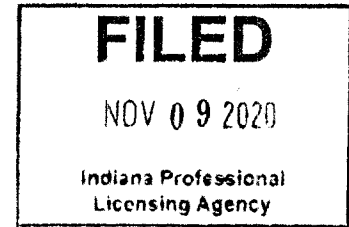


**BEFORE THE
BEHAVIORAL HEALTH AND HUMAN
SERVICES LICENSING BOARD
CAUSE NO.: 2020 BHSB 0010**

**IN THE MATTER OF THE LICENSE OF)
)
SAMANTHA HABBINGA, L.S.W.)
)
LICENSE NO: 33008889A)**



ORDER ACCEPTING PROPOSED SETTLEMENT AGREEMENT

The State of Indiana (“Petitioner”), by Patricia Gibson, Deputy Attorney General, Samantha Habbinga, S.W. (“Respondent”), represented by counsel, Stacy Walton Long and Alexandria M. Foster, signed a Proposed Settlement Agreement (“Agreement”), which was filed on September 15, 2020, and purports to resolve all issues involved in the action by Petitioner and the Behavioral Health and Human Services Licensing Board (“Board”) regarding the Respondent’s license, and which Agreement has been submitted to the Board for approval.

The Board, after reviewing the Agreement at the September 28, 2020 meeting held telephonically and by Webex due to the pandemic, now finds it has been entered into fairly and without fraud, duress, or undue influence, and is fair and equitable between the parties. The Board hereby incorporates the Agreement which is attached hereto and incorporated herein as Exhibit A and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement by a vote of 7-0-0. Incorporated into the Agreement was the consensus of both parties to Findings of Fact, Conclusions of Law, and Order.

WHEREFORE, the Board hereby accepts and approves the Agreement, settling all matters in this case consistent with the terms of the Agreement between the parties, and Respondent is hereby ORDERED to abide by all the terms of the Agreement.

SO ORDERED, this 9th day of November, 2020.

BEHAVIORAL HEALTH AND HUMAN SERVICES
LICENSING BOARD

By: *Michael A. Minglin, J.D.*
For Kimble Richardson, MS, LMHC, LCSW,
LMFT, LCAC
Board Chair

CERTIFICATE OF SERVICE

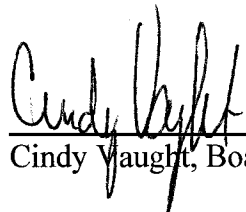
I certify that a copy of the "Order Accepting Proposed Settlement Agreement" has been duly served upon:

Samantha Habbinga, SW
3508 Round Rock Circle
Lafayette, Indiana 47909
Service by US Mail

Stacy Long & Alexandria Foster
Attorneys at Law
One Indiana Square, Ste. 2800
Indianapolis, Indiana 46204-2017
Service by US Mail

Patricia Gibson, Deputy Attorney General
Indiana Office of the Attorney General
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Email: Patricia.Gibson@atg.in.gov
Service by Email

11/9/2020
Date


Cindy Vaughn, Board Director

Behavioral Health and Human Services Licensing Board
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, Indiana 46204
Phone: (317) 234-2003
Fax: (317) 233-4236
Email: cvaught@pla.in.gov

Explanation of Service Methods

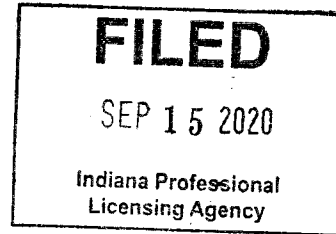
Personal Service: by delivering a true copy of the aforesaid document(s) personally.

Service by U.S. Mail: by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.

Service by Email: by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.

BEFORE THE BEHAVIORAL
HEALTH AND HUMAN SERVICES
LICENSING BOARD
CAUSE NO.: 2020 BHSB 0010

IN THE MATTER OF THE LICENSE OF)
SAMANTHA HABBINGA, S.W.)
LICENSE NO: 33008889A)



PROPOSED SETTLEMENT AGREEMENT

The State of Indiana (“Petitioner”), by counsel, Patricia Gibson Deputy Attorney General, on behalf of the Office of the Indiana Attorney General, and Samantha Habbinga, S.W. (“Respondent”), represented by counsel, Stacy Walton Long and Alexandria M. Foster, hereby execute this Proposed Settlement Agreement (“Agreement”) to a disposition of the Complaint filed in this cause. A settlement conference regarding the Complaint was held on July 24, 2020 (the “Settlement Conference”), with Andrew Harner, MSW, LCSW, in attendance, as the representative of the Behavioral Health and Human Services Board (“Board”). This Agreement is subject to the review and approval of the Board pursuant to Ind. Code § 25-1-9, *et seq.* and the Administrative Order and Procedures Act, Ind. Code § 4-21.5-3, *et seq.*

STIPULATED FACTS

1. Respondent’s address on file with the Indiana Professional Licensing Agency is 3508 Round Rock Circle, Lafayette, Indiana 47909.
2. On or about October 20, 2014, Respondent was employed as a full time Student Services Coordinator at Wea Ridge Elementary School (“Wea Ridge”), Tippecanoe School Corporation, located in Lafayette, Indiana.

EXHIBIT A

3. Respondent was to provide guidance to students on an individual and group basis. Respondent also functioned in a crisis management role with respect to school altercations, student misbehavior, and school discipline.

4. On February 22, 2018, Respondent was issued Temporary Social Worker license number 99084723A by the State of Indiana.

5. In 2018, spring break for the Tippecanoe School Corporation was March 26 - March 30, 2018.

6. Sometime after February 22, 2018, but prior to March 26, 2018, Respondent briefly talked with Child A, a fifth grader in her office at Wea Ridge, generally about Child A's personal life. Respondent denies Child A's allegation that Child A showed Respondent her arms, which Child A said had marks from cutting herself.

7. Respondent gave Child A an informational document about coping mechanisms with a list of resources which was entitled "Alternatives to Self-Harm," and Child A went back to her classroom. However, at no point did Respondent believe that Child A was engaged in any form of self-harm or any other concerning behavior.

8. On or after April 2, 2018, and approximately two weeks after their first meeting, Child A briefly came to Respondent's office again. Respondent asked Child A about her weekend, and Child A told Respondent that, "Something bad happened." Respondent denies Child A's allegation that Child A informed her [Respondent] that her [Child A's] cousin had touched her inappropriately.

9. A staff member then came to Respondent's office, requested Respondent's assistance in a classroom due to an emergency student altercation, and the meeting ended.

10. After Child A's second meeting with Respondent, Child A was permitted to spend the night at her grandparents' house. Her cousin was also there, and Child A said that she was further abused by him.

11. Subsequent to Child A spending the night at her grandparents' house, Child A's mother ("Mother") saw cutting marks on Child A's arms, and Child A disclosed the abuse by her cousin. Mother asked Child A if she had told anyone about the cutting and abuse, and Child A replied that she had told Respondent.

12. At no point during Respondent's employment at Wea Ridge was Child A recommended to see Respondent for counseling services, nor, according to Respondent, did Child A demonstrate any physical, emotional, or academic changes that caused Respondent to be concerned about Child A's safety and welfare.

13. On April 24, 2018, Child A's parents ("Parents") contacted the principal of Wea Ridge, and a meeting occurred that day with the principal, Parents, and Respondent in attendance. The following occurred at that meeting:

- a. When asked, Respondent denied giving "cutting information", as Parents described the "Alternatives to Self-Harm" document, to Child A. Respondent considered the document to be about coping mechanisms rather than about addressing cutting;
- b. Respondent excused herself from the meeting because she believed she was going to vomit. Respondent claims Parents were yelling which caused her to become upset and feel ill.

14. After the meeting with Parents, a second meeting occurred with Respondent and the principal. At that meeting Respondent confirmed that she had provided the "Alternatives to

Self-Harm” document to Child A. Respondent was able to make this confirmation after realizing that the Parents were referring to the “Alternatives to Self-Harm” document when they referenced the “cutting information”. Further, Respondent confirmed that Child A told her “something bad happened” that weekend, however Respondent did not believe that the “something bad” was regarding the alleged inappropriate touching.

15. On May 8, 2018, Respondent was terminated from Wea Ridge.

16. On August 17, 2018, Respondent was issued Social Worker (“S.W.”) license number 33008889A by the State of Indiana.

17. Respondent stated during the Settlement Conference that she should have followed up with Child A to find out what Child A meant by “Something bad happened.” However, Respondent did not believe that Child A’s safety or welfare was compromised due to Respondent’s review of Child A’s disposition during her brief meetings with Child A.

STIPULATED CONCLUSION OF LAW

The parties further stipulate:

1. By her conduct in failing to follow up with Child A to determine what Child A meant by “Something bad happened,” Respondent has failed to remain current with generally accepted developments within the area of specialization and the development and exercise of judgment as to when to apply specific procedures in a reasonable, effective, efficient, and economical manner, and violated 839 IAC 1-3-4 and Ind. Code § 25-1-9-4(a)(3).

AGREED DISPOSITION

It is now therefore agreed by Respondent and Petitioner as follows:

1. The Board has jurisdiction over Respondent and the subject matter in this disciplinary action.

2. The parties execute this Agreement voluntarily.
3. Both parties voluntarily waive their rights to a public hearing on the Complaint and all other proceedings in this action to which either party may be entitled by law, including judicial review.
4. Petitioner agrees the terms of this Agreement will resolve any and all pending claims or allegations relating to disciplinary action against Respondent's social work license.
5. Respondent's social work license shall remain on **INDEFINITE PROBATION** for **NOT LESS THAN ONE (1) YEAR** from the date of the Final Order. After one (1) year from the date of the Final Order, Respondent may petition for withdrawal of probation.
6. While on probation, Respondent's license shall be governed by the following

TERMS AND CONDITIONS:

- a. Respondent shall keep the Board informed of her address and telephone number.
- b. Respondent shall keep the Board informed of her employer(s) name, address, and telephone number.
- c. Respondent's practice shall be supervised by a clinical social worker who holds a current license issued by the Board. Respondent must meet with her supervisor for one (1) hour each week to discuss her continuing education and case load.
- d. The supervisor shall submit quarterly supervisor reports to the Board describing the supervision and Respondent's professional competence.
- e. Respondent is required to make quarterly personal appearances before the Behavioral Health and Human Services Board, such appearances may occur

telephonically or by video conferencing. The Board staff at the Indiana Professional Licensing Agency (IPLA) shall contact Respondent to schedule the required appearances.

7. Within four (4) months of the Final Order, Respondent shall submit proof of completion of ten (10) hours in continuing education on the assessment of child abuse. Respondent shall complete an additional ten (10) hours in continuing education on the assessment of child abuse at any time prior to petitioning for withdrawal from probation. The twenty (20) hours of continuing education shall NOT be counted toward the hours required to maintain licensure in the state of Indiana.

8. Quarterly supervisory reports and certificates of completed continuing education shall be submitted to the following address:

Executive Director, Behavioral Health and Human Services Board
Indiana Government Center South, Room W072
302 West Washington Street
Indianapolis, IN 40204

9. Respondent grants permission to the Deputy Attorney General assigned to any petition for probation withdrawal hearing to review her Board file without complying with Indiana Trial Rule 34(C).

10. Respondent shall, within ninety (90) days of the Final Order, pursuant to Ind. Code § 4-6-14-10(b), pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the following address:

Office of the Indiana Attorney General
Attn: Executive Assistant, Consumer Protection Division
302 West Washington Street, 5th Floor
Indianapolis, IN 46204

11. Respondent has carefully read and examined this Agreement and fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.

12. Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of mental health counseling, or any violation of this Agreement may result in Petitioner requesting a summary suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

13. The parties agree to the continuing jurisdiction of the Board and that the discipline agreed to, terms of discipline, and licensure status will apply even if the Board renews Respondent's license at a later date.

Samantha Habbinga
Samantha Habbinga, S.W.
Respondent

9/9/2020
Date

Alexandria M. Foster
Alexandria Foster, Atty. No. 35230-48
Stacy Walton Long, Atty. No. 25149-49
Counsel for Respondent

September 9, 2020
Date

Patricia Gibson
Patricia Gibson
Deputy Attorney General
Atty. No.: 12011-49

9/9/2020
Date

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