the offender's gain from the commission of the crime. An individual offender may be fined not more than twenty thousand dollars under this provision.”

Medicaid Fraud – Restitution & Investigative Costs. §191.905.11, RSMo:

“Any person convicted of a violation of this section, in addition to any fines, penalties or sentences imposed by law, shall be required to make *restitution* to the federal and state governments, in an amount at least equal to that unlawfully paid to or by the person, and shall be required to *reimburse the reasonable costs attributable to the investigation* and prosecution pursuant to sections 191.900 to 191.910 . . .”

Medicaid Fraud – Civil Penalties & Treble Damages. §191.905.12, RSMo:

“A person who violates subsections 1 to 3 of this section shall be liable for a civil penalty of not less than five thousand dollars and not more than ten thousand dollars for each separate act in violation of such subsections, plus three times the amount of damages which the state and federal government sustained because of the act of that person . . .”

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MAY 26 2018

STONE COUNTY

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CERTIFICATE OF TRUE COPY

STATE OF MISSOURI } ss. I, Deborah J. Scobee, Clerk of the Circuit Court
County of Stone }
In and for said County, hereby certify that the foregoing is a true copy of the original
Range of Punishment
Case No. SSW-CR00459

therein referred to as the same appears filed of record in my office.



WITNESS my hand and the seal of said court, done at
office in Galena, Missouri this 19
day of April 20 18

DEBORAH J. SCOBEE
Clerk of the Circuit Court

Per Debra Klein
Deputy

PROBABLE CAUSE STATEMENT

I, Meghan Gordon, make this statement in accord with Rule 22.03 of the Missouri Rules of Criminal Procedure, knowing that false statements are punishable by law, and state the facts contained herein are true.

1. I am employed by the Office of the Attorney General, State of Missouri, as an Investigator, assigned to the Medicaid Fraud Control Unit ("MFCU").
2. I have probable cause to believe that Laurie Jean Domsch, DOB: 9/5/1963, SSN: 610-48-5092, committed one or more criminal offenses.
3. The facts supporting this belief are contained herein.

Elements of Medicaid Fraud:

Laurie Domsch violated Section 191.905.1, RSMo which states that "[n]o health care provider shall knowingly make or cause to be made a false statement or false representation of a material fact in order to receive a health care payment..." The offense is commonly known as **Medicaid Fraud**. The elements of Medicaid Fraud are:

1. The Defendant made or caused to be made a representation;
2. The representation was made for the purpose of receiving a health care payment;
3. The representation was false;

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STONE COUNTY

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- 4. The representation was material;
- 5. The Defendant was a health care provider; and
- 6. The Defendant acted knowingly.

The elements of Medicaid fraud are established in this case, as follows:

1. Defendant made or caused to be made a representation:

Laurie Domsch ("Domsch"), a Licensed Clinical Social Worker ("LCSW") at Table Rock Counseling, LLC ("Table Rock"), submitted seven hundred forty-nine (749) claims to Missouri's Medicaid Program (MO HealthNet) for providing individual and family therapy services to children and their family members at the Table Rock office from May 1, 2012, until December 19, 2014. These seven hundred forty-nine (749) claims involved one thousand and forty (1,040) instances of Domsch billing the codes for Psychiatric Diagnostic Evaluations, Individual Psychotherapy, and Family Therapy for twenty-three (23) MO HealthNet participants. The total loss to MO HealthNet for these instances was \$52,785.00.

2. The representation was made for purposes of receiving a health care payment:

MO HealthNet is a "health care payer" as defined by §191.900(5), RSMo. Domsch was a "health care provider" as defined by §191.900(7), RSMo, because she was approved as a LCSW Medicaid Provider. Per the

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MO HealthNet Provider Enrollment Agreement, MO HealthNet transferred funds to Domsch's bank account to pay her for the claims she submitted. Domsch submitted claims to MO HealthNet for purportedly providing Psychiatric Diagnostic Evaluations, Individual Psychotherapy, and Family Therapy to MO HealthNet participants. Missouri Medicaid relied on these claims and made payments to Domsch for these claims. Domsch received "health care payments" as defined by §191.900(6), RSMo, for services not provided.

3. The representation was false:

Affidavits and testimony from two (2) MO HealthNet participants and eight (8) parents and/or guardians of twenty (20) eligible MO HealthNet participants state that Domsch did not provide the Psychiatric Diagnostic Evaluations, Individual Psychotherapy, and Family Therapy services billed to Missouri Medicaid. Testimony from one (1) parent of five (5) MO Healthnet participants also revealed Psychiatric Diagnostic Evaluations, Individual Psychotherapy, and Family Therapy services billed to Missouri Medicaid were not provided. The claims submitted to MO HealthNet were false.

4. The representation was material:

The billings most relevant to this investigation involve Domsch's billings to MO HealthNet using the current procedural terminology (CPT)

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MAY 26 2015

STONE COUNTY

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codes: 90801/90791, Psychiatric Diagnostic Evaluations; 90806/90834, Individual Psychotherapy; and 90847, Family Therapy.

The Missouri Medicaid Provider Manual for Behavioral Health Services ("Manual") states in part, "Psychiatric Diagnostic Evaluation must include direct patient contact and may include the following types of activities with patient present at least 75% of time billed: Interview with child, parent report, and/or teacher report."

The Manual defines Individual Psychotherapy "as 38 to 52 minutes face-to-face with patient and/or family member." An Individual Psychotherapy unit (CPT code 90806/90834) is a 45 minute session.

"Family Therapy is defined in the Manual as the treatment of family members as a family unit, rather than individual patient." The Manual describes a Family Therapy unit (CPT code 90847) as a 30 minute session.

If MO HealthNet had known that the services were not actually provided to the MO HealthNet participants as required in the Missouri Medicaid Provider Manual, MO HealthNet would not have paid Domsch.

5. The Defendant was a health care provider:

Domsch is an enrolled MO HealthNet provider. As such, she contracted with the state of Missouri to deliver, and purported to deliver, "health care" services as defined in §191.900(4), RSMo. Domsch is a health care provider.

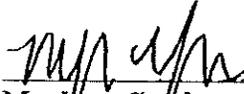
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6. The Defendant acted knowingly:

Domsch knew that she did not provide the services. Domsch had actual knowledge of what services she did or did not provide. She acted "knowingly" as defined in §191.900(8), RSMo, when she submitted claims to MO HealthNet for Psychiatric Diagnostic Evaluations, Individual Psychotherapy, and Family Therapy services she did not provide.



Meghan Gordon
Investigator
Office of Attorney General
State of Missouri

Date: 5/11/2015

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MAY 26 2015

STONE COUNTY

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CERTIFICATE OF TRUE COPY

STATE OF MISSOURI) ss. I, Deborah J. Scobee, Clerk of the Circuit Court,
County of Stone

In and for said County, hereby certify that the foregoing is a true copy of the original

Probable Cause Statement

Case No. ISSN-CR00459

therein referred to as the same appears filed of record in my office.



WITNESS my hand and the seal of said court, done at
office in Galena, Missouri this 19
day of April 20 18

DEBORAH J. SCOBEE
Clerk of the Circuit Court

Per Phillip Klein
Deputy

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COUNT: 2

Matt A. Selby, Prosecuting Attorney of the County of Stone, State of Missouri, upon information and belief, and the Attorney General of the State of Missouri, pursuant to his authority under Section 191.910, RSMo, upon information and belief, charge that the defendant, in violation of 191.905.1 RSMo, committed the class C felony of **Medicaid Fraud: making or causing to be made a false statement in order to receive a health care payment**, punishable upon conviction under Sections 191.905, 558.011 and 560.011, RSMo, in that between on or about May 10, 2012, and December 19, 2014, partly in one county and partly in one or more other counties, an element of which occurred in the County of Stone, State of Missouri, the defendant was a health care provider and knowingly caused false representations of material fact to be made to the Missouri Department of Social Services, a health care payer, for the purpose of receiving health care payments, in that defendant caused claims to be submitted representing that she had provided Individual Psychotherapy to Medicaid recipients I.B. (DCN xxxxx5248), J.B. (DCN xxxxx6458), A.K.F. (DCN xxxxx3676), A.M.F. (DCN xxxxx6544), L.F. (DCN xxxxx5363), R.F. (DCN xxxxx6802), T.F. (DCN xxxxx3153), B.G. (DCN xxxxx2115), H.G. (DCN xxxxx2922), K.H. (DCN xxxxx4448) S.H. (DCN xxxxx6801), J.H. (DCN xxxxx6423), J.O. (DCN xxxxx2283) N.O. (DCN xxxxx9541), M.J.S. (DCN xxxxx7784), M.S. (DCN xxxxx7916), S.D.S. (DCN xxxxx7841), N.S. (DCN xxxxx6432) S.L.S. (DCN xxxxx9510), L.W. (DCN xxxxx3774), D.W. (DCN xxxxx5106), J.K.Y. (DCN xxxxx2567), and J.F.Y. (DCN xxxxx8754), which representations were false and known by the defendant to be false when made.

Charge Code: 3633599.0

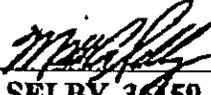
COUNT: 3

Matt A. Selby, Prosecuting Attorney of the County of Stone, State of Missouri, upon information and belief, and the Attorney General of the State of Missouri, pursuant to his authority under Section 191.910, RSMo, upon information and belief, charge that the defendant, in violation of 191.905.1 RSMo, committed the class C felony of **Medicaid Fraud: making or causing to be made a false statement in order to receive a health care payment**, punishable upon conviction under Sections 191.905, 558.011 and 560.011, RSMo, in that between on or about August 23, 2012, and December 5, 2014, partly in one county and partly in one or more other counties, an element of which occurred in the County of Stone, State of Missouri, the defendant was a health care provider and knowingly caused false representations of material fact to be made to the Missouri Department of Social Services, a health care payer, for the purpose of receiving health care payments, in that defendant caused claims to be submitted representing that she had provided Psychiatric Diagnostic Evaluation to Medicaid recipients I.B. (DCN xxxxx5248), J.B. (DCN xxxxx6458), A.K.F. (DCN xxxxx3676), A.M.F. (DCN xxxxx6544), L.F. (DCN xxxxx5363), R.F. (DCN xxxxx6802), T.F. (DCN xxxxx3153), B.G. (DCN xxxxx2115), H.G. (DCN xxxxx2922), K.H. (DCN xxxxx4448) S.H. (DCN xxxxx6801), J.H.

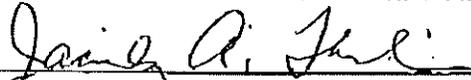
(DCN xxxx6423), J.O. (DCN xxxx2283) N.O. (DCN xxxx9541), M.J.S. (DCN xxxx7784), M.S. (DCN xxxx7916), S.D.S. (DCN xxxx7841), N.S. (DCN xxxx6432) S.L.S. (DCN xxxx9510), L.W. (DCN xxxx3774), D.W. (DCN xxxx5106), J.K.Y. (DCN xxxx2567), and J.F.Y. (DCN xxxx8754), which representations were false and known by the defendant to be false when made.

Charge Code: 3633599.0

STATE OF MISSOURI, Plaintiff


MATT A. SELBY, 36159
Prosecuting Attorney

CHRIS KOSTER
ATTORNEY GENERAL OF MISSOURI

By: 
Jacinda A. Thudium # 47884
John J. Kopp # 22110
Assistant Attorneys General

- WITNESSES:**
Meghan Gordon,
Patrick Brendel,
Holly Hedgepath,
Isaiah Billings,
Jayden Billings,
Amelia Franklin,
Angel Franklin,
Levi Franklin,
Richard Franklin,
Charolette Franklin,
Earl Gyger,
Blaine Gyger,
Haylee Gyger,
Patricia Trankler,
Kyle Hendrix,
Shane Hendrix,
Angela Edwards,
Jayden Hester,
Alisa Oliver,

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Joseph Oliver,
 Nathan Oliver,
 Andrea Storms,
 Mason Storms,
 McKenzie Storms,
 Sabrina Storms,
 Stacy Sullivan,
 Naomi Sullivan,
 Sandra Sullivan,
 Larry Whitworth,
 Danielle Whitworth,
 Leah Whitworth,
 Jessica Chappell,
 Jasmine Yaw,
 Jenna Yaw

RANGE OF PUNISHMENT

Sentence of Imprisonment – C Felonies. §558.011.1(3), RSMo:

“The authorized term of imprisonment . . . for a class C felony, [is] a term of years not to exceed seven years.”

Fines for Felonies. §560.011.1, RSMo:

“A person who has been convicted of a class C . . . felony may be sentenced

- (1) To pay a *fine* which does not exceed five thousand dollars; or
- (2) If the offender has gained money or property through the commission of the crime, to pay an amount, fixed by the court, not exceeding double the amount of the offender’s gain from the commission of the crime. An individual offender may be fined not more than twenty thousand dollars under this provision.”

Medicaid Fraud – Restitution & Investigative Costs. §191.905.11, RSMo:

“Any person convicted of a violation of this section, in addition to any fines, penalties or sentences imposed by law, shall be required to make *restitution* to the federal and state governments, in an amount at least equal to that unlawfully paid to or by the person, and shall be required to *reimburse the reasonable costs attributable to the investigation* and prosecution pursuant to sections 191.900 to 191.910 . . .”

Medicaid Fraud – Civil Penalties & Treble Damages. §191.905.12, RSMo:

“A person who violates subsections 1 to 3 of this section shall be liable for a civil penalty of not less than five thousand dollars and not more than ten thousand dollars for each separate act in violation of such subsections, plus three times the amount of damages which the state and federal government sustained because of the act of that person . . .”

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CERTIFICATE OF TRUE COPY

STATE OF MISSOURI) ss. I, Deborah J. Scobee, Clerk of the Circuit Court,
County of Stone

In and for said County, hereby certify that the foregoing is a true and correct copy of the original
Felony Complaint + Range of Punishment

Case No. ISSN- CB00459-01

therein referred to as the same appears filed of record in my office.

WITNESS my hand and the seal of said court, done at
office in Galena, Missouri this 19
day of April, 20 18



DEBORAH J. SCOBEE
Clerk of the Circuit Court
Per Debra Allen
Deputy

IN THE CIRCUIT COURT OF STONE COUNTY, MISSOURI
Division One

DEFENDANT'S
EXHIBIT A

STATE OF MISSOURI,)
Plaintiff,)
vs.)
Laurie Domsch)
Defendant.)

Case No. 155N-CR00459-01 ^{KL}
Date: 9-6-16

PLEA OF GUILTY

NAME: Laurie J. Domsch DOB: 9/5/53 MARRIED no
ADDRESS: 67 Bishop Lane

Kimberling City, MO 65686
1. Have you read the information in this case? YES or, in the alternative, has it been read to you? _____

2. Do you understand that you are charged in the information with the offense(s) of Class C Felony Medicaid Fraud

and that the penalty (ies) is/are from 1 day to 1 year in county jail
OR from 1 year to 7 years in the Missouri Dept of Corrections and/or
Will offense require lifetime supervision as a sex offender? NO
Will offense require registration as a sex offender? NO a fine of up to \$5,000
Will offense require at least 85% of the sentence be served? NO

Answer _____

3. Did you make a statement concerning this charge to the police or other arresting officer or to the Prosecuting Attorney, either orally or in writing? NO

4. Before you made such a statement, were you told:
- a. That you were not required to make any statement but could remain silent And that you could not be compelled to make a statement? _____
 - b. That if you did make a statement, anything you said could be used against you in a court of law upon trial of a case involving these charges? _____
 - c. That you could have an attorney present during any questioning by any officer and that if you could not hire an attorney, that an attorney would be appointed for you? _____

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STONE COUNTY

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- d. That you had a right to refuse to answer questions and that if you did answer questions, you could stop at anytime, and could not be compelled to continue? _____
- 5. Did anyone use force, threats, coercion, intimidation, promises or undue persuasion to get you to make such statement? N/A
- 6. Was the statement made freely and voluntarily on your part and not as a result of fear of some harm to you or to your family or to someone else? NA
Or, to gain something for yourself or for anyone else? _____
- 7. Did you have preliminary hearing? No
- 8. Did you have an attorney at the preliminary hearing? Yes
- 9. Did you know and were you informed that you could have an attorney and, if necessary, have an attorney appointed at such preliminary hearing? Yes
- 10. If you waived a preliminary hearing, do you understand that if you now desire a preliminary hearing, this Court will remand the case to the Associate Circuit Court for such hearing? Yes
- 11. Do you know that under the Constitution you are not compelled to plead guilty but may plead not guilty and have a trial by jury to determine whether or not you are guilty of the charge in the Information? Yes
- 12. Do you know that under the Constitution you cannot be required or compelled to incriminate yourself or testify against yourself? Yes
- 13. Do you know that under the Constitution you do not have to and cannot be compelled to admit to the commission of a crime? Yes
- 14. Do you know that under the Constitution you have the right to have the witnesses against you appear and testify in you presence at a jury trial? Yes
- 15. Do you realize and understand that if you plead guilty to this charge, that you have waived the Constitutional rights just mentioned? Yes
- 16. Have you consulted with your attorney concerning this case? Yes
- 17. Have they explained the offense charged in the Information and the punishment that can be assessed? Yes
- 18. Have they advised you as to the rights just now explained to you? Yes
- 19. Have you consulted with your family or friends about this case? Yes

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CIRCUIT COURT
SEP 06 2016
STONE COUNTY

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- 20. Has your attorney advised you that you may plead not guilty and have a jury trial and that they will represent you and conduct the trial of the case? Yes
- 21. Are you satisfied that your attorney has properly represented and advised you? Yes
- 22. Have they failed to do anything you think they should have done in defending you? No
- 23. Has they done anything you think they should not have not done in defending you? No
- 24. Have they persuaded or induced you to plead guilty against your will? No
- 25. Have they made any statement or promise as to what the Court will do if you plead guilty? only the plea agreement
- 26. Do you understand that if you plead guilty, the Court is not bound by the recommendation of the Prosecuting Attorney or of your attorney or, in case a presentence investigation is ordered, of the State Probation and Parole Officer, or anyone else, in assessing the punishment in this case, but that the Court may take any action within the law the Court feels is necessary and proper under the facts and circumstances of the case? Yes
- 27. Do you understand that the Court has not made any promises, agreements, or arrangements with the Prosecuting Attorney or your attorney or anyone else as to what the Court will do in this case if you plead guilty? Yes
- 28. Do you have any complaints about the acts of any officer, including the arresting officer, jailers, sheriff or deputy sheriff, prosecuting attorney, or any other official? No
- 29. Has anyone used force, threats, coercion, or other inducements to get you to plead guilty? No
- 30. Has anyone persuaded you to plead guilty against your will? No
- 31. Is there anything in the explanation of your rights or the questions asked by the Court that you do not understand? No
- 32. Do you wish at this time, after considering what has been explained to you by the Court, and considering the advise of your attorney and friends:
 - a. To waive your right to a trial by jury? Yes
 - b. To waive your right not to incriminate yourself? Yes

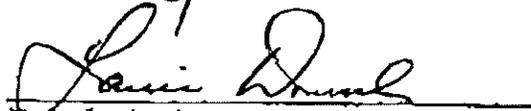
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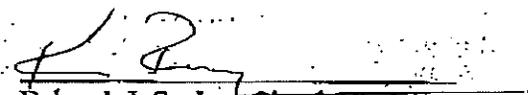
- c. To waive your right to have the witnesses who accuse you in this case to testify in your presence at a jury trial? Yes
- 33. Do you plead guilty of your own free will, and because you are guilty as charged in the information? Yes
- 34. Are you under the influence of any intoxicating liquor or narcotics at this time? No
- 35. Are you in good physical and mental health, and do you understand what you are doing? Yes
- 36. Do you understand the Missouri Board of Probation and Parole will determine the portion or percentage of your sentence(s) you will serve before you are eligible for parole or early release regardless of what your attorney, prosecuting attorney, probation officer, or court advises you? Yes
- 37. Do you understand if you are not a citizen of the United States you may be deported as a consequence of your plea of guilty? NA
- 38. State facts, that is, what you did to cause your arrest and the charge(s) to be filed:
I falsely presented a claim for payment of
Psych. Diagnostic Evaluation for payment.

- 39. Are all your answers true to all the foregoing questions? Yes


 Attorney for Defendant


 Defendant's Signature

Subscribed and sworn to before me this 6th day of September, 2016


 Deborah J. Scobee, Circuit Clerk
 Court Reporter & NO

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CIRCUIT COURT
SEP 06 2016
STONE COUNTY

SCANNED ON APR, 19, 2018 at 14: 15

CERTIFICATE OF TRUE COPY

STATE OF MISSOURI }
County of Stone } ss. I, Deborah J. Scobee, Clerk of the Circuit Court,
in and for said County, hereby certify that the foregoing is a true copy of the original

Guilty Plea
Case No. ISSN: CR00459-01

therein referred to as the same appears filed of record in my office.



WITNESS my hand and the seal of said court, done at
office in Galena, Missouri this 19
day of April 20 18.

DERORAH J. SCOBEE
Clerk of the Circuit Court
Per Michelle Klein
Deputy

**BEFORE THE
ADMINISTRATIVE HEARING COMMISSION OF THE
STATE OF MISSOURI**

STATE COMMITTEE FOR)	
SOCIAL WORK,)	
P.O. Box 1335,)	
Jefferson City, MO 65102-1335,)	
Petitioner,)	
v.)	Case No. 17-1904
LAURIE DOMSCH,)	
67 Bishop Lane,)	
Kimberling City, MO 65686,)	
Respondent.)	

**RESPONDENT LAURIE DOMSCH'S REPLY TO "PETITIONER'S
MOTION FOR SUMMARY DECISION", INCLUDING
RESPONDENT'S SUGGESTIONS IN OPPOSITION**

COMES NOW Respondent **LAURIE DOMSCH**, by and through counsel of record **J. Patrick Sullivan** of **Sullivan Law Office, P.C.**, and for her "*Reply*" to the "*Petitioner's Motion for Summary Decision*" filed by **Petitioner STATE COMMITTEE FOR SOCIAL WORK**, admits, denies, avers and suggests as follows, to wit:

**I. REPLY AND SUGGESTIONS AS TO "SUMMARY
DECISION STANDARD - 1 CSR 15-3.446(1)":**

The Petitioner correctly asserts that matters within the purview of the Administrative Hearing Commission, (hereinafter alternatively "Commission" or "AHC"), may be concluded by summary decision when "the record is viewed in the light most

favorable to the non-moving party” with the burden “on the movant to establish both the absence of a genuine issue of material fact and that it is entitled to decision as a matter of law” and that a responding party “shall not rely solely on its own pleading to establish a fact, or to raise a genuine issue as to any fact.” However, nothing in that language precludes some reliance on pleadings and 1 CSR 15-3.446(6) specifically allows for compliance with Supreme Court Rule 74.04 in responding to a summary decision motion. That Missouri Supreme Court Rule relates to summary judgment motions which are the functional equivalent of a motion for summary decision in the AHC.

Reasoning by analogy, certainly it is equitable that the Commission should take into consideration general case law for guidance in approaching such motions which by their nature remove the ability of either a complaining or, (as here), a responding party to proceed to a hearing on the merits.

In ***ITT Commercial Finance Corp. V. Mid-America Marine Supply Corp.***, 854 S.W.2d 371 (Mo en banc 1993), the Supreme Court stated that it looked upon the summary judgment procedure with favor by asserting that “(t)his opinion, it is intended, will clarify the analysis and dispel any remaining doubt that summary judgments play an essential role in our system.” *Id at 376*. Specifically the procedure “is designed to permit the trial court to enter judgment, without delay, where the moving party has demonstrated, on the basis of facts as to which there is no genuine dispute, a right to judgment as a matter of law.” *Id*. In its recital of the history of the rule and subsequent case law, the Court made clear that in practice, the procedure was subject to continuing “(s)kepticism”. Originally, the rule in subsection (h), required the movant to establish the

"right to judgment as a matter of law by 'unassailable proof"; but that section and requirement had been removed. *Id.*

The Court in *ITT Commercial* then turned its attention to the question of a "genuine issue", which over time had served to defeat the purpose of the Rule by court's commonly finding "a 'genuine issue' whenever there is the 'slightest doubt' as to a material fact". (citing *Elliott v. Harris*, 423 S.W.2d 831, 835 (Mo en banc 1968))

The Court specifically stated that "(w)e abandon the 'slightest doubt' standard, not because the summary judgment rule has changed with regard to the settling of factual disputes; it clearly has not. Rather, we now reject it because we do not believe that that standard, and the way it has been applied, ensures compliance with the requirements of the rule." The Court went on to say as a study in fairness both that "(t)o the extent that trial and appellate courts are of the impression that the 'slightest doubt' standard defeats summary judgment when any doubt exists, no matter how unreasonable, the standard was been (sic) misapplied and is now abandoned"; and "(s)ummary judgment tests simply for the existence, not the extent, of these genuine disputes. Therefore, where the trial court, in order to grant summary judgment, must overlook material in the record that raises a genuine dispute as to the facts underlying the movant's right to judgment, summary judgment is not proper."

Allen v. Midwest Institute of Body Work, 197 S.W.3d 615 (Mo. App 2006). The *Allen* Court went on to cite *ITT Commercial* favorably for the dual propositions that "the non-movant 'may not rest upon the mere allegations or denials of the party's pleading" but concomitantly that "(a) genuine issue exists where the record contains competent

evidence of 'two plausible, but contradictory, accounts of the essential facts". *Id* at 622.

In agreement with that position is the Eastern District in *Bellon Wrecking & Salvage, Co. V. Rohlfing*, 81 S.W.3d 703, 705 (Mo. App., 2002) which fashions summary judgment as a drastic remedy which borders on a denial of due process and effectively denies the party against whom it is entered a day in court. See *Cornerstone Mortgage, Inc. V. Ponzar*, 254 S.W.3d 223, 225 (Mo. App., 2008).

**II. REPLY AND SUGGESTIONS AS TO
TO "MOTION FOR SUMMARY DECISION":**
(The following responses relate to the numbered paragraphs in the underlying
"Petitioner's Motion for Summary Decision"; and include
separate averments, statutory citations, et al.)

1. Respondent admits the allegations of ¶1.
2. Respondent admits the allegations of ¶2.
3. Respondent admits the allegations of ¶3. Further, Respondent incorporates the averments contained in her underlying "Answer to Complaint" as if set forth herein, *haec verba*; including her assertion in ¶ 8 thereof that:

"8. Respondent denies that "(t)he Committee has cause to discipline Respondent's clinical social worker license...." (emphasis added) as alleged in ¶8, in that as pled, the allegation infers that the Committee acted reasonably in its determination of discipline, which inference, Respondent specifically denies. Further, under 337.630.1, R.S.Mo, the Committee "may refuse to issue or renew any license required by the provisions of sections 337.600 to 337.689 for one or any combination of causes stated in subsection 2 of this section..."(emphasis added)";

as such, discipline in the nature of license revocation does not either automatically or naturally flow from a determination that discipline may be had, and as such should be deemed to be a genuine issue of material fact with concomitant legal issues; where as here the Respondent is a sixty-four (64) year old woman with various stress causing

issues including dealing with the dementia status of her aged mother, rather than malevolent intent, and who was without prior license discipline, (See **Affidavit and Exhibits 1 and 2 - Ozarks Psychological Associates, LLC Report of 07/25/16 and Brian D. Dieterle, M.D., PhD Letter of 07/5/2016**, respectively); that demonstrates prior and ongoing positive impact on her community, (See **Exhibit 3 - Curriculum Vitae**); and which individual has developed an ongoing on-line practice that does not entail any further note-taking or communication beyond the point of service; direct billing of any person or billing of any governmental entity. (See **Affidavit**.)

4. Respondent states as to the sub-paragraphs of paragraph 4 as follows, to-wit:

a. Respondent admits sub-paragraph "a."

b. Respondent admits sub-paragraph "b.", and states further, that her license has continued in an active status down to the date hereof, without further complaint. (See **Affidavit**.)

c. Respondent admits sub-paragraph "c."

d. Respondent admits sub-paragraph "d.", and states further that since the time of the entry of her guilty plea that she has made all restitution and court cost payment in full, (much of which was paid prior to the entry of her guilty plea with costs paid on the date of said plea; and been reduced to Level I supervision by the Board of Probation and Parole, with an anticipated Earned Compliance Credit date of April 1, 2019. (See **Exhibit 4 - Level One Supervision Contract - reflecting no restitution owing as of 3/16/17, and Stone County Receipts**.)

5. Respondent admits that the 337.630.2 and 4, RSMo., "establishes the Committee's authority to censure a social worker's license providing grounds in subsection 2 of this statute are met by the Administrative Hearing Commission", but denies any inference that the recited statutory provisions should be deemed as requiring license revocation in this case, and refers the commission to the alternatives which 337.630.4, RSMo provides for in the following terms, to-wit:

"4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the committee may censure or place the person named in the complaint on probation on such terms and conditions as the committee deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license.";

Respondent avers that notwithstanding an assertion in the first paragraph of correspondence from the *Division of Professional Registrations's* legal counsel Sharon K. Euler of April 11, 2017 to Sullivan Law Office, P.C. that "(t)he Committee members carefully reviewed the materials you submitted and the testimony offered at the informal appearance", that the Committee failed to fully consider statutory alternatives which at least may be inferred by paragraph two, which states: "After careful review and consideration, the Committee rejects your counter-offer of probation. However, the Committee is still willing to allow Ms. Domsch to enter into the settlement agreement as previously offered with the proposed discipline of revocation." (Emphasis added) (See **Exhibits 5 and 6 - Letter of Division of Professional Registration of 04/11/2017 and proposed Settlement Agreement.**) That is to say, the position of Respondent is that the Committee should not merely be allowed to rely upon what it is statutorily

empowered to do by way of maximum discipline, but rather that a reasonable inference could be found that the Committee did not consider all statutory alternatives, which should be deemed to constitute "(a) genuine issue ... where the record contains competent evidence of 'two plausible, but contradictory, accounts of the essential facts'". *Allen, supra at 622*; and as such she should be allowed to go forward in a formal setting in that regard.

Further in support thereof, Respondent refers the AHC to the Petitioner's answer to interrogatory number 9 propounded by Respondent, (which answers were provided by *Thomas M. Reichard*, Executive Director for the State Committee on Social Workers, per answer #1), to-wit:

"9. Please state the number of times within the last three (3) years that the Department has sought license termination or forfeiture from a licensee that has never been previously suspended? If there have been such occasions, please state when and where such termination or forfeiture occurred and the general nature of the alleged offense.

ANSWER: Objection as to relevance to cause for discipline, as this question is not reasonably calculated to lead to discoverable evidence. To the extent a response is required and subject to the aforementioned objection, Mr. Reichard is unable to answer this question with absolute certainty, but believes the number is less than 20." (Emphasis by way of underlining added, bold face in original.)

It is the position of Respondent that a reasonable inference in light of that interrogatory response, could be had that as a licensee who had never been suspended, she was treated inequitably which should likewise be deemed a basis for overruling Petitioner's summary decision motion.

6. Respondent admits that there are statutory basis for discipline under 337.630.2(2), RSMo, as alleged in ¶6 and that under the **Brehe** case the same is categorized as a crime of moral turpitude; but by way of further answer incorporates the averments set forth in paragraphs 3, 4 and 5 of her *Reply, supra*, as if set forth herein, *haec verba*. Respondent states further that she denies any inference that discipline or any specific type thereof is required to flow from determination of a basis for discipline.

7. Respondent admits that there are statutory basis for discipline under 337.630.2(4), RSMo, as alleged in ¶7, but by way of further answer incorporates the averments set forth in paragraphs 3, 4 and 5 of her *Reply, supra*, as if set forth herein, *haec verba*. Respondent states further that she denies any inference that discipline or any specific type thereof is required to flow from determination of a basis for discipline.

8. Respondent admits that there are statutory basis for discipline under 337.630.2(5), RSMo, as alleged in ¶8, but by way of further answer incorporates the averments set forth in paragraphs 3, 4 and 5 of her *Reply, supra*, as if set forth herein, *haec verba*. Respondent states further that she denies any inference that discipline or any specific type thereof is required to flow from determination of a basis for discipline.

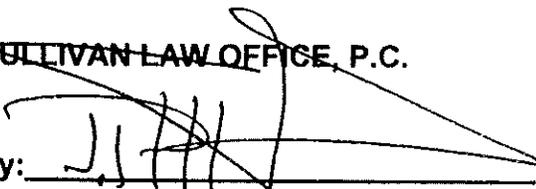
9. Respondent admits the allegations of ¶9.

10. Respondent admits the allegations of ¶10, but by way of further answer

incorporates the averments set forth in paragraphs 3, 4 and 5 of her *Reply, supra*, as if set forth herein, *haec verba*. Respondent states further that she denies any inference that discipline or any specific type thereof is required to flow from determination of a basis for discipline.

WHEREFORE, Respondent **LAURIE DOMSCH**, having fully replied and in light of all of the incorporated responses, affidavit, exhibits and suggestions, et al., respectively moves the Administrative Hearing Commission to overrule the Motion for Summary Decision with her costs herein expended; and for such other and further relief as the Commission deems just in the premises.

~~SULLIVAN LAW OFFICE, P.C.~~

By: 

J. Patrick Sullivan, #31370

Attorney for Respondent

PO Box 2175

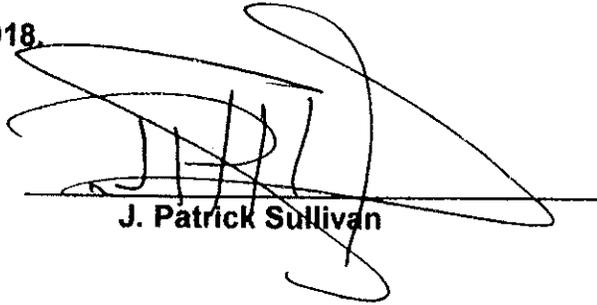
Branson West, MO 65737

417.272.1444 Fax: 417.272.1555

sullivanlaw83@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was forwarded via U.S. Mail, first class, postage prepaid and by electronic mail to **Gerald M. Jackson**, Assistant Attorney General at P.O. Box 899, Jefferson City, MO 65102; and **Gerald.jackson@ago.mo.gov**, and via electronic filing to the **Administrative Hearing Commission**, this 19th day of July, 2018.



J. Patrick Sullivan

**BEFORE THE
ADMINISTRATIVE HEARING COMMISSION OF THE
STATE OF MISSOURI**

STATE COMMITTEE FOR)
SOCIAL WORK,)
P.O. Box 1335,)
Jefferson City, MO 65102-1335,)
Petitioner,)
v.)
LAURIE DOMSCH,)
67 Bishop Lane,)
Kimberling City, MO 65686,)
Respondent.)

Case No. 17-1904

FILED July 19, 2018 ADMINISTRATIVE HEARING COMMISSION

STATE OF MISSOURI)
COUNTY OF STONE)

AFFIDAVIT

(All references to exhibits are to those filed concurrently with the summary decision reply.)

I, LAURIE DOMSCH, being of lawful age and first duly sworn on my oath state as follows, to wit:

1. That I am the Respondent, in the matter pending before the Administrative Hearing Commission as case number 17-1904..
2. That I have reviewed the document *Respondent Laurie Domsch's Reply to "Petitioner's Motion for Summary Decision"*, including Respondent's Suggestions in Opposition, with accompanying exhibits and that the matters contained therein are true and correct according to my best information and belief.

3. That I am sixty-four (64) years of age, a long-term resident of Stone County, Missouri; and have never had any other criminal prosecutions than those referenced in the underlying *Complaint*; and that I have continually been licensed in the state of Missouri as a clinical social worker, bearing license number 004512.
4. That my *Curriculum Vitae*, (**Exhibit 3**), reflects not only my training, but also my professional involvement.
5. That at the time of the incidents resulting in criminal prosecution, I was under extensive stress including dealing on a daily basis with the dementia of my aged mother and had various medical diagnosis as reflected in correspondence of Dr. Brian D. Dieterle. (**Exhibit 2**)
6. That I engaged in a psychological evaluation by Dr. Brian K. Chandler that concluded: "The stress that Ms. Domsch has been experiencing, along with her various physical issues have combined to impact her ability to function as efficiently as she previously had in her private practice. Ms. Domsch does not show any signs of malevolent intent, but rather shows a very benevolent character that desires to help others both as her own person as well as a professional in clinical practice." (Emphasis Added) (**Exhibit 1.**)
7. That my current practice consists primarily of on-line counseling through *betterhelp.com*, which does not entail any further note-taking or communication beyond the point of service, nor do I directly bill any person or entity.

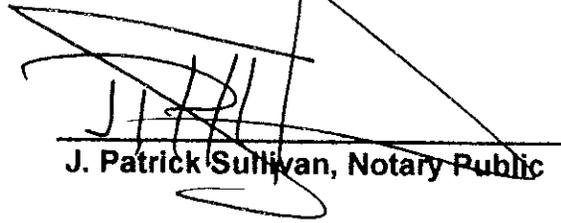
FURTHER AFFIANT SAYETH NAUGHT.



LAURIE DOMSCH

Subscribed and sworn to before me this 19th day of July, 2018.

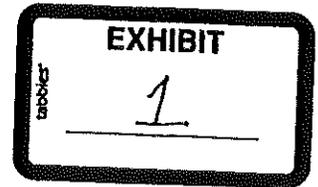
J. Patrick Sullivan
Notary Public - Notary Seal
State of Missouri
Stone County
My Commission Expires: April 5, 2019
Commission #15481900



J. Patrick Sullivan, Notary Public

My Commission Expires: April 5, 2019.

OZARK PSYCHOLOGICAL ASSOCIATES, LLC
1736 E SUNSHINE
SUITE 811
SPRINGFIELD, MO 65804
(417) 882-4485



PSYCHOLOGICAL EVALUATION

NAME: Laurie Domsch
DOB/AGE: 09/05/53; 62
REFERRAL SOURCE: Teresa Grantham Fiester, Grantham-Fiester Law Firm
EVALUATOR: Brian K. Chandler, PsyD.
DATE OF EVALUATION: 07/25/16

REASON FOR REFERRAL:

Ms Domsch was referred for a psychological evaluation subsequent to legal action being taken by Missouri Medicaid regarding billing practices. Ms Domsch's attorney desires a psychological evaluation to assess Ms Domsch emotional functioning and to better understand alleged behaviors of the past few years that have led to Medicaid action.

BASIS OF EVALUATION:

Shipley Institute of Living Scale; Wide Range Achievement Test-III (WRAT-III); Minnesota Multiphasic Personality Inventory, 2nd Edition (MMPI-II); Rorschach Test; Incomplete Sentences Blank; Mental Status Examination; and Clinical Interview.

BACKGROUND INFORMATION:

Ms Domsch is youngest of three children from the union of biological parents with two older brothers. Ms Domsch's father died when the patient was 5 years old. Ms Domsch described her mother as a "task master." She nevertheless had good relationships with her family members. Ms Domsch has never married and has no children.

With regard to psychiatric history Ms Domsch reported no treatment of any type throughout childhood and adolescence. She reported as an adult in graduate school she participated in outpatient therapy for a brief time. Ms Domsch reported symptoms of depression, anxiety and posttraumatic stress disorder beginning approximately 1999 to 2000. She reported being prescribed Effexor to address some of these issues. She also reported using Wellbutrin "off and on." When she experienced medical problems approximately 6 years ago she had difficulty sleeping and was prescribed Ambien, which she has used since then. She also reported being prescribed Xanax for the past 5 years and uses it approximately once a day if needed. With regard to medical history Ms Domsch reported a variety of ailments that have plagued her over the past 10 to 12 years. She experienced some liver toxicity from asbestos exposure. She had been diagnosed with fibromyalgia in 2005. That same year she was diagnosed with adrenal fatigue. In 2010 she was diagnosed with hypothyroid and the same year was given hormone replacement therapy. In 2011 she experienced several different physical ailments including migraine headaches, heart arrhythmia, kidney stones with near kidney failure due to the asbestos exposure, gallstones, hiatal hernia and shingles.

With regard to substance abuse Ms Domsch reported using some alcohol as a teen. She continued to use in her early adulthood until age 30 at which time she stopped because of her family history on her father's side. She denied using any other substances.

With regard to education the patient obtained a bachelors degree in sociology and social work. She obtained a masters degree in social work with focus on community development and policy and administration. She worked in civil service for 15 years in grant writing and community development. She has practiced as a licensed clinical social worker (LCSW) for 18 years. Ten years were spent with Christian Associates and the remainder in her own private practice.

With regard to legal history Ms Domsch has no prior legal record and in describing the events leading up to the lawsuit with Medicaid the patient spoke of a variety of physical ailments listed above in 2011. During this time her mother was also diagnosed with dementia and would often call Ms Domsch's office. Ms Domsch reported that this was very stressful and indicated she had billed for some people that did not come in for therapy. Ms Domsch reported that her mother has been in a care home in Kansas City for the past two years, but this has been a stressful situation for her. In 2015 Ms Domsch reported her hard drive crashed and reported getting it fixed, but discovered in December 2015 that there were files missing which she could not replace. At this time she closed her office and took 6 months off. She reported she had no knowledge of Medicaid auditing her. She learned that Medicaid deactivated her Medicaid number 2 to 3 months ago and claimed there were fraudulent billing practices and wanted \$52,000 returned. After reviewing her records Ms Domsch reported that she determined the amount she owed was \$13,500.

ASSETS:

Ms Domsch is intelligent and friendly with a positive outlook and compassionate spirit.

MENTAL STATUS EXAMINATION:

Ms Domsch is a 62-year-old Caucasian female who presented for her evaluation casually dressed with good grooming and personal hygiene. She was friendly and cooperative with the evaluator throughout the evaluation and completed the testing without incident. Her eye contact was good and speech was normal for rate, rhythm and volume. She was oriented in all spheres. Her attention and concentration were good. Memory appears intact. Her thought content does not include suicidal or homicidal ideation. She is not experiencing any hallucinations. Ms Domsch's thought process was linear with no symptoms of psychosis. Her mood was euthymic and affect mood congruent. She claims to sleep fair with her medication and has a good appetite with adequate energy. Judgment appears good and insight adequate.

TEST RESULTS

INTELLECTUAL FUNCTIONING:

On the Shipley Institute of Living Scale Ms Domsch obtained an overall raw score of 63 which places her at the 92nd percentile and in the above average range.

Ms Domsch was only administered the reading and spelling portion of the Wide Range Achievement Test-III with scores as follows: Reading Raw Score 55, Standard Score 115, Percentile Rank 84, Grade Equivalent Post High School; Spelling Raw Score 48, Standard Score 111, Percentile Rank 77; Grade Equivalent Post High School. Ms Domsch is achieving at a level consistent with her age, education level and intellectual ability. No cognitive deficits are noted.

PERSONALITY FUNCTIONING:

The results of Ms Domsch's Minnesota Multiphasic Personality Inventory are valid with validity scaled T scores as follows: L57, F51, K59. This validity profile suggests Ms Domsch understood the inventory and responded in a straightforward fashion. Ms Domsch's T scores for the ten basic clinical scales are as follows: HS65; D49; HY75; PD63; MF45; PA63; PT66; SC63; MA68 and SI45. Clinically significant elevations on scales 1, 3, 7, and 9. Individuals who obtain profiles similar to Ms Domsch often experience significant physical ailments. Oftentimes stress in their life can contribute to exacerbation of somatic complaints. These individuals may experience some mental dullness causing them to not be as sharp and on top of things as they ought to be because of physical issues. Individuals with similar profiles often experience hypomania and possible psychomotor acceleration. They may tend to get ahead of themselves and sometimes feel out of control of their circumstances.

The results of Ms Domsch's Rorschach Test are valid and suggests her reality testing is intact as her protocol did not indicate any special scores that would indicate severe psychopathology. Ms Domsch provided responses that were complex and at times abstract. She provided both human and animal movement responses. She suggested significant cognitive resources and ability to incorporate various items together to make a coherent whole. Many of her responses are considered popular and follow conventional form quality.

The results of Ms Domsch's incomplete sentences blank are valid and suggest an absence of serious psychopathology. She shows a very positive outlook and desire for harmony in interpersonal relationships. In speaking of herself she has written, "I feel good about my accomplishments"; "I am worth knowing and loving" and in speaking of family she has written, "a mother is the center of the family"; "my father was the sunshine of our life"; "I am secretly

proud of my family." Speaking of interpersonal relationships she writes, "the best time is with family and friends"; "other people are usually supportive"; "marriage is a sweet long term commitment" and "most women are strong and steady." She does reference some physical and emotional distress as she has written, "I suffer from over tiredness"; "sometimes I question why my energy drains quickly"; and "my nerves get frayed with too much stress."

DIAGNOSTIC IMPRESSIONS:

Anxiety Disorder NOS

SUMMARY & RECOMMENDATIONS:

Based on the results of this evaluation Ms Domsch possesses above average intellectual ability and is functioning at this level. Ms Domsch is at a unique stage of her life. She is transitioning into a stage where she is experiencing decreased physical functioning. Her family relationships have changed drastically as her mother has been losing her mental faculties. The various stressors Ms Domsch has been experiencing over the past few years has led her to adjust her clinical practice. The stress that Ms Domsch has been experiencing, along with her various physical issues have combined to impact her ability to function as efficiently as she previously had in her private practice. Ms Domsch does not show any signs of malevolent intent, but rather shows a very benevolent character that desires to help others both as her own person as well as a professional in clinical practice.

Recommendations are as follows:

1. It is recommended that Ms Domsch continue to work closely with her physician to address her physical issues and to ensure that the medications she is using are effectively treating those issues and not causing unwanted side affects of dependency.
2. Ms Domsch will benefit from having a sounding board – whether colleagues in professional practice, supportive friends, or a therapist – so that she might express some of her underlying stressors and frustrations and receive supportive feedback to assist her in this phase of her life.



Brian K. Chandler, PsyD.
Licensed Psychologist

TABLE ROCK COUNSELING, LLC

LAURIE DOMSCH, ACSW, LCSW

Phone: 417-272-0055 or 417-230-1279

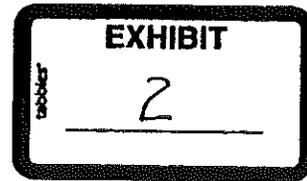
67 Bishop Ln, Kimberling City, MO. 65686

March 12, 2018

Current Medications:

Claritin D	120 mg qam	Allergies
Effexor XR	75 mg. qam	Depression
Naturethroid	162.5 mg. qam	Hypothyroid
Estrogen	.075 mg twice weekly	HRT
Progesterone	100 mg qpm	HRT
Zolpidem	15 mg. bedtime	Insomnia
Alprazolam	.5 mg bedtime	Insomnia
Rizatriptan	10 mg prn	Migraines

BRIAN D. DIETERLE, M.D., PhD
INTERNAL MEDICINE
895 State Highway 248
Branson, MO 65616
417-334-0810



July 5, 2016

Teresa Grantham Fiester
Grantham Fiester Law
Springfield, MO

Dear Ms. Grantham Fiester:

Laurie Domsch has been/is being treated for the following conditions. She no longer takes heart arrhythmia medication or diabetes medication.

- 1998: Allergy related Asthma (from asbestos exposure)
- 1999: Depression
- 1999: Anxiety
- 2000: PTSD
- 2004: Liver Toxicity (from asbestos)
- 2004: Insomnia
- 2005: Fibromyalgia
- 2005: Adrenal Fatigue
- 2010: Hypothyroid
- 2010: Hormone Replacement
- 2011: Migraine headaches

Ms. Domsch stated caring for her mother with dementia in 2011.

- 2011: Heart Arrhythmia
- 2011: Kidney stones and near kidney failure (from asbestos exposure)
- 2011: Gall Stones, Hiatal Hernia
- 2011: Shingles

Ms. Domsch has bouts of dizziness, low energy, UTI's, and works in a high stress field. Please contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "B Dieterle".

Dr. Brian Dieterle

Laurie Domsch

ACSW, LCSW

67 Bishop Lane

Kimberling City, MO 65686

Phone: (417)230-1279 Office & Fax (417)739-2264

EXHIBIT

3

CAREER OBJECTIVES

Private Professional Counseling
Community and Human Resource Development

GENERAL SUMMARY

Private Counseling: ACSW, LCSW
Administrative and Management Experience in
Human Services, Program Planning and
Development, Education, Grant Writing,
Fund Raising, Employment, Case Management

EDUCATION

LCSW - Licensed Clinical Social Worker	December 1994	SW004512
ACSW - Academy of Certified Social Workers		November 1994-present
MSW - CLINICAL & ADMINISTRATION	University of KS.	8/83-12/86
BSW - SOCIAL WORK	KS. St. University	8/77 - 8/78
BA - SOCIOLOGY	Ft. Hays St. University	8/72 - 5/76

COLLEGE HONORS AND ACTIVITIES: Teaching Assistant; Student Representative to Sociology Faculty; Community Development; Phi Kappa Phi Honorary Society; Graduated Magna Cum Laude.

SEMINARS, CERTIFICATES, CONTINUING EDUCATION: Domestic Violence, Child and Adult Sexual Abuse; Strengths Model Counseling, Positive Relationships, Community Development, Program Design, Evaluation, Budgeting, Marketing, Supervision, Computer Data Base Management, Housing, Counseling, Women=s Issues, Substance Abuse, Case Management, Employment and Training.

OCCUPATIONAL EXPERIENCE

July 1999 - Present. Table Rock Counseling, Kimberling City, MO.

CLINICAL SOCIAL WORKER: LCSW, ACSW

Sole Proprietor of this private counseling service. Counseling for adults and youth, with specialty in abuse issues, substance abuse, aging issues, anxiety, depression, life transitions and conflict resolution. Consulting to businesses, program development and grant writing. 99% of work through Betterhelp.com

July 1990- July 1999. Christian Associates of Table Rock Lake, Kimberling City, MO.

EXECUTIVE DIRECTOR

Primarily responsible for managing and providing clinical service with this comprehensive private social service agency. Assistant Director until 1995. Duties include fund raising, supervision, program development, private counseling, education and grant writing. Coordinating and funding community development through public and private sources. Director of Harbor Lights Safe Shelter; experience with volunteer coordination. Counseling and Program Dev. with domestic violence, sexual assault and family advocacy including job readiness & placement.

Achievements: Agency budget increased from \$80,000 to \$ 535,000 in 9 years. Public and private grants written and funded for Teen Parents, Domestic Violence, Economic Development, VISTA, and Departments of Mental Health, Social Services, Public Safety and Elementary and Secondary Education, Dept. of Housing Development. Consulting work from 1984 to present in mental health, crisis programming, food banks, supported employment, youth, home health and aging services. State Chair - Missouri Coalition Against Domestic Violence 1996, 1997; Publicity Committee - Missouri Coalition Against Sexual Assault, 1997. Current Chair: Lakes Area Child Advocacy Center.

1999 Missouri House of Representatives award for advocacy with equality and justice.

August 1988-May 1990. Department of Labor & Employment Security, Pinellas Pk, FL.

VOCATIONAL REHABILITATION COUNSELOR

Primarily responsible for guidance, counseling and case management for clients with physical, mental and emotional disabilities in returning to work. Duties included medical and mental health assessment, job development and placement. Liaison with schools, drug treatment and handicapped housing facilities. Achievements: Helped long-term, unemployed wheelchair clients gain confidence, direction and return to work. Top 10 producer in St. of Florida in one yr.

Sept. 1978-June 1988. Dept. of Human Resources, Manhattan & Overland Park, KS.

EMPLOYMENT RESOURCE SPECIALIST

Primarily responsible for managing job training services, negotiating training contracts, developing training programs and computer information management. Duties included supervising staff, administering training funds, managing applicant recruitment, client career planning, employer/employee relations. Achievements: State Policy Board

OTHER EXPERIENCE:

RESOURCE SPECIALIST, FOUNDER/COUNSELOR, TEACHING ASST.:
with Aging Services, Rape Crisis, at Ft. Hays University, KS.

PROFESSIONAL ORGANIZATIONS

National Association of Social Workers, Missouri Association of Social Welfare,
Missouri Coalition Against Domestic Violence

Laurie Domsch

ACSW, LCSW

67 Bishop Lane

Kimberling City, MO 65686

(417)230-1279 and (417) 739-2264

Curriculum Vitae

2004-2017

- ~ Parenting Skills and Problem Behaviors (Feb '04)
- ~ Somatic Therapy (May '04)
- ~ NAMI: Family to Family Mental Health Education (June '04)
- ~ Psychotherapy Networking - Brain Chemistry (Nov. '04)
- ~ Psychotherapy Networking- Client Centered Therapy (Jan. '05)
- ~ Spirituality in Social Work (Jan. '05)
- ~ Social Work Licensure and Ethics (June '05)
- ~ Current Brain Diagnosis and Treatment - SPECT Imaging (June '05)
- ~ Psychotherapy Networking - Family Therapy (Jan. '05)
- ~ Psychotherapy Networking - Individual Therapy (May '05)
- ~ Psychotherapy Networking - Group Therapy (July '05)
- ~ Borderline Treatment - (Dec. 05)
- ~ Psychotherapy Networking - Treatment Issues (Sept. '05)
- ~ Communication Skills - Bioreaction (Oct. '06)
- ~ Emotionally Focused Couples Therapy (Oct. '06)
- ~ Emotionally Focused Couples Therapy Pt. II (Nov. '06)
- ~ Ethics and Boundaries (Mar. '07)
- ~ 10 Skills for Daily Living (Nov. '07)
- ~ Jungian Dream Interpretation (Jan'08)
- ~ Overcoming Client Resistance - Motivational Interviewing (Apr. '08)
- ~ Evolving Ethics (Oct. '08)
- ~ Documentation: Be Concise, Complete, and Comprehensive (Apr. '09)
- ~ Comprehensive Child Therapy: Treatment and Intervention (Oct. '09)
- ~ Asperger's Syndrom (March '10)
- ~ Ethics (Apr. '10)
- ~ Attachment and Emotional Regulation (May '10)
- ~ Emotional Manipulation (June '10)
- ~ New Treatment for Trauma (Nov. '10)
- ~ Personality Disorders (Apr. '11)
- ~ Brain Change Therapy: New Strategies for Depression, Anxiety, and Trauma (Aug. '11)
- ~ Mindfulness (Nov. '11)
- ~ Ethics High Risk Management (May '12)
- ~ Spirituality in Healing (Jan '13)
- ~ Coding and Billing in Mental Health Services (Nov. '13)
- ~ Ethics in Practice (Sept. '15)
- ~ From Cell to Soul: Heart/Brain Coherence (Nov. 2016, Mar. 2017)

Level I Supervision Contract

I, Laurie Domsch, /DOC# 1304025, understand under condition #8 Reporting/Directives, the following requirements must be followed while I am assigned to Level I supervision. I also understand failure to obey the conditions of my probation or parole will result in my case being returned to a higher level of supervision.

LEVEL I SUPERVISION REQUIREMENTS

1. On a monthly basis, it is my responsibility to use one of the following methods to report to my supervising officer and provide updates relative to home, employment, and law enforcement contact by the 15th of each month. I may provide this information through a telephone call, e-mail, U.S. postal service, or deliver the monthly supervision report to my Probation and Parole officer. Failure to make my monthly contact may result in a violation of my probation or parole.
2. I will maintain employment unless engaged in a specific program approved by my probation and parole officer. I will obtain advance permission from my probation and parole officer before quitting my job or program. In the event I lose my job or am terminated from a program, I will notify my probation and parole officer within 48 hours.
3. I understand I must obtain a travel permit to leave the state of Missouri. I also understand I should give my supervising officer 15 days notice and that a travel permit may not be issued unless this advance notice is given. Furthermore, I understand leaving the area in which I reside without permission may be a violation of my probation or parole.
4. I understand I must report any arrest or law enforcement contact to my supervising officer within 48 hours.
5. I will report to my Probation or Parole officer as directed, in addition to providing the monthly supervision report through a telephone call, email, mail, or delivery to my Probation and Parole officer.
6. I will obtain advance permission from my probation and parole officer before making any change in residency.
7. It is my responsibility to make court ordered and Intervention Fee payments. I understand I must verify this information as directed by my supervising officer with written documentation and include it on the monthly supervision report. I understand all financial obligations must be met 120 days prior to expiration of my sentence. I agree to the following payment plans:

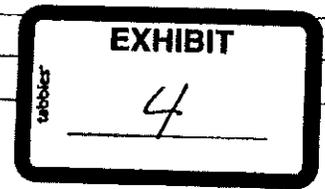
Restitution Amount \$	Target Completion Date:	Payment \$	<input type="checkbox"/> Monthly <input type="checkbox"/> Weekly
Court Cost Amount \$	Target Completion Date:	Payment \$	<input type="checkbox"/> Monthly <input type="checkbox"/> Weekly
Fines Amount \$	Target Completion Date:	Payment \$	<input type="checkbox"/> Monthly <input type="checkbox"/> Weekly
CVCF Amount \$	Target Completion Date:	Payment \$	<input type="checkbox"/> Monthly <input type="checkbox"/> Weekly
Child Support \$	MACS ID#	Payment \$	<input type="checkbox"/> Monthly <input type="checkbox"/> Weekly
Intervention Fees \$	Target Completion Date:	Payment \$	<input type="checkbox"/> Monthly <input type="checkbox"/> Weekly

Hash # incurred
Yct. *30 monthly when they begin accruing

8. It is my responsibility to fulfill all special conditions and to successfully complete any program ordered by the court or supervising officer. Specifically, I agree to the following plan:

HSE Site / School Name:	Target Completion Date:
Community Service Site/s:	
Target Completion Date:	Hours to Complete: <input type="checkbox"/> Monthly <input type="checkbox"/> Weekly
Program Name:	Target Completion Date:
Ignition Interlock or other vendor name:	

Offender Signature: Laurie Domsch Date: 3-14-17
 Witness Signature: Hannah Allhands Date: 3-14-17



12/21/15

Receipt

Stone County : Missouri

2/8/2017 - 2:38:47 PM (CT)

name laurie domsch
confirmation number 10002219
effective date 2/8/2017
payment method Credit Card
account number 4XXXX8376

cm

payment amount \$559.00
convenience fee amount \$12.02
total remitted \$571.02

Criminal Costs and Fines
(15sn-cr00459-01, laurie domsch) - \$559.00

The charge will show on your account as :

Stone County Circuit Court

ST V LAURIE J DOMSCH

CASE ID: 15SN-CR00459-01
FEES AND ADJUSTMENTS
 Party Fees

Party Name (Party ID)
 DOMSCH, LAURIE J (DOMLJ5092)

<u>Code</u>	<u>Description</u>	<u>Date</u>	<u>Fee Amount</u>	<u>Balance Due</u>
3028	CVC-\$46 Other 59602	07-Sep-2016	\$46.00	\$46.00
3410	County Law Enf Restitution 59602	07-Sep-2016	\$200.00	\$200.00
3104	Postage 59602	07-Sep-2016	\$0.50	\$0.50
3188	Time Payment Fee 59602	07-Sep-2016	\$25.00	\$25.00
3046	LET-County 59602	07-Sep-2016	\$2.00	\$2.00
3194	Inmate Pris Detainee Security 59602	07-Sep-2016	\$2.00	\$2.00
3306	Felony Costs w/SRF 59602	07-Sep-2016	\$279.50	\$279.50
3090	Dom Viol-Crim/County Ordinance 59602	07-Sep-2016	\$4.00	\$4.00

Total Fees: \$559.00
Grand Total Case and Party Fees: \$559.00



BEAR STATE
 BANK
 P.O. Box 550
 Harrison, AR 72601

MONEY ORDER

Branch: 343

36852

81-147
829

DATE February 26, 2018

REMITTER

PAY SIXTY AND 00/100

TO THE
ORDER OF

*****60.00

Feb, March 2018

#1034025

NON NEGOTIABLE

CUSTOMER COPY



BEAR STATE
 BANK
 P.O. Box 550
 Harrison, AR 72601

MONEY ORDER

Branch: 343

35491

81-147
829

DATE October 19, 2017

REMITTER Laurie Domsch

PAY FOUR HUNDRED TWENTY AND 00/100

TO THE
ORDER OF

*****420.00

NON NEGOTIABLE

CUSTOMER COPY



Governor Eric R. Greitens
State of Missouri

Department of Insurance
Financial Institutions
and Professional Registration
Chlora Lindley-Myers, Acting Director

DIVISION OF PROFESSIONAL REGISTRATION

3605 Missouri Boulevard
P.O. Box 1335
Jefferson City, MO 65102-1335
573-751-0293
573-751-0878 FAX
800-735-2966 TTY
800-735-2466 Voice Relay Missouri

Kathleen (Katie) Steele Danner
Division Director

<http://www.pr.mo.gov>

April 11, 2017

J. Patrick Sullivan
Sullivan Law Office, P.C.
16585 State Hwy 13, Suite G
P.O. Box 2175
West Branson, Missouri 65737

RE: Laurie Domsch, LCSW

Dear Mr. Sullivan:

Thank you for appearing with Ms. Domsch before the State Committee for Social Workers on April 10, 2017. The Committee members carefully reviewed the materials you submitted and the testimony offered at the informal appearance.

After careful review and consideration, the Committee rejects your counter-offer of probation. However, the Committee is still willing to allow Ms. Domsch to enter into the settlement agreement as previously offered with the proposed discipline of revocation.

If your client wishes to resolve this by agreement, please sign and return to settlement agreement to me. If you need another copy, please let me know. If your client does not wish to enter into this settlement agreement, please let me know that as well. If we cannot resolve this by agreement, the Committee's next step will be to file a formal action with the Administrative Hearing Commission to begin the formal disciplinary process per the provisions of Section 337.630 and Chapters 536

and 621, RSMo. We would appreciate a response no later than the close of business on Friday, April 28, 2017.

Please let me know if you have any questions or if there is anything further to discuss.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon K. Euler", with a long horizontal flourish extending to the right.

Sharon K. Euler

Legal Counsel

Cc: State Committee for Social Workers

evidence admissible under the law. 1 CSR 15-3.446(6)(B). The following facts are undisputed and drawn from the certified documents attached to the Committee's motion, Domsch's answer, her response to the Committee's motion, and her affidavit and accompanying exhibits.²

Findings of Fact

1. Domsch was licensed by the Committee as a clinical social worker. Her license was current and active at all relevant times.
2. Domsch billed the Missouri Medicaid program for services she provided as a licensed clinical social worker.
3. Between August 23, 2012 and December 5, 2014, Domsch submitted claims for payment to the Missouri Medicaid Program representing that she provided psychiatric diagnostic evaluations to certain Medicaid recipients. Domsch knew those claims were false when she made them.
4. Based on her submission of the claims described above, Domsch pled guilty in the Stone County Circuit Court to one class C felony count of Medicaid fraud under § 191.905.1 on September 6, 2016.
5. Domsch received a suspended execution of sentence, was placed on five years of supervised probation, and ordered to pay \$20,000 to the MoHealthNet³ Reimbursement Fund.

Conclusions of Law

We have jurisdiction. Sections 337.630.2 and 621.045. The Committee is responsible for the licensure and discipline of clinical social workers. Sections 337.612 and 337.630. It

² Domsch's Exhibits 1 and 2 contain medical records that include health information regarding Domsch and her mother. Information of this type is protected from disclosure by various privacy laws, including the United States Health Insurance Portability and Accountability Act ("HIPAA"), 45 C.F.R. § 164.502. Section 610.021(14) allows us to close "[r]ecords which are protected from disclosure by law[.]" *Under 1 CSR 15-3.410, it is the party's responsibility to make a motion to close or redact information from any record.* Although neither party to this case made such a request, we seal Domsch's Exhibits 1 and 2 on our own motion.

³ MoHealthNet is the division of the Department of Social Services responsible for administering Missouri's Medicaid program. Section 208.001.

bears the burden of proving that cause for discipline exists, pursuant to § 337.630.2, and must do so by a preponderance of the evidence. See *Kerwin v. Mo. Dental Bd.*, 375 S.W.3d 219, 229-230 (Mo. App. W.D. 2012) (dental licensing board demonstrated “cause” to discipline by showing preponderance of evidence). A preponderance of the evidence is evidence showing, as a whole, that “the fact to be proved [is] more probable than not.” *Id.* at 230, quoting *State Bd. of Nursing v. Berry*, 32 S.W.3d 638, 642 (Mo. App. W.D. 2000).

Here, the Committee alleges cause exists to discipline Domsch under four subdivisions of § 337.630.2:

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 sections 337.600 to 337.689 or any person who has failed to renew or has surrendered the 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 pursuant to the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a social worker licensed 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;

* * *

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a social worker licensed pursuant to this chapter;

(15) Being guilty of unethical conduct as defined in the ethical standards for clinical social workers adopted by the committee by rule and filed with the secretary of state.

We address the subdivisions in turn.

Subdivision (2) – Crime Reasonably Related,
Essential Element, Moral Turpitude

Domsch pled guilty to one count of Medicaid fraud, and the Committee argues discipline is appropriate because the crime of Medicaid fraud is one of moral turpitude, contains an essential element of fraud, and is reasonably related to her profession. We agree.

Reasonably Related

The fraud that occurred and that resulted in Domsch's conviction was reasonably related to her qualifications, functions and duties as a social worker. Domsch submitted claims for payment in connection with her work as a social worker and sought reimbursement from the Medicaid program for providing diagnoses and evaluations of Medicaid patients in her duties as a social worker. Because the fraud that occurred arose out of the scope and course of Domsch's duties and functions, it is clear that the crime was reasonably related.

Essential Element

An essential element of a crime is one that must be proved in every case. *State ex rel. Atkins v. Mo. Bd. of Accountancy*, 351 S.W.2d 483, 485 (Mo. App. WD. 1961). Fraud is an intentional perversion of the truth to induce another to act in reliance upon it. *Hernandez v. State Bd. of Regis'n for Healing Arts*, 936 S.W.2d 894, 899 n.2 (Mo. App. W.D. 1997). Fraud always includes dishonesty, which is the "disposition to defraud, deceive, or betray." WEBSTER'S THIRD NEW INT'L DICTIONARY 650 (unabr. 1986).

Violation of § 191.905.1 requires, in relevant part, proof that the health care provider knowingly made a false statement, of material fact, to receive a health care payment, when the claim falsely indicated more care was provided than actually was provided. The crime contains the essential element of fraud, and therefore dishonesty, inasmuch as it requires proof of the intentional perversion of the truth to induce another to act in reliance upon it.

Moral Turpitude

Section 337.630.2(2) does not define “moral turpitude,” but the concept exists in other disciplinary contexts and has been examined by Missouri courts. For example, in attorney disciplinary cases, the Supreme Court has “long defined moral turpitude as baseness, vileness, or depravity” or acts “contrary to justice, honesty, modesty or good morals.” *In re Duncan*, 844 S.W.3d 443, 444 (Mo. 1993) (internal citations and quotations omitted); *see also Brehe v. Mo. Dep’t of Elem. and Secondary Educ.*, 213 S.W.3d 720, 725 (Mo. App. W.D. 2007) (same definition used in discipline of teaching certificate).

Not all criminal acts are acts of moral turpitude. *Brehe*, 213 S.W.3d at 725. Missouri courts have examined several types of criminal acts in license discipline cases and held that certain ones always constitute acts of moral turpitude, others may, and some never do. In *Brehe*, the court explained there are three categories of crimes:

1. crimes that necessarily involve moral turpitude, such as fraud (so-called “Category 1” crimes);
2. crimes “so obviously petty that conviction carries no suggestion of moral turpitude,” such as illegal parking (“Category 2” crimes); and
3. crimes that “may be saturated with moral turpitude,” yet do not necessarily involve it, such as willful failure to pay income tax or refusal to answer questions before a congressional committee (“Category 3” crimes).

213 S.W.3d at 725, quoting *Twentieth Century Fox Film Corp. v. Lardner*, 216 F.2d 844, 852 (9th Cir. 1954). While Category 3 crimes require inquiry into the circumstances, crimes such as murder, rape, and fraud fall into Category 1 because they are invariably regarded as crimes of moral turpitude. *Brehe*, 213 S.W.3d at 725.

As discussed above, Domsch’s crime involved fraud. It is a Category 1 crime and therefore necessarily involves moral turpitude. Cause exists to discipline Domsch’s license under § 337.630.2(2).

Subdivision (4) – Compensation by Fraud

Between August 23, 2012 and December 5, 2014, Domsch submitted claims for payment to the Missouri Medicaid Program representing that she provided psychiatric diagnostic evaluations to certain Medicaid recipients. Domsch knew those claims were false when she made them.

Furthermore, Domsch submitted fraudulent claims for payment to the Medicaid Program, and pled guilty to one count of Medicaid fraud. She therefore obtained or attempted to obtain compensation by fraud. Cause for discipline exists under § 337.630.2(4).

Subdivision (5) – Functions or Duties

As previously discussed, Domsch submitted fraudulent claims for payment to the Medicaid Program, and pled guilty to violating § 191.905.1, a crime involving the essential element of fraud, and therefore, dishonesty. We likewise conclude her crimes involved misconduct and misrepresentation and were committed in the performance of her duties as a clinical social worker. Cause for discipline exists under § 337.630.2(5).

Subdivision (15) – Unethical Conduct

Regulation 20 CSR 2263-3.010(1) generally provides that “the ethical standards/disciplinary rules for members of the [clinical social worker] profession...are mandatory. The failure of a member of the profession to abide by any ethical standard/disciplinary rule in...[Chapter 3, Title 20, Division 2263 of the Code of State Regulations] shall constitute unethical conduct and be grounds for disciplinary proceedings.” The Committee alleges Domsch violated 20 CSR 2263-3.020(2): “No member of the profession shall... (C) Engage in conduct which is dishonest, deceitful, or fraudulent; [or] (D) Allow the pursuit of financial gain or other personal benefit to interfere with the exercise of sound professional judgment or skills[.]”

We agree that Domsch violated the ethical standard set out in subsections 20 CSR 2263-3.020(2)(C) and (D). As we have noted, her conduct constituted fraud and involved dishonesty, the definition of which includes deceit and misrepresentation. We also have little difficulty concluding that she allowed her pursuit of financial gain to interfere with her professional judgment when she submitted the fraudulent claims for payment of her services.

Cause for discipline exists under § 337.630.2(15).

Domsch's Request for Lesser Form of Discipline

In Domsch's response to the Committee's motion, she admits that there is cause to discipline her license under §§ 337.630.2(2), (4), (5) and (15), but essentially argues that the Committee should not revoke her license and should choose a lesser form of discipline. Section 621.045.1 merely gives us jurisdiction to determine whether there is cause to discipline the license. In support of Domsch's argument for lesser discipline, she alleged that she has "various stress causing issues[,]” and attached exhibits such as her curriculum vitae and a psychological evaluation of herself conducted by Ozark Psychological Associates, LLC. The appropriate degree of discipline is a decision left to the Committee. Information relating to mitigating circumstances must be offered before the Committee. Section 621.110.

Summary

We grant the Committee's motion for partial summary decision and find that Domsch's clinical social worker license is subject to discipline under § 337.630.2(2), (4), (5) and (15). The Committee shall notify this Commission no later than February 1, 2019, whether it wishes to proceed to hearing on subdivisions 337.630.2(6) and (13) contained in its complaint.

SO ORDERED on January 23, 2019.


AUDREY HANSON MCINTOSH
Commissioner

Supreme Court Building
207 W. High St.
P.O. Box 899
Jefferson City, MO 65102
Telephone: 573-751-7493
Facsimile: 573-751-5660
Email: Gerald.jackson@ago.mo.gov

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Summary Decision, together with a copy of all exhibits referenced therein, was mailed, postage prepaid, this 23rd day of January, 2019, to:

J. Patrick Sullivan
P.O. Box 2175
Branson West, MO 65737
Attorney for Respondent

/s/ Gerald M. Jackson
Assistant Attorney General

Before the
Administrative Hearing Commission
State of Missouri



STATE COMMITTEE FOR SOCIAL
WORKERS,

Petitioner,

v.

LAURIE DOMSCH,

Respondent.

No. 17-1904

DECISION

On January 23, 2019, we issued our order granting Petitioner's motion for partial summary decision. We concluded that Respondent's license is subject to discipline on some, but not all, charges in the complaint. On the same day, Petitioner filed a dismissal of the charges on which we did not find cause for discipline. Therefore, those charges are dismissed.

We incorporate by reference our January 23, 2019, order into this final decision and will certify our record to Petitioner in thirty days.

SO ORDERED on January 24, 2019.


AUDREY HANSON MCINTOSH
Commissioner



State of Missouri

Michael L. Parson, Governor

Administrative Hearing Commission

U.S. Post Office Building, 3rd Floor
131 West High Street P.O. Box 1557
Jefferson City, Missouri 65102
Telephone 573/751-2422
Facsimile 573/751-5018
www.ahc.mo.gov

May 16, 2019

Thomas Reichard
Executive Director
State Committee for Social Workers
3605 Missouri Blvd.
P.O. Box 1335
Jefferson City, MO 65102

Re: State Committee for Social Workers v. Leatrice Minor
No. 18-1437

Dear Mr. Reichard:

Pursuant to § 621.110, RSMo 2016, please find enclosed the record of proceedings in the above-named cause before the Administrative Hearing Commission.

For purposes of review, the action of this Commission and your order, if any, will be treated as one decision. (See § 621.145, RSMo.) Therefore, in the event of an appeal, these enclosures plus your order will need to be certified by you, pursuant to § 536.130, RSMo 2016, to the reviewing court.

Sincerely,

A handwritten signature in blue ink that reads "Suzanne Hager".

Suzanne Hager
Paralegal

Enclosure

c: Marie Dwyer
Leatrice Minor

Before the
Administrative Hearing Commission
State of Missouri



STATE COMMITTEE FOR SOCIAL
WORKERS,
Petitioner

vs.

LEATRICE MINOR,
Respondent

No. 18-1437

CERTIFICATION

COMES NOW Suzanne Hager, Paralegal, Administrative Hearing Commission, and certifies to this Agency that the following list of items comprises the record of proceedings before the Administrative Hearing Commission in the above-named cause:

1. Complaint, filed December 5, 2018.
2. Certified receipt, filed December 19, 2018.
3. Default Decision, issued April 10, 2019.

Respectfully submitted,

A handwritten signature in blue ink that reads 'Suzanne Hager'.

Suzanne Hager
Paralegal

Enclosures

**BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI**

**MISSOURI STATE COMMITTEE)
FOR SOCIAL WORKERS)
3605 Missouri Blvd.)
P.O. Box 1335)
Jefferson City, MO 65102)**

Petitioner,)

v.)

**LEATRICE MINOR)
23210 Chieftain Rd.)
Tonganoxie, Kansas 66086)**

Respondent.)

Case No.)

FILED

December 05, 2018

ADMINISTRATIVE
HEARING COMMISSION

COMPLAINT

COMES NOW the Missouri State Committee for Social Workers (the "Committee"), by and through counsel, the Missouri Attorney General, and states for its cause of action against Respondent, Leatrice Minor ("Respondent"):

1. The Committee is an agency of the State of Missouri created and established by § 337.622, RSMo, for the purpose of administering and enforcing the provisions of §§ 337.600 through 337.689, RSMo.

2. Respondent holds a master social worker license, license number 2015011710. Respondent received her license on April 16, 2015, and it expired on September 30, 2018.

3. Respondent's license was current and active at all times relevant herein.

4. § 337.630.2, RSMo, provides that when the Committee has knowledge of cause to discipline any holder of any license required by §§ 337.600 to 337.689 or any person who has failed to renew or has surrendered the person's license, it may file a complaint with the Administrative Hearing Commission.

5. § 337.630.4, RSMo, authorizes the Committee, upon a finding of cause by the Administrative Hearing Commission, to discipline a master social worker's license.

6. On or about October 3, 2016, Respondent renewed her master social worker license through an on-line renewal process.

7. Respondent affirmed as true and accurate that she had completed the required thirty (30) continuing education hours during the licensure term.

8. On or about October 17, 2016, the Committee sent Respondent a letter stating that Respondent had been randomly selected by the Committee to provide proof of Respondent's required continuing education hours for the 2016 renewal cycle to be sent no later than December 17, 2016.

9. On December 21, 2016, the Committee sent Respondent a second letter stating that the Committee had not received a response to the October 17, 2016 letter. The Committee requested that Respondent submit proof of the required thirty hours of continuing education to the Committee by January 6, 2017.

10. On January 10, 2016, the Committee received Respondent's response to the October 17, 2016 letter.

11. On January 11, 2017, the Committee sent an email to Respondent requesting additional clarification and information about her continuing professional education documentation. The Committee requested her response by January 13, 2017.

12. On March 17, 2017, the Committee sent Respondent a letter informing her that she needed to complete an additional 10.5 hours of face to face continuing education as well as the Committee's jurisprudence examination to come into compliance with the license renewal requirements. The Committee gave Respondent until September 1, 2017 to provide evidence to the Committee that she had completed these requirements.

13. On August 30, 2017, the Committee sent Respondent an email reminding her of her obligation to complete the requirements outlined in the March 17, 2017 letter.

14. On September 8, 2017, Respondent called the Committee and reported that the Committee would have her documentation by Monday, September 11, 2017.

15. Respondent did not submit the requested documentation to show her compliance with the continuing professional education requirements.

16. On October 5, 2017, the Committee sent a letter requesting Minor to appear before the Committee on December 14, 2017 to discuss her lack of compliance with the continuing education requirements and the Committee's requests for documentation.

17. Respondent failed to appear before the Committee at the time, date, and location requested.

18. Section 337.618, RSMo, states:

Each license issued pursuant to the provisions of sections 337.600 to 337.689 shall expire on a renewal date established by the director. The term of licensure shall be twenty-four months. The committee shall require a minimum number of thirty clock hours of continuing education for renewal of a license issued pursuant to sections 337.600 to 337.689. The committee shall renew any license upon application for a renewal, completion of the required continuing education hours and upon payment of the fee established by the committee pursuant to the provisions of section 337.612. As provided by rule, the board may waive or extend the time requirements for completion of continuing education for reasons related to health, military service, foreign residency, or for other good cause. All requests for waivers or extensions

of time shall be made in writing and submitted to the board before the renewal date.

19. Section 337.630.2, RSMo states, in relevant 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 sections 337.600 to 337.689 or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

* * *

(3) Use of fraud, misconduct, fraud, misrepresentation or bribery in securing any license issued pursuant to the provisions of sections 337.600 to 337.689;

* * *

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a social worker licensed pursuant to this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.600 to 337.689, or of any lawful rule or regulation adopted pursuant to sections 337.600 to 337.689;

* * *

(11) Obtaining a license based upon a material mistake of fact;

* * *

(13) Violation of any professional trust or confidence;

* * *

(15) Being guilty of unethical conduct as defined in the ethical standards for clinical social workers adopted by the committee by rule and filed with the secretary of state.

20. Regulation 20 CSR 2263-2.082 states, in relevant part:

(1) As a condition for renewing a license to practice, all licensed social workers shall be required to have completed thirty (30) clock hours of acceptable continuing professional education courses prior to the renewal of the license.

* * *

(11) A licensee shall be responsible for maintaining records of continuing education activities. Each licensee shall retain documentation of the continuing education verified on the renewal form for two (2) years following license renewal. The committee may conduct audits of licensees to verify compliance with the continuing education requirements.

(12) Upon request of the committee, the licensee shall provide all documentation of completion of continuing education activities. Failure to provide the committee with the proof of compliance with the continuing education requirement when requested will be considered a violation of the practice act and shall be cause for discipline. Documentation of continuing education may consist of—

- (A) Certificates or affidavits provided by the program/sponsor;
- (B) Receipts for fees paid to the sponsor;
- (C) Educational transcripts;
- (D) Written verification from the university practicum instructor that the licensee provided supervision of undergraduate or graduate students;
- (E) Copy of publication and letter from editor/publisher;
- (F) A written announcement of a presentation schedule and/or brochure specifically identifying the licensee as the presenter of a course/seminar/program.

(13) Continuing education required by the committee as part of discipline imposed on a licensee shall not count toward compliance with the continuing education requirement of this rule.

- a. Respondent either failed to obtain the required continuing education or failed to maintain and provide documentation of the required continuing education in violation of 20 CSR 2263-2.082.

21. Regulation 20 CSR 2263-3.020 states, in relevant part:

(1) The public must be protected from those who are not qualified to be members of the profession by reason of a deficiency in education, experience, moral standards, or other relevant factors, but who nevertheless attempt to or actually practice social work. To assure the maintenance of high standards of the profession of social work, members of the profession shall assist the committee in promulgating, enforcing, and improving requirements for admission to and for the practice of social work.

(2) No member of the profession shall—

- (A) Violate any ethical standard/disciplinary rule;
- (B) Circumvent any ethical standard/disciplinary rule through the actions of another;
- (C) Engage in conduct which is dishonest, deceitful, or fraudulent;
- (D) Allow the pursuit of financial gain or other personal benefit to interfere with the exercise of sound professional judgment or skills; or
- (E) Use therapeutic relationships with clients to promote, for personal gain or the profit of an agency, commercial enterprises of any kind.

(3) Prior to recommending an applicant for licensure, a member of the profession should be satisfied that the applicant is of good moral character. Although a member of the profession should not

become a self-appointed investigator or judge of applicants, a report to the committee of all unfavorable information not otherwise privileged relative to the character, education, experience, citizenship, age, or other qualifications of an applicant must be made.

(4) A member of the profession is subject to discipline for making a materially false statement or for deliberately failing to disclose a material fact requested in connection with an application.

(5) A member of the profession shall respond to all reasonable requests for information and/or all other correspondence from the committee. Failure to provide the requested information may be cause for denial of licensure, permit, and/or registration of supervision.

22. Respondent failed to maintain records of continuing professional education activities for two years following license renewal as required by 20 CSR 2263-2.082(11).

23. Respondent failed to provide the Committee with all documentation of completion of continuing professional education requirements when the Committee requested that information in violation of 20 CSR 2263-2.082(12).

24. Respondent failed to respond to a reasonable request for information from the Committee, and failed to provide information requested by the Committee in violation of the code of ethics for social workers as set forth in 20 CSR 2263-3.020.

25. The Committee has cause to discipline Respondent's master social worker license pursuant to section 337.630.2(3), (5), (6), (11), (13), and (15), RSMo.

WHEREFORE, the Committee prays that this Commission find that Respondent's master social worker license is subject to discipline.

Respectfully submitted,

JOSHUA D. HAWLEY
Attorney General

/s/ Marie Claire Dwyer
Assistant Attorney General
Missouri Bar No. 70949

207 West High Street
P.O. Box 899
Jefferson City, MO 65102
Telephone: 573-751-8455
Fax: 573-751-5660
E-mail: marie.dwyer@ago.mo.gov

Attorney for Petitioner

2. Article Number



9414 7266 9904 2065 5516 14

3. Service Type **CERTIFIED MAIL®**

4. Restricted Delivery? (Extra Fee)

Yes

5. Article Addressed to:

Leatrice Minor
23210 Chieftain Rd.
Tonganoxie, KS 6686

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

Leatrice Minor

C. Signature

Leatrice Minor

Agent
 Addressee

D. Is delivery address different from item 5?
If YES, enter delivery address below:

Yes
 No

FILED

DEC 19 2018

**ADMINISTRATIVE HEARING
COMMISSION**

DELIVERY



STATE OF MISSOURI
 DIVISION OF PROFESSIONAL REGISTRATION
CASE RECEIPT

Division of Professional Registration
 3605 Missouri Boulevard
 P.O. Box 1335
 Jefferson City, MO 65102-1335
 Telephone: (573) 751-0293

CASE NAME
Social Workers vs Minor

CASE NUMBER
18-0287

RECEIPT OF CERTIFIED RECORD TRANSFER FROM AHC TO PR MAIL PERSONNEL

I gave the original certified record in the above-referenced case to Casey Claunch
 (PR MAIL PERSONNEL)
 to be delivered to Social Workers
 (BOARD)

NAME (AHC PERSONNEL)	DATE	TIME
<u>D. L. A. Reed</u>	<u>5-17-19</u>	

(LEAVE PINK COPY OF THIS RECEIPT WITH THE AHC)

RECEIPT OF CERTIFIED RECORD TRANSFER FROM PR MAIL PERSONNEL TO BOARD PERSONNEL

I received the original certified record in the above-referenced case from Casey Claunch
 (PR MAIL PERSONNEL)

NAME (BOARD PERSONNEL)	DATE	TIME
<u>Tom Bell</u>	<u>5/17/19</u>	<u>11:10 am</u>

(AFTER DELIVERY TO THE BOARD, GIVE CANARY COPY OF THIS RECEIPT TO THE DIVISION'S RECEPTIONIST,
 AND PROVIDE THE BOARD WITH THE ORIGINAL.)

Miscellaneous

Giesing, Tiffany

From:
Sent: > Wednesday, October 2, 2019 3:06 PM
To: State Committee for Social Workers
Subject: RE: Social Worker updated 8-18 (003)

DESE does not "certify" school social workers in the state of MO so we are looking for input as to which aspects of the job outlined below would fall into the purview of an MSW vs. an LMSW/LCSW. We have several social workers whose 48 months of supervision is about to expire and we need to know which aspects of the job would be considered outside of their realm (MSW). Thanks so much.

From:
Sent: Wednesday, October 2, 2019 11:40 AM
To: State Committee for Social Workers <lcsw@pr.mo.gov>
Subject: Re: Social Worker updated 8-18 (003)

These statements may not describe the entire job, but are intended to describe the general nature, essential functions, and level of qualifications and skills required for the position.

SPECIAL SCHOOL DISTRICT, St. Louis County, MO

Job Description

Position Title: Social Worker

Reports To: Area Coordinator/Principal

Summary: Assists students in receiving maximum benefit from their school experience by identifying and attempting to eliminate social, emotional, and environmental barriers to success.

Provides services to and effectively addresses the needs of seriously emotionally disturbed students in the least restrictive environment.

Job Responsibilities:

(To be successful at SSD all positions must embrace the principles of – One Child-One Team, service oriented leadership, accountable management, and effective collaboration.)

Instruction and Learning – Student achievement/performance and staff growth

1. Provides direct/group counseling services and/or case management services to address specific needs determined through the assessment process. If applicable, acts as a member of the therapeutic team which identifies and addresses the mental health needs of individual students in a specific program within the district.
2. Keeps records of activities and makes monthly statistical reports to social work administrator; records student interventions in a confidential and professional manner; provides a written response to services provided through IEP and/or the referral process.
3. Continuously monitors social, emotional and environmental factors impacting student performance and, as a part of the IEP team, routinely evaluates student progress and program needs.

4. Assists staff in the assessment and interpretation of the social, emotional and environmental needs of students within the realm of the school setting to minimize factors which inhibit learning.
5. Provide education and support for Trauma Informed framework and will provide direct support and resources in the event of a specific student/staff or community crisis in the district(s) which they serve.

Resource Utilization

1. Makes referrals to community resources and provides follow-up/liaison with private or community resources as needed on the student's benefit.
2. In-services teachers regarding the signs of suspected abuse/neglect and procedures to follow.
3. Helps parents understand and meet their children's social and emotional needs; able to discuss and interpret the findings and recommendations of evaluation and/or the social work assignment process; assists parents in utilizing school and community resources effectively.

Collaboration

1. Serves as a consultant to teachers, parents, and administrative personnel on matters affecting the social adjustment, behavioral functioning, mental health and overall welfare of the student.
2. Helps parents actively and effectively participate in their children's education by facilitating their participation in the most appropriate educational setting. Provides parent support in the form of education, counseling, home visits and ongoing contacts.
3. Serves as the link between home, school and community to coordinate services and helps to develop resources that adequately meet the needs of students and families.
4. Helps parents understand and meet their children's social and emotional needs; discusses and interprets the finding and recommendations of evaluation and the therapeutic program.
5. In collaboration with the therapeutic team, develops monitors and evaluates program goal and services.
6. Provides mental health services for Special School District, i.e., demonstrates knowledge of childhood psychiatric disorders and symptoms, liaison with mental health professionals, interprets and communicates mental health needs to school personnel, consults and assists in programmatic issues and/or program development.
7. Effectively communicates school policies, programs, and practices; represents the district at professional meetings and conferences.

Compliance

1. Assists in identifying and addressing the needs of individual students.
2. Assesses student concerns; identifies and implements appropriate social services for intervention.
3. Addresses mental health concerns through assessment, identification and the mobilization and/or development of services to meet student needs; provides mental health evaluation for low-incident students.
4. Participates in and contributes to the IEP process when social work related services are indicated.
5. Participates in the evaluation and diagnosis of students by providing social history information and assessment.
6. Helps parents understand and meet their children's social and emotional needs; able to discuss and interpret the findings and recommendations of evaluation and/or the social work assignment process; assists parents in utilizing school and community resources effectively.
7. Performs other duties and responsibilities as assigned.

Qualifications:

Education and/or Experience:

Master's degree in social work required (54 to 60 hours). Experience in child mental health and individual/group counseling with children required. Experience in services to children with disabilities preferred.

Certificates, Licenses, Registrations

Licensed Master Social Worker required

Licensed Clinical Social Worker required within 3 years from date of hire.

Essential Functions:

(As required by law, reasonable accommodations will be made to enable individuals with disabilities to perform the essential functions of a job.)

Language Skills

Ability to read and interpret documents such as safety rules, operating and maintenance instructions, and policy and procedure manuals. Ability to write routine reports and correspondence. Ability to speak effectively one-on-one and before groups.

Mathematical Skills

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, decimals and percentages.

Reasoning Ability

Ability to apply common sense understanding to carry out instructions furnished in written, oral, or diagram form. Ability to deal with problems involving several concrete variables in standardized situations.

Physical Demands

While performing the duties and responsibilities of this job, the employee is regularly required to talk and hear, stand, walk, sit, and use hands and arms to handle, feel and reach. The employee is occasionally required to stoop or kneel and occasionally lift and move up to 50 pounds. Regular attendance on the job is expected.

Terms of Employment:

Contract terms covering compensation, benefits, and working conditions are specified by the Board of Education's policies, agreements and approvals.

Approved Date: May 2012

Revised: August 2013, January 2015

Social Worker Page 2 of 3

Sent from my iPhone

On Oct 2, 2019, at 9:10 AM, State Committee for Social Workers <lcsw@pr.mo.gov> wrote:

For some reason this is not opening up.

From: ≥

Sent: Monday, September 30, 2019 4:05 PM

To: State Committee for Social Workers <lcsw@pr.mo.gov>

Subject: Social Worker updated 8-18 (003)

Importance: High

Hi Tiffany! Thank you so much for your help today.

Here is the job description for our social workers. They document all of their services (direct and indirect) into a system called "Therapy Log". MSBA bills Medicaid on the "back end" for all LMSW and LCSW services for our Medicaid eligible students. An individual who is not currently approved to bill could potentially be flagged so we don't submit billing but the expectations for documentation would remain the same.

Could you please clarify for me if someone who has qualified for an extension to test but whose supervision has ceased could not continue to perform any of these duties? Thanks!!

Please consider the environment before printing this e-mail.

[What's on your mind? Let's Talk! Click Here or visit SSDMO.org](#)

NOTICE: Any information contained in or attached to this message is intended solely for the use of the intended recipients(s) and may contain confidential information. Any review, retransmission, dissemination of, or taking of any action in reliance upon, this communication by persons other than the intended recipient(s) is prohibited. If you receive this communication in error, please contact the sender and discard the communication sent in error.

[What's on your mind? Let's Talk! Click Here or visit SSDMO.org](#)