



8. On April 28, 2021, HOPE posted on its Facebook page.
9. On October 12, 2021, Respondent provided a response to a Consumer Complaint filed against his license. The response was on HOPE's letterhead and Respondent signed as "Charles D. Martinez, LSW, MSW, Founder/Psychotherapist". In the letter, Respondent agrees that he does not have the supervision hours required to be a psychotherapist.
10. Until at least December 12, 2021, HOPE's website advertised sessions for depression, anxiety, addiction, child/adult trauma, PTSD, and relationships.
11. Until at least December 12, 2021, HOPE utilized an advertisement which states that treatment and services offered includes: mental health care management; 24 hour crisis support; substance abuse; individual; couples; family; trauma; LGBTQ+; child/adolescent; and geriatric. The advertisement also states that all services are \$20.00 and insurance is not required.
12. A letter attached to the advertisement for HOPE states, in part, that Respondent has "opened a new psychotherapeutic clinic", that he does "not accept insurance", and that he is "eager to introduce comprehensive mental health consultations for businesses, agencies, and organizations!"
13. Until at least December 12, 2021, Respondent maintained a client base of approximately sixty (60) individuals.
14. Until at least December 12, 2021, Respondent used a business card for HOPE which contained his name and referenced him as a psychotherapist.
15. Until at least December 12, 2021, Respondent used another business card for HOPE which contained his name and referenced him as the "owner/therapist".

## **AGGRAVATING FACTORS**

1. Respondent has two (2) expired temporary social workers licenses. Temporary social worker license number 99086912A was active from June 14, 2018, until December 14, 2018. Temporary social worker license number 99094615A was active from August 5, 2019, until August 5, 2020.
2. Until at least March 6, 2020, Respondent had three (3) interns working at HOPE.
3. On October 13, 2020, Respondent provided documentation to the OAG stating he was the “Founder and Psychotherapsit [sic]” at HOPE.
4. Respondent practiced clinical social work while holding only a temporary social worker license.
5. Respondent practiced clinical social work after the expiration of his temporary social worker license.

## **Relevant Law**

1. Ind. Code 25-23.6-1-8(a)-(b) provides that the “practice of social work” means professional services that are designed to effect change in human behavior, emotional responses, and social conditions of individuals, couples, families, groups, and communities and that involve specialized knowledge and skill related to human development, including an understanding of unconscious motivation, the potential for human growth, the availability of social resources, and knowledge of social systems. The term includes planning, administration, and research for community social services delivery systems. The term does not include the use of psychotherapy or diagnosis (as defined in IC 25-22.5-1-1.1(c)).
2. Ind. Code § 25-23.6-1-3 provides that “clinical social worker” means an individual who is licensed under IC 25-23.6-5.

3. Ind. Code § 25-23.6-1-6 provides that the “practice of clinical social work” means professional services that are designed to help individuals, marriages, couples, families, groups, and communities to enhance or restore their capacity for functioning by:

- (1) assisting in the obtaining or improving of tangible social and health services;
- (2) providing a mental health diagnosis;
- (3) using appraisal instruments as an aid in treatment planning that the clinical social worker is qualified to employ by virtue of the counselor's education, training, and experience; and
- (4) counseling and **psychotherapeutic** techniques, casework social work advocacy, and treatment in a variety of settings that include mental and physical health facilities, child and family service agencies, or **private practice**.

(emphasis added).

4. Ind. Code § 25-23.6-1-6(a)(4) provides that the “practice of clinical social work” means professional services that are designed to help individuals, marriages, couples, families, groups, and communities to enhance or restore their capacity for functioning by: counseling and psychotherapeutic techniques, casework social work advocacy, and treatment in a variety of settings that include mental and physical health facilities, child and family service agencies, or private practice.

5. Ind. Code § 25-23.6-4-1 provides, in relevant part, that an individual may not practice as a clinical social worker for compensation unless the individual is licensed under this chapter.

6. Ind. Code § 25-23.6-1-9 provides that “psychotherapy” means the assessing and treating of mental and emotional disorders by any of the various means of communication between the social worker practitioner and the client.

### **VIOLATIONS**

#### **COUNT I: MISREPRESENTATION OF QUALIFICATIONS**

1. Respondent’s conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(3) in that Respondent has knowingly violated a state statute or rule, or federal statute or regulation, regulating the practice of social work as evidenced by him advertising for services for which he is not licensed to provide, which is a violation of 839 IAC 1-3-4(b). Specifically, 839 IAC 1-3-4(b) states that the competent practice of social work includes acting within generally accepted ethical principles and guidelines of the profession and maintaining an awareness of personal and professional limitations. These ethical principles include that a social worker shall not misrepresent the practitioner’s qualifications, training, or experience.

#### **COUNT II: UNFIT TO PRACTICE**

2. Respondent’s conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(4)(A)(i) in that Respondent has continued to practice although he has become unfit to practice due to professional incompetence that may include the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake as evidenced by Respondent practicing psychotherapy without the proper licensure.

#### **COUNT III: UNFIT TO PRACTICE**

3. Respondent’s conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(4)(A)(i) in that Respondent has continued to practice although he has become unfit to practice due to

professional incompetence that may include the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake as evidenced by Respondent engaging in the private practice of social work without the proper licensure.

**COUNT IV: FALSE ADVERTISING**

4. Respondent's conduct constitutes a violation of Ind. Code § 25-1-9-4(a)(1)(C) in that Respondent has advertised services in a false or misleading manner as evidenced by Respondent advertising for services for which he is not licensed to provide.

**ACCORDINGLY**, Petitioner demands this Board enter an order finding that:

1. Respondent is subject to discipline according to Ind. Code § 25-1-9;
2. Imposes an appropriate disciplinary sanction;
3. Directs the Respondent to immediately pay all cost incurred in the prosecution of this case; and
4. Provides any further relief that the Board deems just and proper.

Respectfully submitted,

Office of the Indiana Attorney General

By: *Carah Rochester*

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Carah J. Rochester  
Deputy Attorney General  
Attorney No.: 36266-41

**OFFICE OF THE INDIANA ATTORNEY GENERAL**

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate of copy of foregoing "Administrative Complaint" has been duly served upon the Respondent listed below, by United States mail, first-class, postage prepaid, on this 20th day of May, 2022.

Charles Martinez  
P.O. Box 646  
Farmersburg, Indiana 47850

By: *Carah Rochester*

Carah J. Rochester  
Deputy Attorney General

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